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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

Making further continuing appropriations for the fiscal year ending September 30, 2025, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. COLE introduced the following bill; which was referred to the Committee on _____

A BILL

Making further continuing appropriations for the fiscal year ending September 30, 2025, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Further Continuing
5 Appropriations and Disaster Relief Supplemental Appro-
6 priations Act, 2025”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

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1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference

3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—FURTHER CONTINUING**
4 **APPROPRIATIONS ACT, 2025**

5 SEC. 101. The Continuing Appropriations Act, 2025
6 (division A of Public Law 118–83) is amended—

7 (1) in section 101(9), by striking “, and includ-
8 ing section 7 in the matter preceding division A of
9 Public Law 118–47”;

10 (2) by striking the date specified in section
11 106(3) and inserting “March 14, 2025”;

12 (3) in section 126 to read as follows:

13 “SEC. 126. Notwithstanding section 101, amounts
14 are provided for ‘District of Columbia—Federal Payment
15 for Emergency Planning and Security Costs in the Dis-
16 trict of Columbia’ at a rate for operations of \$90,000,000,
17 of which not less than \$50,000,000 shall be for costs asso-
18 ciated with the Presidential Inauguration to be held in
19 January 2025: *Provided*, That such amounts may be ap-
20 portioned up to the rate for operations necessary to main-
21 tain emergency planning and security activities.”; and

22 (4) by adding after section 152 the following
23 new sections:

24 “SEC. 153. Amounts made available by section 101
25 for ‘Department of Commerce—National Oceanic and At-

1 mospheric Administration—Procurement, Acquisition and
2 Construction’ may be apportioned up to the rate for oper-
3 ations necessary to maintain the acquisition schedule for
4 Geostationary Earth Orbit in an amount not to exceed
5 \$625,000,000.

6 “SEC. 154. Amounts made available by section 101
7 for ‘Department of Justice—Justice Operations, Manage-
8 ment and Accountability—Justice Information Sharing
9 Technology’ may be apportioned up to the rate for oper-
10 ations necessary to carry out proactive vulnerability detec-
11 tion and penetration testing activities.

12 “SEC. 155. In addition to amounts otherwise pro-
13 vided by section 101, there is appropriated to the Depart-
14 ment of Justice for ‘Federal Bureau of Investigation—
15 Salaries and Expenses’, \$16,668,000, for an additional
16 amount for fiscal year 2025, to remain available until Sep-
17 tember 30, 2026, to conduct risk reduction and modifica-
18 tion of National Security Systems: *Provided*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 “SEC. 156. (a) Amounts made available by section
24 101 to the Department of Defense for ‘Procurement—
25 Shipbuilding and Conversion, Navy’, may be apportioned

1 up to the rate for operations necessary for ‘Columbia Class
2 Submarine (AP)’ in an amount not to exceed
3 \$5,996,130,000.

4 “(b) Amounts made available by section 101 to the
5 Department of Defense for ‘Procurement—Shipbuilding
6 and Conversion, Navy’ may be apportioned up to the rate
7 for operations necessary for ‘Columbia Class Submarine’
8 in an amount not to exceed \$2,922,300,000.

9 “SEC. 157. (a) In addition to amounts otherwise pro-
10 vided by section 101, there is appropriated to the Depart-
11 ment of Defense for ‘Procurement—Shipbuilding and
12 Conversion, Navy’, \$5,691,000,000, for an additional
13 amount for fiscal year 2025, to remain available until Sep-
14 tember 30, 2029, for the Virginia Class Submarine pro-
15 gram and for workforce wage and non-executive salary im-
16 provements for other nuclear-powered vessel programs:
17 *Provided*, That such amount is designated by the Congress
18 as being for an emergency requirement pursuant to sec-
19 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 “(b) Amounts appropriated by subsection (a) may be
22 used to incrementally fund contract obligations for the im-
23 provement of workforce wages and non-executive level sal-
24 aries on new or existing contracts pertaining to the Vir-

1 ginia Class Submarine program or to other nuclear-pow-
2 ered vessel programs.

3 “SEC. 158. In addition to amounts otherwise pro-
4 vided by section 101, there is appropriated to the Depart-
5 ment of Defense for ‘Operation and Maintenance—De-
6 fense-Wide’, \$913,440,000, for an additional amount for
7 fiscal year 2025, to remain available until September 30,
8 2026, to conduct risk reduction and modification of Na-
9 tional Security Systems: *Provided*, That the amount pro-
10 vided by this section may be transferred to accounts under
11 the headings ‘Operation and Maintenance’, ‘Procurement’,
12 and ‘Research, Development, Test and Evaluation’: *Pro-*
13 *vided further*, That funds transferred pursuant to the pre-
14 ceding proviso shall be merged with and available for the
15 same purpose and for the same time period as the appro-
16 priations to which the funds are transferred: *Provided fur-*
17 *ther*, That any transfer authority provided herein is in ad-
18 dition to any other transfer authority provided by law:
19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 “SEC. 159. (a) Amounts made available by section
24 101 for ‘Department of Energy—Atomic Energy Defense
25 Activities—Environmental and Other Defense Activities—

1 Other Defense Activities’ may be apportioned up to the
2 rate for operations necessary to sustain specialized secu-
3 rity activities.

4 “(b) The Director of the Office of Management and
5 Budget and the Secretary of Energy shall notify the Com-
6 mittees on Appropriations of the House of Representatives
7 and the Senate not later than 3 days after each use of
8 the authority provided in subsection (a).

9 “SEC. 160. In addition to amounts otherwise pro-
10 vided by section 101, there is appropriated to the Depart-
11 ment of Energy for ‘Atomic Energy Defense Activities—
12 Environmental and Other Defense Activities—Other De-
13 fense Activities’, \$1,750,000, for an additional amount for
14 fiscal year 2025, to remain available until September 30,
15 2026, to conduct risk reduction and modification of Na-
16 tional Security Systems: *Provided*, That such amount is
17 designated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 “SEC. 161. During the period covered by this Act,
21 section 10609(a) of the Northwestern New Mexico Rural
22 Water Projects Act (subtitle B of title X of Public Law
23 111–11) shall be applied by substituting ‘\$1,640,000,000’
24 for ‘\$870,000,000’ and ‘2025’ for ‘2024’.

1 “SEC. 162. In addition to amounts otherwise pro-
2 vided by section 101, there is appropriated to the Depart-
3 ment of the Treasury for ‘Departmental Offices—Office
4 of Terrorism and Financial Intelligence—Salaries and Ex-
5 penses’, \$908,000, for an additional amount for fiscal year
6 2025, to remain available until September 30, 2026, to
7 conduct risk reduction and modification of National Secu-
8 rity Systems: *Provided*, That such amount is designated
9 by the Congress as being for an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985.

12 “SEC. 163. Section 302 of title III of Public Law
13 108-494 shall be applied by substituting the date specified
14 in section 106(3) of this Act for ‘December 31, 2024’ each
15 place it appears.

16 “SEC. 164. (a) Notwithstanding section 101, section
17 747 of title VII of division B of Public Law 118-47 shall
18 be applied through the date specified in section 106(3) of
19 this Act by—

20 “(1) substituting ‘2024’ for ‘2023’ each place it
21 appears;

22 “(2) substituting ‘2025’ for ‘2024’ each place it
23 appears;

24 “(3) substituting ‘2026’ for ‘2025’; and

1 “(4) substituting ‘section 747 of division B of
2 Public Law 118–47, as in effect on September 30,
3 2024’ for ‘section 747 of division E of Public Law
4 117–328’ each place it appears.

5 “(b) Subsection (a) shall not take effect until the first
6 day of the first applicable pay period beginning on or after
7 January 1, 2025.

8 “SEC. 165. Amounts made available by section 101
9 for ‘Department of Education—Student Aid Administra-
10 tion’ may be apportioned up to the rate for operations nec-
11 essary to ensure the continuation of student loan servicing
12 activities and student aid application and eligibility deter-
13 mination processes.

14 “SEC. 166. During the period covered by this Act,
15 section 123 of division A of Public Law 118–42 and the
16 provisions carrying the same restriction in prior Acts mak-
17 ing appropriations to the Department of Defense for mili-
18 tary construction shall not apply to unobligated balances
19 from prior year appropriations made available under the
20 heading ‘Department of Defense—Military Construction,
21 Army’ and such balances may be obligated for an access
22 road project at Arlington National Cemetery.

23 “SEC. 167. (a) Notwithstanding section 101, the sec-
24 ond proviso under the heading ‘Department of Veterans

1 Affairs—Veterans Health Administration—Medical Serv-
2 ices’ shall not apply during the period covered by this Act.

3 “(b) Notwithstanding section 101, the second proviso
4 under the heading ‘Department of Veterans Affairs—Vet-
5 erans Health Administration—Medical Community Care’
6 shall not apply during the period covered by this Act.

7 “(c) Notwithstanding section 101, the second proviso
8 under the heading ‘Department of Veterans Affairs—Vet-
9 erans Health Administration—Medical Support and Com-
10 pliance’ shall not apply during the period covered by this
11 Act.

12 “SEC. 168. Notwithstanding section 101, the fifth
13 and sixth provisos under the heading ‘Millennium Chal-
14 lenge Corporation’ in division F of Public Law 118–47
15 shall be applied by substituting ‘December 31, 2025’ for
16 ‘December 31, 2024’ each place it appears.

17 “SEC. 169. Amounts made available by section 101
18 for ‘Department of Transportation—Federal Aviation Ad-
19 ministration—Operations’ may be apportioned up to the
20 rate for operations necessary to fund mandatory pay in-
21 creases and other inflationary adjustments, to maintain
22 and improve air traffic services, to hire and train air traf-
23 fic controllers, and to continue aviation safety oversight,
24 while avoiding service reductions.”.

1 This division may be cited as the “Further Con-
2 tinuing Appropriations Act, 2025”.

3 **DIVISION B—DISASTER RELIEF**
4 **SUPPLEMENTAL APPROPRIA-**
5 **TIONS ACT, 2025**

6 The following sums are appropriated, out of any
7 money in the Treasury not otherwise appropriated, for the
8 fiscal year ending September 30, 2025, and for other pur-
9 poses, namely:

10 TITLE I
11 DEPARTMENT OF AGRICULTURE
12 AGRICULTURAL PROGRAMS
13 PROCESSING, RESEARCH, AND MARKETING
14 OFFICE OF THE SECRETARY

15 For an additional amount for “Office of the Sec-
16 retary”, \$30,780,000,000, to remain available until ex-
17 pended, for necessary expenses related to losses of rev-
18 enue, quality or production of crops (including milk, on-
19 farm stored commodities, crops prevented from planting,
20 and harvested adulterated wine grapes), trees, bushes, and
21 vines, as a consequence of droughts, wildfires, hurricanes,
22 floods, derechos, excessive heat, tornadoes, winter storms,
23 freeze, including a polar vortex, smoke exposure, and ex-
24 cessive moisture occurring in calendar years 2023 and
25 2024 under such terms and conditions as determined by

1 the Secretary of Agriculture (referred to in this title as
2 “Secretary”): *Provided*, That of the amounts provided in
3 this paragraph under this heading in this Act, the Sec-
4 retary shall use up to \$2,000,000,000 to provide assist-
5 ance to producers of livestock, as determined by the Sec-
6 retary, for losses incurred during calendar years 2023 and
7 2024 due to drought, wildfires, or floods: *Provided further*,
8 That the Secretary may provide assistance for such losses
9 in the form of block grants to eligible States and terri-
10 tories and such assistance may include compensation to
11 producers, as determined by the Secretary, for timber (in-
12 cluding payments to non-Federal forest landowners), cit-
13 rus, pecan, and poultry (including infrastructure) losses,
14 and for agricultural producers who have suffered losses
15 due to the failure of Mexico to deliver water to the United
16 States in accordance with the 1944 Water Treaty: *Pro-*
17 *vided further*, That of the amounts provided under this
18 heading in this Act, the Secretary shall offer individualized
19 technical assistance to interested non-insured producers to
20 help them apply for assistance made available under this
21 heading: *Provided further*, That of the amounts made
22 available under this paragraph under this heading in this
23 Act, the Secretary may use up to \$30,000,000, for reim-
24 bursement for administrative and operating expenses
25 available for crop insurance contracts for 2022 and 2023

1 reinsurance years in a manner consistent with Section 771
2 of the Consolidated Appropriations Act, 2023 (Public Law
3 117–328): *Provided further*, That of the amounts made
4 available under this paragraph under this heading in this
5 Act, and without regard to 44 U.S.C. 3501 et. seq., the
6 Secretary shall use \$3,000,000 to carry out regular testing
7 for the purposes of verifying and validating the method-
8 ology and protocols of the inspection of molasses at any
9 United States ports of entry, including whether the molas-
10 ses meets each statutory requirement without the use of
11 additives or blending, relevant definitional explanatory
12 notes, and each property typical of molasses in the United
13 States as directed in Senate Report 118–193: *Provided*
14 *further*, That at the election of a processor eligible for a
15 loan under section 156 of the Federal Agriculture Im-
16 provement and Reform Act of 1996 (7 U.S.C. 7272) or
17 a cooperative processor of dairy, the Secretary shall make
18 payments for losses in 2023 and 2024 to such processors
19 (to be paid to producers, as determined by such proc-
20 essors) in lieu of payments to producers and under the
21 same terms and conditions as payments made to proc-
22 essors pursuant to title I of the Additional Supplemental
23 Appropriations for Disaster Relief Act, 2019 (Public Law
24 116–20) under the heading “Department of Agriculture—
25 Agricultural Programs—Processing, Research and Mar-

1 keting—Office of the Secretary”, as last amended by sec-
2 tion 791(c) of title VII of division B of the Further Con-
3 solidated Appropriations Act, 2020 (Public Law 116–94):
4 *Provided further*, That notwithstanding section
5 760.1503(j) of title 7, Code of Federal Regulations, in the
6 event that a processor described in the preceding proviso
7 does not elect to receive payments under such clause, the
8 Secretary shall make direct payments to producers under
9 this heading in this Act: *Provided further*, That the total
10 amount of payments received under this paragraph under
11 this heading in this Act for producers who did not obtain
12 a policy or plan of insurance for an insurable commodity
13 for the applicable crop year under the Federal Crop Insur-
14 ance Act (7 U.S.C. 1501 et seq.) for the crop incurring
15 the losses or did not file the required paperwork and pay
16 the service fee by the applicable State filing deadline for
17 a noninsurable commodity for the applicable crop year
18 under Noninsured Crop Disaster Assistance Program for
19 the crop incurring the losses shall not exceed 70 percent
20 of the loss as determined by the Secretary, except the Sec-
21 retary shall provide payments not to exceed 90 percent
22 of the producer’s revenue losses as determined by the Sec-
23 retary if the Secretary determines a de minimis amount
24 of a producer’s revenue loss is attributable to crops for
25 which the producer did not insure or obtain Noninsured

1 Crop Disaster Assistance Program coverage: *Provided fur-*
2 *ther*, That the amount provided in this paragraph under
3 this heading in this Act shall be subject to the terms and
4 conditions set forth in the first, second, sixth, seventh,
5 eighth, ninth, tenth, and 12th provisos under this heading
6 in title I of the Disaster Relief Supplemental Appropria-
7 tions Act, 2022 (division B of Public Law 117–43), except
8 that such ninth proviso under such heading shall be ap-
9 plied by substituting “2023 and 2024” for “2020 and
10 2021” and the Secretary shall apply a separate payment
11 limit for economic assistance payments: *Provided further*,
12 That not later than 120 days after the enactment of this
13 Act, and for each fiscal quarter thereafter until the
14 amounts provided under this heading in this Act are ex-
15 pended, the Secretary shall report to the Committees on
16 Appropriations of the House of Representatives and the
17 Senate on the implementation of any programs provided
18 for under this heading in this Act specifying the type,
19 amount, and method of such assistance by State and terri-
20 tory: *Provided further*, That of the amounts provided in
21 this paragraph, \$10,000,000,000 shall be made available
22 for the Secretary to make economic assistance available
23 pursuant to section 2102 of this title in this Act: *Provided*
24 *further*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

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

3 For an additional amount for “Office of the Sec-
4 retary”, \$220,000,000, to remain available until expended,
5 for the Secretary to provide assistance in the form of block
6 grants to eligible States to provide compensation to pro-
7 ducers for necessary expenses related to crop, timber, and
8 livestock losses, including on-farm infrastructure, as a
9 consequence of any weather event in 2023 or 2024 that
10 a State, in its sole discretion, determines warrants such
11 relief: *Provided*, That eligible States are those States with
12 a net farm income for 2023 of less than \$250,000,000,
13 as recorded in the data in the Economic Research Service
14 publication “Farm Income and Wealth Statistics” as of
15 December 3, 2024, and fewer than eight thousand farms
16 and an average farm size of fewer than one thousand acres
17 per farm, as recorded in the National Agricultural Statis-
18 tics Service publication “Farms and Land in Farms 2023
19 Summary (February, 2024)”: *Provided further*, That the
20 Secretary shall work with eligible States on any necessary
21 terms and conditions of the block grants, fully taking in
22 account the needs of each State: *Provided further*, That
23 any such terms and conditions may not impose additional
24 costs on producers: *Provided further*, That such amount
25 is designated by the Congress as being for an emergency

1 requirement pursuant to section 251(b)(2)(A)(i) of the
2 Balanced Budget and Emergency Deficit Control Act of
3 1985.

4 OFFICE OF INSPECTOR GENERAL

5 For an additional amount for “Office of Inspector
6 General”, \$7,500,000, to remain available until expended,
7 for audits, investigations, and other oversight of projects
8 and activities carried out with funds made available to the
9 Department of Agriculture in this Act: *Provided*, That
10 such amount is designated by the Congress as being for
11 an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 AGRICULTURAL RESEARCH SERVICE

15 BUILDINGS AND FACILITIES

16 For an additional amount for “Buildings and Facili-
17 ties”, \$42,500,000, to remain available until expended:
18 *Provided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

1 FARM PRODUCTION AND CONSERVATION
2 PROGRAMS

3 FARM SERVICE AGENCY

4 EMERGENCY FOREST RESTORATION PROGRAM

5 For an additional amount for “Emergency Forest
6 Restoration Program”, \$356,535,000, to remain available
7 until expended: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 EMERGENCY CONSERVATION PROGRAM

12 For an additional amount for “Emergency Conserva-
13 tion Program”, \$828,000,000, to remain available until
14 expended: *Provided*, That such amount is designated by
15 the Congress as being for an emergency requirement pur-
16 suant to section 251(b)(2)(A)(i) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 NATURAL RESOURCES CONSERVATION SERVICE

19 EMERGENCY WATERSHED PROTECTION PROGRAM

20 For an additional amount for “Emergency Watershed
21 Protection Program” for necessary expenses for the Emer-
22 gency Watershed Protection Program, \$920,000,000, to
23 remain available until expended: *Provided*, That such
24 amount is designated by the Congress as being for an
25 emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 RURAL DEVELOPMENT PROGRAMS

4 RURAL DEVELOPMENT DISASTER ASSISTANCE FUND

5 For an additional amount for the “Rural Develop-
6 ment Disaster Assistance Fund” as authorized under sec-
7 tion 6945 of title 7, United States Code, as amended by
8 this Act, \$362,500,000, to remain available until ex-
9 pended: *Provided*, That section 6945(b) of title 7, United
10 States Code, shall apply to amounts provided under this
11 heading in this Act: *Provided further*, That amounts pro-
12 vided under this heading in this Act may not be trans-
13 ferred pursuant to section 2257 of title 7, United States
14 Code: *Provided further*, That such amount is designated
15 by the Congress as being for an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985.

18 DOMESTIC FOOD PROGRAMS

19 FOOD AND NUTRITION SERVICE

20 COMMODITY ASSISTANCE PROGRAM

21 For an additional amount for “Commodity Assistance
22 Program” for the emergency food assistance program as
23 authorized by section 27(a) of the Food and Nutrition Act
24 of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the
25 Emergency Food Assistance Act of 1983 (7 U.S.C.

1 7508(a)(1)), \$25,000,000, to remain available until Sep-
2 tember 30, 2026: *Provided*, That such funds shall be for
3 infrastructure needs related to the consequences of a
4 major disaster declaration pursuant to the Robert T. Staf-
5 ford Disaster Relief and Emergency Assistance Act (42
6 U.S.C. 5121 et seq.) in calendar years 2023 and 2024:
7 *Provided further*, That such amount is designated by the
8 Congress as being for an emergency requirement pursuant
9 to section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 2101. Section 10101 of the Disaster Relief and
13 Recovery Supplemental Appropriations Act, 2008 (division
14 B of Public Law 110–329; 7 U.S.C. 6945) is amended—

15 (1) in subsection (b)—

16 (A) in the first sentence—

17 (i) by striking “for authorized activi-
18 ties” and inserting “, in the form of loans,
19 grants, loan guarantees, or cooperative
20 agreements, for any authorized activity”;

21 (ii) by striking “or” between “Presi-
22 dent” and “the Secretary of Agriculture”
23 and inserting a comma; and

1 (iii) by inserting after “the Secretary
2 of Agriculture” the following: “, or the
3 Governor of a State or Territory”;

4 (B) in the second sentence, inserting after
5 “to carry out the activity”, the following: “, but
6 shall not be limited to the original form of as-
7 sistance, if any”; and

8 (C) by inserting after the first sentence, as
9 so amended, the following: “The cost of such
10 direct and guaranteed loans, including the cost
11 of modifying loans, shall be as defined in sec-
12 tion 502 of the Congressional Budget Act of
13 1974.”; and

14 (2) in subsection (c), to read as follows—
15 “(c) WAIVER OF ACTIVITY OR PROJECT LIMITA-
16 TIONS.—For any activity or project for which amounts in
17 the Rural Development Disaster Assistance Fund will be
18 obligated under subsection (b)—

19 “(1) the Secretary of Agriculture may waive
20 any limits on population, income, age, and duplica-
21 tion with respect to replacement of damaged or de-
22 stroyed utilities, or cost-sharing otherwise applicable,
23 except that, if the amounts proposed to be obligated
24 in connection with the disaster would exceed the
25 amount specified in subsection (h), the notification

1 required by that subsection shall include information
2 and justification with regard to any waivers to be
3 granted under this subsection;

4 “(2) the Secretary of Agriculture may use alter-
5 native sources of income data provided by local, re-
6 gional, State, or Federal government sources to de-
7 termine program eligibility; and

8 “(3) with respect to grants authorized by 7
9 U.S.C. 1926(a)(19), the Secretary of Agriculture
10 shall not require the applicant to demonstrate that
11 it is unable to finance the proposed project from its
12 own resources, or through commercial credit at rea-
13 sonable rates and terms, or other funding sources
14 without grant assistance.”.

15 (3) Amounts provided by this section are des-
16 ignated by the Congress as being for an emergency
17 requirement pursuant to section 251(b)(2)(A)(i) of
18 the Balanced Budget and Emergency Deficit Control
19 Act of 1985.

20 SEC. 2102. (a)(1) With respect to the 2024 crop year,
21 if the Secretary determines that the expected gross return
22 per acre for an eligible commodity determined under para-
23 graph (2) is less than the expected cost of production per
24 acre for that eligible commodity determined under para-
25 graph (3), the Secretary shall, not later than 90 days after

1 the date of enactment of this Act, make a 1-time economic
2 assistance payment to each producer of that eligible com-
3 modity during that crop year.

4 (2) The expected gross return per acre for an
5 eligible commodity referred to in paragraph (1) shall
6 be equal to—

7 (A) in the case of wheat, corn, grain sor-
8 ghum, barley, oats, cotton, rice, and soybeans,
9 the product obtained by multiplying—

10 (i) the projected average farm price
11 for the applicable eligible commodity for
12 the 2024–2025 marketing year contained
13 in the most recent World Agricultural Sup-
14 ply and Demand Estimates published be-
15 fore the date of enactment of this Act by
16 the World Agricultural Outlook Board; and

17 (ii) the national average harvested
18 yield per acre for the applicable eligible
19 commodity for the most recent 10 crop
20 years, as determined by the Secretary; and

21 (B) in the case of each eligible commodity
22 not specified in subparagraph (A), a com-
23 parable estimate of gross returns, as deter-
24 mined by the Secretary.

1 (3) The expected cost of production per acre for
2 an eligible commodity referred to in paragraph (1)
3 shall be equal to—

4 (A) in the case of wheat, corn, grain sor-
5 ghum, barley, oats, cotton, rice, and soybeans,
6 the total costs listed for the 2024 crop year
7 with respect to the applicable eligible com-
8 modity contained in the most recent data prod-
9 uct entitled “national average cost-of-produc-
10 tion forecasts for major U.S. field crops” pub-
11 lished by the Economic Research Service; and

12 (B) in the case of each eligible commodity
13 not specified in subparagraph (A), a com-
14 parable total estimated cost-of-production, as
15 determined by the Secretary.

16 (4)(A) The amount of an economic assistance
17 payment to a producer for an eligible commodity
18 under paragraph (1) shall be equal to 26 percent of
19 the product obtained by multiplying—

20 (i) the economic loss for that eligible
21 commodity determined under subpara-
22 graph (B); and

23 (ii) the eligible acres of that eligible
24 commodity on the farm determined under
25 subparagraph (C).

1 (B) For purposes of subparagraph (A)(i),
2 the economic loss for an eligible commodity
3 shall be equal to the difference between—

4 (i) the expected cost of production per
5 acre for that eligible commodity, as deter-
6 mined under paragraph (3); and

7 (ii) the expected gross return per acre
8 for that eligible commodity, as determined
9 under paragraph (2).

10 (C) For purposes of subparagraph (A)(ii),
11 the eligible acres of an eligible commodity on a
12 farm shall be equal to the sum obtained by add-
13 ing—

14 (i) the acreage planted on the farm to
15 that eligible commodity for harvest, graz-
16 ing, haying, silage, or other similar pur-
17 poses for the 2024 crop year; and

18 (ii) an amount equal to 50 percent of
19 the acreage on the farm that was pre-
20 vented from being planted during the 2024
21 crop year to that eligible commodity be-
22 cause of drought, flood, or other natural
23 disaster, or other condition beyond the con-
24 trol of the producers on the farm, as deter-
25 mined by the Secretary.

1 (D) For purposes of subparagraph (C)(i),
2 the Secretary shall consider acreage planted to
3 include any land devoted to planted acres for
4 accepted skip-row planting patterns, as deter-
5 mined by the Secretary.

6 (E) If the Secretary determines there is in-
7 sufficient data to determine the comparable es-
8 timate of gross returns with respect to an eligi-
9 ble commodity under paragraph (2)(B) or a
10 comparable total estimated cost-of-production
11 with respect to an eligible commodity under
12 paragraph (3)(B), the Secretary shall use data
13 related to a similarly situated commodity for
14 purposes of determining the payment amount
15 under this paragraph.

16 (5) In no case shall the amount of an economic
17 assistance payment to a producer for an eligible
18 commodity under paragraph (1) be equal to less
19 than the product obtained by multiplying—

20 (A) 8 percent of the reference price for the
21 eligible commodity described in section
22 1111(19) of the Agricultural Act of 2014 (7
23 U.S.C. 9011(19));

1 (B) the national average payment yield for
2 the eligible commodity described in section
3 1111(15) of that Act (7 U.S.C. 9011(15)); and

4 (C) the number of eligible acres for the eli-
5 gible commodity described in paragraph (4)(C).

6 (b)(1) Except as provided in paragraph (2), sections
7 1001, 1001A, 1001B, and 1001C of the Food Security
8 Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2, 1308–3)
9 shall apply with respect to assistance provided under this
10 section.

11 (2) The total amount of payments received, di-
12 rectly or indirectly, by a person or legal entity (ex-
13 cept a joint venture or general partnership) under
14 this section may not exceed—

15 (A) \$125,000, if less than 75 percent of
16 the average gross income of the person or legal
17 entity for the 2020, 2021, and 2022 tax years
18 is derived from farming, ranching, or
19 silviculture activities; and

20 (B) \$250,000, if not less than 75 percent
21 of the average gross income of the person or
22 legal entity for the 2020, 2021, and 2022 tax
23 years is derived from farming, ranching, or
24 silviculture activities.

1 (3) The payment limitations under paragraph
2 (2) shall be separate from annual payment limita-
3 tions under any other program.

4 (c) In this section:

5 (1) The terms “extra-long staple cotton” and
6 “producer” have the meanings given those terms in
7 section 1111 of the Agricultural Act of 2014 (7
8 U.S.C. 9011).

9 (2) The term “cotton” means extra-long staple
10 cotton and upland cotton.

11 (3)(A) The term “eligible commodity” means a
12 loan commodity (as defined in section 1201(a) of the
13 Agricultural Act of 2014 (7 U.S.C. 9031(a)).

14 (B) The term “eligible commodity” does
15 not include graded wool, nongraded wool, mo-
16 hair, or honey.

17 (4) The terms “legal entity” and “person” have
18 the meanings given those terms in section 1001(a)
19 of the Food Security Act of 1985 (7 U.S.C.
20 1308(a)).

21 (5) The term “rice” means long grain rice and
22 medium grain rice.

23 (6) The term “Secretary” means the Secretary
24 of Agriculture.

1 (d) Amounts provided by this section are designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5

TITLE II

6

DEPARTMENT OF COMMERCE

7

ECONOMIC DEVELOPMENT ADMINISTRATION

8

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

9

(INCLUDING TRANSFERS OF FUNDS)

10 For an additional amount for “Economic Develop-
11 ment Assistance Programs”, \$1,510,000,000, to remain
12 available until expended, pursuant to sections 209 and 703
13 of the Public Works and Economic Development Act (42
14 U.S.C. 3149 and 3233), for economic adjustment assist-
15 ance related to flood mitigation, disaster relief, long-term
16 recovery, and restoration of infrastructure in areas that
17 received a major disaster designation as a result of hurri-
18 canes, wildfires, severe storms and flooding, tornadoes,
19 and other natural disasters occurring in calendar years
20 2023 and 2024 under the Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C. 5121 et
22 seq.): *Provided*, That within the amount appropriated
23 under this heading in this Act, up to 3 percent of funds
24 may be transferred to “Salaries and Expenses” for admin-
25 istration and oversight activities: *Provided further*, That

1 within the amount appropriated under this heading in this
2 Act, \$10,000,000 shall be transferred to the Delta Re-
3 gional Authority (7 U.S.C. 2009aa et seq.): *Provided fur-*
4 *ther*, That the Delta Regional Authority shall notify the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate 15 days prior to the obligation of
7 the amounts made available under the preceding proviso:
8 *Provided further*, That the Secretary of Commerce is au-
9 thorized to appoint and fix the compensation of such tem-
10 porary personnel as may be necessary to implement the
11 requirements under this heading in this Act, without re-
12 gard to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service: *Provided*
14 *further*, That within the amount appropriated under this
15 heading in this Act, \$7,000,000 shall be transferred to
16 “Departmental Management—Office of Inspector Gen-
17 eral” for carrying out investigations and audits related to
18 the funding provided under this heading in this Act: *Pro-*
19 *vided further*, That such amount is designated by the Con-
20 gress as being for an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES

4 For an additional amount for “Operations, Research,
5 and Facilities” for necessary expenses related to the con-
6 sequences of hurricanes, typhoons, flooding, wildfires, and
7 other disasters in calendar years 2023 and 2024,
8 \$244,000,000, to remain available until September 30,
9 2026, as follows:

10 (1) \$144,000,000 for repair and replacement of
11 observing assets, real property, and equipment; for
12 marine debris assessment and removal; and for map-
13 ping, charting, and geodesy services; and

14 (2) \$100,000,000 for necessary expenses re-
15 lated to the consequences of tornadoes, hurricanes,
16 typhoons, flooding, and wildfires in calendar year
17 2024;

18 *Provided*, That the National Oceanic and Atmospheric Ad-
19 ministration shall submit a spending plan to the Commit-
20 tees on Appropriations of the House of Representatives
21 and the Senate not later than 45 days after the date of
22 enactment of this Act: *Provided further*, That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 PROCUREMENT, ACQUISITION AND CONSTRUCTION

4 For an additional amount for “Procurement, Acquisi-
5 tion and Construction” for necessary expenses related to
6 the consequences of hurricanes, typhoons, wildfires, volca-
7 noes, and other disasters in calendar years 2022, 2023
8 and 2024, \$499,000,000, to remain available until ex-
9 pended, as follows:

10 (1) \$100,000,000 for repair and replacement of
11 observing assets, real property, and equipment; and

12 (2) \$399,000,000 for the acquisition of hurri-
13 cane hunter aircraft and related expenses as author-
14 ized under section 11708 of division K of Public
15 Law 117–263:

16 *Provided*, That the National Oceanic and Atmospheric Ad-
17 ministration shall submit a spending plan to the Commit-
18 tees on Appropriations of the House of Representatives
19 and the Senate not later than 45 days after the date of
20 enactment of this Act: *Provided further*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 FISHERIES DISASTER ASSISTANCE

2 For an additional amount for “Fisheries Disaster As-
3 sistance” for necessary expenses associated with fishery
4 resource disaster relief as authorized by law,
5 \$300,000,000, to remain available until expended: *Pro-*
6 *vided*, That notwithstanding section 312(a)(3)(A) of the
7 Magnuson-Stevens Fishery Conservation and Manage-
8 ment Act (18 U.S.C. 1861a(a)(3)(A)), any request for a
9 fishery resource disaster determination in Tribal salmon
10 and urchin fisheries received by the Secretary prior to
11 September 30, 2025, may be evaluated by the Secretary:
12 *Provided further*, That a portion of the amounts provided
13 under this heading in this Act shall be used to provide
14 additional assistance up to the historical percentage for
15 positively determined disasters announced in calendar year
16 2024 that were partially funded: *Provided further*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DEPARTMENT OF JUSTICE

22 UNITED STATES MARSHALS SERVICE

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$12,000,000, to remain available until September

1 30, 2027, for necessary expenses related to the protection
2 of the residences of the Supreme Court Justices: *Provided*,
3 That such amount is designated by the Congress as being
4 for an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FEDERAL PRISON SYSTEM

8 BUILDINGS AND FACILITIES

9 For an additional amount for “Buildings and Facili-
10 ties”, \$64,795,500, to remain available until expended, for
11 necessary expenses related to the consequences of major
12 disasters: *Provided*, That such amount is designated by
13 the Congress as being for an emergency requirement pur-
14 suant to section 251(b)(2)(A)(i) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985.

16 SCIENCE

17 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

18 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND

19 RESTORATION

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Construction and En-
22 vironmental Compliance and Restoration” for repair and
23 replacement of National Aeronautics and Space Adminis-
24 tration facilities damaged by hurricanes, tropical storms,
25 typhoons, and tornadoes in calendar years 2023 and 2024,

1 \$740,200,000, to remain available until expended: *Pro-*
2 *vided*, That up to 20 percent of such amount may be
3 transferred to “Space Operations” for necessary expenses
4 related to communications facilities and equipment, re-
5 quired remediation, and alternative operations caused by
6 Typhoon Mawar: *Provided further*, That except as pro-
7 vided in the preceding proviso, the amounts appropriated
8 under this heading in this Act shall not be available for
9 transfer under any transfer authority provided for the Na-
10 tional Aeronautics and Space Administration in an appro-
11 priation Act for fiscal year 2025: *Provided further*, That
12 the National Aeronautics and Space Administration shall
13 submit a spending plan to the Committees on Appropria-
14 tions of the House of Representatives and the Senate not
15 later than 45 days after the date of enactment of this Act:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 TITLE III

21 DEPARTMENT OF DEFENSE

22 OPERATION AND MAINTENANCE

23 OPERATION AND MAINTENANCE, ARMY

24 For an additional amount for “Operation and Main-
25 tenance, Army”, \$451,894,000, to remain available until

1 September 30, 2025, for necessary expenses related to the
2 consequences of severe storms, straight-line winds, torna-
3 does, microbursts, and hurricanes in calendar years 2023
4 and 2024: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 OPERATION AND MAINTENANCE, NAVY

9 For an additional amount for “Operation and Main-
10 tenance, Navy”, \$1,454,153,000, to remain available until
11 September 30, 2025, for necessary expenses related to the
12 consequences of Hurricanes Ian, Nicole, Idalia, Helene,
13 and Milton, Typhoon Mawar, and severe storms in cal-
14 endar year 2023: *Provided*, That such amount is des-
15 ignated by the Congress as being for an emergency re-
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 For an additional amount for “Operation and Main-
20 tenance, Marine Corps”, \$8,900,000, to remain available
21 until September 30, 2025, for necessary expenses related
22 to the consequences of Hurricanes Helene and Milton:
23 *Provided*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force”, \$912,778,000, to remain available
6 until September 30, 2025, for necessary expenses related
7 to the consequences of Hurricanes Helene and Milton and
8 Typhoon Mawar: *Provided*, That such amount is des-
9 ignated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, SPACE FORCE

13 For an additional amount for “Operation and Main-
14 tenance, Space Force”, \$90,230,000, to remain available
15 until September 30, 2025, for necessary expenses related
16 to the consequences of Hurricanes Helene and Milton and
17 Typhoon Mawar: *Provided*, That such amount is des-
18 ignated by the Congress as being for an emergency re-
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

21 OPERATION AND MAINTENANCE, DEFENSE-WIDE

22 For an additional amount for “Operation and Main-
23 tenance, Defense-Wide”, \$1,208,000, to remain available
24 until September 30, 2025, for necessary expenses related
25 to the consequences of Hurricanes Helene and Milton:

1 *Provided*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 OPERATION AND MAINTENANCE, ARMY RESERVE

6 For an additional amount for “Operation and Main-
7 tenance, Army Reserve”, \$19,594,000, to remain available
8 until September 30, 2025, for necessary expenses related
9 to the consequences of Hurricanes Helene and Milton and
10 microbursts in calendar year 2024: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Air Force Reserve”, \$1,319,000, to remain avail-
18 able until September 30, 2025, for necessary expenses re-
19 lated to the consequences of Hurricanes Helene and Mil-
20 ton and Typhoon Mawar: *Provided*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

1 consequences of Hurricane Helene: *Provided*, That such
2 amount is designated by the Congress as being for an
3 emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 OTHER PROCUREMENT, AIR FORCE

7 For an additional amount for “Other Procurement,
8 Air Force”, \$129,722,000, to remain available until Sep-
9 tember 30, 2027, for necessary expenses related to the
10 consequences of Typhoon Mawar: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 PROCUREMENT, SPACE FORCE

16 For an additional amount for “Procurement, Space
17 Force”, \$37,994,000, to remain available until September
18 30, 2027, for necessary expenses related to the con-
19 sequences of Typhoon Mawar: *Provided*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$41,400,000, to re-
7 main available until September 30, 2026, for necessary ex-
8 penses related to the consequences of severe storms and
9 wave overwash: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 AIR FORCE

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Air Force”, \$69,278,000, to
17 remain available until September 30, 2026, for necessary
18 expenses related to the consequences of Typhoon Mawar:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$17,362,000, to remain available until September
5 30, 2025, for necessary expenses related to the con-
6 sequences of Hurricanes Helene and Milton: *Provided*,
7 That such amount is designated by the Congress as being
8 for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 TITLE IV

12 CORPS OF ENGINEERS—CIVIL

13 DEPARTMENT OF THE ARMY

14 CORPS OF ENGINEERS—CIVIL

15 INVESTIGATIONS

16 For an additional amount for “Investigations”,
17 \$20,000,000, to remain available until expended, for nec-
18 essary expenses related to the completion, or initiation and
19 completion, of flood and storm damage reduction, includ-
20 ing shore protection, studies that are currently authorized,
21 to reduce risks from future floods and hurricanes, at full
22 Federal expense: *Provided*, That amounts made available
23 under this heading in this Act shall be for high-priority
24 studies of projects in States and insular areas with a
25 major disaster, including for glacial lake outbursts, in cal-

1 endar year 2022, 2023, or 2024: Provided further, That
2 not later than 60 days after the date of enactment of this
3 Act and not less than three business days prior to public
4 release, the Chief of Engineers shall submit directly to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate a detailed work plan for the funds
7 provided under this heading in this Act, including a list
8 of study locations, new studies selected to be initiated, the
9 total cost for each study selected for funding, the remain-
10 ing cost for each ongoing study selected for funding, and
11 a schedule by fiscal year of the proposed use of such funds:
12 *Provided further*, That the Secretary of the Army shall not
13 deviate from the work plan, once the plan has been sub-
14 mitted to such Committees: *Provided further*, That funds
15 included in a submitted work plan shall be deemed allo-
16 cated to specific projects and subject to the reprogram-
17 ming requirements specified in section 101(6) of the En-
18 ergy and Water Development and Related Agencies Ap-
19 propriations Act, 2024: *Provided further*, That beginning
20 not later than 60 days after the date of enactment of this
21 Act and until all amounts provided under this heading in
22 this Act have been expended, the Assistant Secretary of
23 the Army for Civil Works shall provide a quarterly report
24 directly to such Committees detailing the allocation, obli-
25 gation, and expenditure of the funds provided under this

1 heading in this Act: *Provided further*, That such amount
2 is designated by the Congress as being for an emergency
3 requirement pursuant to section 251(b)(2)(A)(i) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 CONSTRUCTION

7 For an additional amount for “Construction”,
8 \$700,000,000, to remain available until expended, for nec-
9 essary expenses to address emergency situations at Corps
10 of Engineers projects, construct Corps of Engineers
11 projects, and rehabilitate and repair damages caused by
12 natural disasters to Corps of Engineers projects: *Provided*,
13 That of the amount provided under this heading in this
14 Act, \$100,000,000 shall be used for continuing authorities
15 projects to reduce the risk of flooding and storm damage,
16 notwithstanding project number or program cost limita-
17 tions: *Provided further*, That of the amount provided
18 under this heading in this Act, \$300,000,000 shall be to
19 complete, or initiate and complete, without regard to new
20 start or new investment decision considerations, a useful
21 increment of work for water-related environmental infra-
22 structure assistance in States and insular areas that were
23 impacted by disasters occurring in or prior to calendar
24 year 2024: *Provided further*, That of the amount provided
25 under this heading in this Act, \$300,000,000 shall be for

1 projects that have previously received funds under this
2 heading in chapter 4 of title X of the Disaster Relief Ap-
3 propriations Act, 2013 (division A of Public Law 113–2),
4 title IV of division B of the Bipartisan Budget Act of 2018
5 (Public Law 115–123), or title IV of the Disaster Relief
6 Supplemental Appropriations Act, 2022 (division B of
7 Public Law 117–43), and for which non-Federal interests
8 have entered into binding agreements with the Secretary
9 as of the date of enactment of this Act: *Provided further,*
10 That each project receiving funds pursuant to the pre-
11 ceding proviso shall be subject to the terms and conditions
12 of such chapter 4 of title X of the Disaster Relief Appro-
13 priations Act, 2013 (division A of Public Law 113–2), title
14 IV of division B of the Bipartisan Budget Act of 2018
15 (Public Law 115–123), or title IV of the Disaster Relief
16 Supplemental Appropriations Act, 2022 (division B of
17 Public Law 117–43), and as specifically modified by sec-
18 tion 111 of the Energy and Water Development and Re-
19 lated Agencies Appropriations Act, 2024 (division D of
20 Public Law 118–42), as applicable: *Provided further,* That
21 of the amount provided under this heading in this Act,
22 such sums as are necessary to cover the Federal share of
23 eligible construction costs for coastal harbors and chan-
24 nels, and for inland harbors eligible to be derived from
25 the Harbor Maintenance Trust Fund under section 101

1 or section 104 of the Water Resources and Development
2 Act of 2020 shall be derived from the general fund of the
3 Treasury: *Provided further*, That for projects receiving
4 funding under this heading in this Act, the limitation con-
5 cerning total project costs in section 902 of the Water Re-
6 sources Development Act of 1986 (Public Law 99–662)
7 shall not apply to funds provided under this heading in
8 this Act: *Provided further*, That for any projects using
9 funding provided under this heading in this Act, the non-
10 Federal cash contribution for projects shall be financed
11 in accordance with the provisions of section 103(k) of Pub-
12 lic Law 99–662 over a period of 30 years from the date
13 of completion of the project, separable element, or useful
14 increment: *Provided further*, That any projects initiated
15 using funds provided under this heading in this Act shall
16 be initiated only after non-Federal interests have entered
17 into binding agreements with the Secretary requiring,
18 where applicable, the non-Federal interests to pay 100
19 percent of the operation, maintenance, repair, replace-
20 ment, and rehabilitation costs of the project and to hold
21 and save the United States free from damages due to the
22 construction or operation and maintenance of the project,
23 except for damages due to the fault or negligence of the
24 United States or its contractors: *Provided further*, That
25 not later than 60 days after the date of enactment of this

1 Act and not less than three business days prior to public
2 release, the Chief of Engineers shall submit directly to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate a detailed work plan for the funds
5 provided under this heading in this Act, including a list
6 of project locations, the total cost for all projects, and a
7 schedule by fiscal year of proposed use of such funds: *Pro-*
8 *vided further*, That the Secretary shall not deviate from
9 the work plan, once the plan has been submitted to such
10 Committees: *Provided further*, That funds included in a
11 submitted work plan shall be deemed allocated to specific
12 projects and subject to the reprogramming requirements
13 specified in section 101(7) of the Energy and Water De-
14 velopment and Related Agencies Appropriations Act,
15 2024: *Provided further*, That beginning not later than 60
16 days after the date of enactment of this Act and until all
17 amounts provided under this heading in this Act have been
18 expended, the Assistant Secretary of the Army for Civil
19 Works shall provide a quarterly report directly to such
20 Committees detailing the allocation, obligation, and ex-
21 penditure of the funds provided under this heading in this
22 Act: *Provided further*, That such amount is designated by
23 the Congress as being for an emergency requirement pur-
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For an additional amount for “Mississippi River and
3 Tributaries”, \$50,000,000, to remain available until ex-
4 pended, for necessary expenses to address emergency situ-
5 ations at Corps of Engineers projects, and to construct,
6 and rehabilitate and repair damages to Corps of Engineers
7 projects, caused by natural disasters: *Provided*, That be-
8 ginning not later than 60 days after the date of enactment
9 of this Act and until all amounts provided under this head-
10 ing in this Act have been expended, the Assistant Sec-
11 retary of the Army for Civil Works shall provide a quar-
12 terly report directly to the Committees on Appropriations
13 of the House of Representatives and the Senate detailing
14 the allocation, obligation, and expenditure of the funds
15 provided under this heading in this Act: *Provided further*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 FLOOD CONTROL AND COASTAL EMERGENCIES

21 For an additional amount for “Flood Control and
22 Coastal Emergencies”, as authorized by section 5 of the
23 Act of August 18, 1941 (33 U.S.C. 701n), \$745,000,000,
24 to remain available until expended, for necessary expenses
25 to prepare for flood, hurricane, and other natural disasters

1 and support emergency operations, repairs, and other ac-
2 tivities in response to such disasters, as authorized by law:
3 *Provided*, That funding provided under this heading in
4 this Act utilized to repair authorized shore protection
5 projects shall restore such projects to their full project
6 profile at full Federal expense: *Provided further*, That be-
7 ginning not later than 60 days after the date of enactment
8 of this Act and until all amounts provided under this head-
9 ing in this Act have been expended, the Chief of Engineers
10 shall provide a quarterly report directly to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate detailing the allocation, obligation, and expenditure
13 of the funds provided under this heading in this Act: *Pro-*
14 *vided further*, That such amount is designated by the Con-
15 gress as being for an emergency requirement pursuant to
16 section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 DEPARTMENT OF THE INTERIOR

19 BUREAU OF RECLAMATION

20 WATER AND RELATED RESOURCES

21 For an additional amount for “Water and Related
22 Resources”, \$74,464,000, to remain available until ex-
23 pended, of which \$27,930,000 shall be for necessary ex-
24 penses related to the consequences of natural disasters
25 that occurring in or prior to calendar year 2024: *Provided*,

1 That \$46,534,000 shall be available for deposit into the
2 Aging Infrastructure Account established by section
3 9603(d)(1) of the Omnibus Public Land Management Act
4 of 2009 (43 U.S.C. 510b(d)(1)), and shall be made avail-
5 able for reserved or transferred works that have suffered
6 a critical failure, in accordance with section 40901(2)(A)
7 of division D of Public Law 117–58: *Provided further*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DEPARTMENT OF ENERGY

13 ENERGY PROGRAMS

14 STRATEGIC PETROLEUM RESERVE

15 For an additional amount for “Strategic Petroleum
16 Reserve”, \$60,000,000, to remain available until ex-
17 pended, for necessary expenses related to damages caused
18 by natural disasters: *Provided*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

1 ATOMIC ENERGY DEFENSE ACTIVITIES
2 NATIONAL NUCLEAR SECURITY
3 ADMINISTRATION
4 WEAPONS ACTIVITIES

5 For an additional amount for “Weapons Activities”,
6 \$1,884,000, to remain available until expended, for nec-
7 essary expenses related to damages caused by Hurricanes
8 Helene and Milton: *Provided*, That such amount is des-
9 ignated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 ENVIRONMENTAL AND OTHER DEFENSE
13 ACTIVITIES

14 DEFENSE ENVIRONMENTAL CLEANUP

15 For an additional amount for “Defense Environ-
16 mental Cleanup”, \$2,415,000, to remain available until
17 expended, for necessary expenses related to damages
18 caused by Hurricanes Helene and Milton: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 TITLE V
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$13,597,000, to remain available until expended,
7 for protection of the residences of the Supreme Court Jus-
8 tices: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 INDEPENDENT AGENCIES
13 SMALL BUSINESS ADMINISTRATION
14 DISASTER LOANS PROGRAM ACCOUNT
15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Disaster Loans Pro-
17 gram Account” for the cost of direct loans authorized by
18 section 7(b) of the Small Business Act, \$2,249,000,000,
19 to remain available until expended, of which \$50,000,000
20 shall be transferred to “Small Business Administration—
21 Office of Inspector General” for audits and reviews of dis-
22 aster loans and the disaster loans programs, and of which
23 \$613,000,000 may be transferred to “Small Business Ad-
24 ministration—Salaries and Expenses” for administrative
25 expenses to carry out the disaster loan program authorized

1 by section 7(b) of the Small Business Act: *Provided*, That
2 such amount is designated by the Congress as being for
3 an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 TITLE VI
7 DEPARTMENT OF HOMELAND SECURITY
8 SECURITY, ENFORCEMENT, AND
9 INVESTIGATIONS
10 COAST GUARD
11 OPERATIONS AND SUPPORT

12 For an additional amount for “Operations and Sup-
13 port”, \$102,500,000, to remain available until September
14 30, 2027, for necessary expenses related to the con-
15 sequences of the Francis Scott Key Bridge collapse and
16 other disasters, including for minor repairs, maintenance,
17 and environmental remediation costs: *Provided*, That the
18 Commandant of the Coast Guard shall provide to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate an expenditure plan and quarterly
21 updates for the expenditure of such funds: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 Support” for audits and investigations funded under
2 “Federal Emergency Management Agency—Disaster Re-
3 lief Fund”: *Provided further*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE

8 ACCOUNT

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Hermit’s Peak/Calf
11 Canyon Fire Assistance Account”, \$1,500,000,000, to re-
12 main available until expended: *Provided*, That \$1,000,000
13 shall be transferred to “Office of Inspector General—Op-
14 erations and Support” for oversight of activities author-
15 ized by the Hermit’s Peak/Calf Canyon Fire Assistance
16 Act: *Provided further*, That the amounts provided under
17 this heading in this Act shall be subject to the reporting
18 requirement in the third proviso of section 136 of the Con-
19 tinuing Appropriations Act, 2023 (division A of Public
20 Law 117–180): *Provided further*, That amounts provided
21 under this heading in this Act shall be subject to the same
22 authorities and conditions as if such amounts were pro-
23 vided by title III of the Department of Homeland Security
24 Appropriations Act, 2024 (division C of Public Law 118–
25 47): *Provided further*, That such amount is designated by

1 the Congress as being for an emergency requirement pur-
2 suant to section 251(b)(2)(A)(i) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985.

4 RESEARCH, DEVELOPMENT, TRAINING, AND
5 SERVICES

6 FEDERAL LAW ENFORCEMENT TRAINING CENTERS
7 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

8 For an additional amount for “Procurement, Con-
9 struction, and Improvements”, \$14,020,000, to remain
10 available until September 30, 2029, for necessary expenses
11 relating to the consequences of disasters: *Provided*, That
12 such amount is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 TITLE VII
17 DEPARTMENT OF THE INTERIOR

18 BUREAU OF LAND MANAGEMENT
19 MANAGEMENT OF LANDS AND RESOURCES

20 For an additional amount for “Management of Lands
21 and Resources”, \$58,115,000, to remain available until
22 expended, for necessary expenses related to the con-
23 sequences of natural disasters occurring in and prior to
24 calendar year 2024: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

1 requirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 UNITED STATES FISH AND WILDLIFE SERVICE

4 CONSTRUCTION

5 For an additional amount for “Construction”,
6 \$500,000,000, to remain available until expended, for nec-
7 essary expenses related to the consequences of natural dis-
8 asters occurring in and prior to calendar year 2024: *Pro-*
9 *vided*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 NATIONAL PARK SERVICE

14 HISTORIC PRESERVATION FUND

15 For an additional amount for “Historic Preservation
16 Fund”, \$50,000,000, to remain available until expended,
17 for necessary expenses related to the consequences of nat-
18 ural disasters occurring in and prior to calendar year
19 2024, including costs to States, Tribes, and territories
20 necessary to complete compliance activities required by
21 section 306108 of title 54, United States Code, and costs
22 needed to administer the program: *Provided*, That funds
23 appropriated under this heading in this Act shall be used
24 for historic and cultural resource preservation work that
25 meets the Secretary of the Interior’s Standards and

1 Guidelines as published in the Federal Register (Vol. 48,
2 No. 190, September 29, 1983), to include Reconstruction
3 of National Register listed or eligible sites: *Provided fur-*
4 *ther*, That grants using funds appropriated under this
5 heading in this Act shall only be available for areas that
6 have received a major disaster declaration pursuant to the
7 Robert T. Stafford Disaster Relief and Emergency Assist-
8 ance Act (42 U.S.C. 5121 et seq.): *Provided further*, That
9 such grants shall not be subject to a non-Federal matching
10 requirement: *Provided further*, That such amount is des-
11 ignated by the Congress as being for an emergency re-
12 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985.

14

CONSTRUCTION

15 For an additional amount for “Construction”,
16 \$2,262,871,000, to remain available until expended, for
17 necessary expenses related to the consequences of disas-
18 ters, including hurricanes, tropical storms, tornadoes, and
19 other severe storms, wildfire, fire, and flooding occurring
20 in and prior to calendar year 2024: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 UNITED STATES GEOLOGICAL SURVEY
2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For an additional amount for “Surveys, Investiga-
4 tions, and Research”, \$2,743,000, to remain available
5 until expended, for necessary expenses related to the con-
6 sequences of natural disasters occurring in and prior to
7 calendar year 2024: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 INDIAN AFFAIRS
12 BUREAU OF INDIAN AFFAIRS
13 OPERATION OF INDIAN PROGRAMS

14 For an additional amount for “Operation of Indian
15 Programs”, \$17,765,000, to remain available until ex-
16 pended, for necessary expenses related to the consequences
17 of natural disasters occurring in and prior to calendar
18 year 2024: *Provided*, That such amount is designated by
19 the Congress as being for an emergency requirement pur-
20 suant to section 251(b)(2)(A)(i) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985.

22 BUREAU OF INDIAN EDUCATION
23 EDUCATION CONSTRUCTION

24 For an additional amount for “Education Construc-
25 tion”, \$153,000,000, to remain available until expended,

1 for necessary expenses related to the consequences of nat-
2 ural disasters occurring in and prior to calendar year
3 2024: *Provided*, That such amount is designated by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For an additional amount for “Salaries and Ex-
10 penses”, \$8,000,000, to remain available until expended,
11 for oversight of the Department of the Interior activities
12 funded by this Act: *Provided*, That such amount is des-
13 igned by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 ENVIRONMENTAL PROTECTION AGENCY

17 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

18 PROGRAM

19 For an additional amount for “Leaking Underground
20 Storage Tank Trust Fund Program”, \$17,000,000, to re-
21 main available until expended, for necessary expenses re-
22 lated to the consequences of Hurricanes Helene and
23 Hilary: *Provided*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

1 to section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 STATE AND TRIBAL ASSISTANCE GRANTS

4 For an additional amount for “State and Tribal As-
5 sistance Grants”, \$3,000,000,000 to remain available
6 until expended, of which \$1,230,000,000 shall be for cap-
7 italization grants for the Clean Water State Revolving
8 Funds under title VI of the Federal Water Pollution Con-
9 trol Act, and of which \$1,770,000,000 shall be for capital-
10 ization grants under section 1452 of the Safe Drinking
11 Water Act: *Provided*, That notwithstanding section 604(a)
12 of the Federal Water Pollution Control Act and section
13 1452(a)(1)(D) of the Safe Drinking Water Act, funds ap-
14 propriated under this paragraph in this Act shall be pro-
15 vided to States or territories in EPA Regions 3, 4, and
16 9 in amounts determined by the Administrator of the En-
17 vironmental Protection Agency for wastewater treatment
18 works and drinking water facilities impacted by Hurri-
19 canes Helene and Milton and Hawaii wildfires: *Provided*
20 *further*, That notwithstanding the requirements of section
21 603(i) of the Federal Water Pollution Control Act and sec-
22 tion 1452(d) of the Safe Drinking Water Act, for the
23 funds appropriated under this paragraph in this Act, each
24 State shall use not less than 30 percent of the amount
25 of its capitalization grants to provide additional subsidiza-

1 tion to eligible recipients in the form of forgiveness of prin-
2 cipal, negative interest loans or grants, or any combination
3 of these: *Provided further*, That the funds appropriated
4 under this paragraph in this Act shall be used for eligible
5 projects whose purpose is to reduce flood or fire damage
6 risk and vulnerability or to enhance resiliency to rapid hy-
7 drologic change or natural disaster at treatment works,
8 as defined by section 212 of the Federal Water Pollution
9 Control Act, or any eligible facilities under section 1452
10 of the Safe Drinking Water Act, and for other eligible
11 tasks at such treatment works or facilities necessary to
12 further such purposes: *Provided further*, That the funds
13 provided under this paragraph in this Act shall not be sub-
14 ject to the matching or cost share requirements of section
15 1452(e) of the Safe Drinking Water Act: *Provided further*,
16 That funds provided under this paragraph in this Act shall
17 not be subject to the matching or cost share requirements
18 of sections 602(b)(2), 602(b)(3), or 202 of the Federal
19 Water Pollution Control Act: *Provided further*, That the
20 Administrator of the Environmental Protection Agency
21 may retain up to \$5,000,000 of the funds appropriated
22 under this paragraph in this Act for management and
23 oversight: *Provided further*, That such amount is des-
24 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 For an additional amount for “State and Tribal As-
4 sistance Grants”, \$85,000,000, to remain available until
5 expended, for capitalization grants for the Clean Water
6 State Revolving Funds under title VI of the Federal Water
7 Pollution Control Act: *Provided*, That notwithstanding
8 section 604(a) of the Federal Water Pollution Control Act,
9 funds appropriated under this paragraph in this Act shall
10 be provided to States or territories in EPA Regions 3 and
11 4 impacted by Hurricanes Helene and Milton in amounts
12 determined by the Administrator of the Environmental
13 Protection Agency to improve the resilience of decentral-
14 ized wastewater treatment systems to flooding, to assess
15 the potential to connect homes served by decentralized
16 wastewater treatment systems to centralized wastewater
17 systems, and to fund such connections: *Provided further*,
18 That notwithstanding the requirements of section 603(i)
19 of the Federal Water Pollution Control Act, for the funds
20 appropriated under this paragraph in this Act, each State
21 shall use 100 percent of the amount of its capitalization
22 grants to provide additional subsidization to eligible recipi-
23 ents in the form of forgiveness of principal, grants, nega-
24 tive interest loans, other loan forgiveness, and through
25 buying, refinancing, or restructuring debt or any combina-

1 tion thereof: *Provided further*, That funds appropriated
2 under this paragraph in this Act shall not be subject to
3 the matching or cost share requirements of sections
4 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollu-
5 tion Control Act: *Provided further*, That the Administrator
6 of the Environmental Protection Agency may retain up to
7 \$3,000,000 of the funds appropriated under this para-
8 graph in this Act for management and oversight: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 For an additional amount for “State and Tribal As-
14 sistance Grants”, \$60,000,000, to remain available until
15 expended, for necessary expenses to address water emer-
16 gencies under section 1442(b) of the Safe Drinking Water
17 Act (42 U.S.C. 300j–1(b)) or section 504(a) of the Fed-
18 eral Water Pollution Control Act (33 U.S.C. 1364) in
19 States or territories in EPA Regions 3 and 4 impacted
20 by Hurricanes Helene and Milton: *Provided*, That notwith-
21 standing section 1442(b) of the Safe Drinking Water Act,
22 funds appropriated under this paragraph in this Act may
23 be used to provide technical assistance and grants regard-
24 less of whether the emergency situation presents a sub-
25 stantial danger to public health: *Provided further*, That

1 notwithstanding section 1442(b) of the Safe Drinking
2 Water Act, funds appropriated under this paragraph in
3 this Act may be used to provide grants regardless of
4 whether such grants will be used to support actions that
5 would not otherwise be taken without emergency assist-
6 ance: *Provided further*, That funds appropriated under
7 this paragraph in this Act may be used to provide tech-
8 nical assistance and grants under section 1442(b) of the
9 Safe Drinking Water Act to any appropriate recipient, as
10 determined by the Administrator of the Environmental
11 Protection Agency, to assist in responding to and alle-
12 viating an emergency situation affecting a privately owned
13 water system: *Provided further*, That funds appropriated
14 under this paragraph in this Act may be used to take ac-
15 tions authorized under section 504(a) of the Federal
16 Water Pollution Control Act that the Administrator of the
17 Environmental Protection Agency deems necessary to pro-
18 tect the health or welfare of persons affected by a water
19 emergency, including other necessary actions and for pro-
20 viding technical assistance and grants to address such
21 water emergency: *Provided further*, That the Adminis-
22 trator of the Environmental Protection Agency may retain
23 up to \$1,000,000 of the funds appropriated under this
24 paragraph in this Act for management and oversight: *Pro-*
25 *vided further*, That such amount is designated by the Con-

1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 For an additional amount for “State and Tribal As-
5 sistance Grants”, \$10,000,000, to remain available until
6 expended, for grants and other activities authorized by
7 subsections (a) through (c) of section 103 of the Clean
8 Air Act (42 U.S.C. 7403) or section 105 of such Act (42
9 U.S.C. 7405) for necessary expenses related to the con-
10 sequences of Hurricanes Milton and Helene, including re-
11 pair or replacement of damaged air monitoring equipment:
12 *Provided*, That funds appropriated under this paragraph
13 in this Act may be awarded noncompetitively: *Provided*
14 *further*, That such amount is designated by the Congress
15 as being for an emergency requirement pursuant to sec-
16 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985.

18 For an additional amount for “State and Tribal As-
19 sistance Grants”, \$95,000,000, to remain available until
20 expended, for the hazardous waste financial assistance
21 grants program and other solid waste management activi-
22 ties for necessary expenses related to the consequences of
23 Hurricanes Helene and Milton: *Provided*, That none of the
24 funds appropriated under this paragraph in this Act shall
25 be subject to section 3011(b) of the Solid Waste Disposal

1 Act: *Provided further*, That the Administrator of the Envi-
2 ronmental Protection Agency may retain up to \$500,000
3 of the funds appropriated under this paragraph in this Act
4 for management and oversight: *Provided further*, That
5 such amount is designated by the Congress as being for
6 an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENT OF AGRICULTURE

10 FOREST SERVICE

11 FOREST SERVICE OPERATIONS

12 For an additional amount for “Forest Service Oper-
13 ations”, \$68,100,000, to remain available until expended,
14 for necessary expenses related to the consequences of cal-
15 endar year 2022, 2023, and 2024 wildfires, hurricanes,
16 and other natural disasters: *Provided*, That such amount
17 is designated by the Congress as being for an emergency
18 requirement pursuant to section 251(b)(2)(A)(i) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985.

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for “Forest and Rangeland
23 Research”, \$26,000,000, to remain available until ex-
24 pended, for necessary expenses related to the consequences
25 of calendar year 2022, 2023, and 2024 wildfires, hurri-

1 canes, and other natural disasters: *Provided*, That such
2 amount is designated by the Congress as being for an
3 emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 STATE, PRIVATE, AND TRIBAL FORESTRY

7 For an additional amount for “State, Private, and
8 Tribal Forestry”, \$208,000,000, to remain available until
9 expended, for necessary expenses related to the con-
10 sequences of calendar year 2022, 2023, and 2024
11 wildfires, hurricanes, and other natural disasters: *Pro-*
12 *vided*, That of the amounts made available under this
13 heading in this Act, \$14,000,000 shall be to provide For-
14 est Health Protection assistance to States for an emerging
15 eastern spruce budworm outbreak approaching the north-
16 eastern U.S. border: *Provided further*, That with respect
17 to the preceding proviso, an award of financial assistance
18 from the Forest Service will not be subject to a non-Fed-
19 eral cost-share requirement: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 NATIONAL FOREST SYSTEM

2 For an additional amount for “National Forest Sys-
3 tem”, \$2,523,000,000, to remain available until expended:
4 *Provided*, That of the amounts made available under this
5 heading in this Act, \$2,448,000,000 shall be for necessary
6 expenses related to the consequences of calendar year
7 2022, 2023, and 2024 wildfires, hurricanes, and other
8 natural disasters: *Provided further*, That of the amounts
9 made available under this heading in this Act,
10 \$75,000,000 shall be for the construction or maintenance
11 of shaded fuel breaks in the Pacific Regions: *Provided fur-*
12 *ther*, That such amount is designated by the Congress as
13 being for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 CAPITAL IMPROVEMENT AND MAINTENANCE

17 For an additional amount for “Capital Improvement
18 and Maintenance”, \$3,525,000,000, to remain available
19 until expended, for necessary expenses related to the con-
20 sequences of calendar year 2022, 2023, and 2024
21 wildfires, hurricanes, and other natural disasters: *Pro-*
22 *vided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 2701. Notwithstanding section 3304 of title 5,
3 United States Code, and without regard to the provisions
4 of sections 3309 through 3318 of such title 5, the Sec-
5 retary of the Interior and the Secretary of Agriculture,
6 acting through the Chief of the Forest Service, may re-
7 cruit and directly appoint highly qualified individuals into
8 the competitive service to address critical hiring needs for
9 the planning and execution of the projects and activities
10 funded in this title: *Provided*, That such authority shall
11 not apply to positions in the Excepted Service or the Sen-
12 ior Executive Service: *Provided further*, That any action
13 authorized herein shall be consistent with the merit prin-
14 ciples of section 2301 of such title 5, and the Department
15 of the Interior and the Department of Agriculture shall
16 comply with the public notice requirements of section 3327
17 of such title 5: *Provided further*, That the authority under
18 this section shall terminate on September 30, 2029: *Pro-*
19 *vided further*, That amounts provided by this section are
20 designated by the Congress as being for an emergency re-
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

23 SEC. 2702. Not later than 45 days after the date of
24 enactment of this Act, the agencies receiving funds appro-
25 priated by this title shall provide a detailed operating plan

1 of anticipated uses of funds made available in this title
2 by State and Territory, and by program, project, and ac-
3 tivity, to the Committees on Appropriations of the House
4 of Representatives and the Senate: *Provided*, That no such
5 funds shall be obligated before the operating plans are
6 provided to such Committees: *Provided further*, That such
7 plans shall be updated, including obligations and expendi-
8 tures to date, and submitted to such Committees on Ap-
9 propriations every 60 days until all such funds are ex-
10 pended.

11 TITLE VIII
12 DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES
14 ADMINISTRATION FOR CHILDREN AND FAMILIES
15 PAYMENTS TO STATES FOR THE CHILD CARE AND
16 DEVELOPMENT BLOCK GRANT

17 For an additional amount for “Payments to States
18 for the Child Care and Development Block Grant”,
19 \$250,000,000, to remain available through September 30,
20 2026, for necessary expenses directly related to the con-
21 sequences of major disasters and emergencies declared
22 pursuant to the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5121 et seq.) occur-
24 ring in 2023 and 2024 (referred to under this heading
25 in this Act as “covered disaster or emergency”), including

1 activities authorized under section 319(a) of the Public
2 Health Service Act: *Provided*, That the Secretary of
3 Health and Human Services shall allocate such funds to
4 States, territories, and Tribes based on assessed need not-
5 withstanding sections 658J and 658O of the Child Care
6 and Development Block Grant Act of 1990: *Provided fur-*
7 *ther*, That not to exceed 2 percent of funds appropriated
8 in this paragraph may be reserved, to remain available
9 until expended, for Federal administration costs: *Provided*
10 *further*, That such funds may be used for alteration, ren-
11 ovation, construction, equipment, and other capital im-
12 provement costs, including for child care facilities without
13 regard to section 658F(b) of such Act, and for other ex-
14 penditures related to child care, as necessary to meet the
15 needs of areas affected by a covered disaster or emergency:
16 *Provided further*, That funds made available in this para-
17 graph may be used without regard to section 658G of such
18 Act and with amounts allocated for such purposes ex-
19 cluded from the calculation of percentages under sub-
20 section 658E(c)(3) of such Act: *Provided further*, That
21 notwithstanding section 658J(c) of such Act, funds allot-
22 ted to a State may be obligated by the State in that fiscal
23 year or the succeeding three fiscal years: *Provided further*,
24 That Federal interest provisions will not apply to the ren-
25 ovation or construction of privately-owned family child

1 care homes, and the Secretary of Health and Human
2 Services shall develop parameters on the use of funds for
3 family child care homes: *Provided further*, That the Sec-
4 retary shall not retain Federal interest after a period of
5 10 years (from the date on which the funds are made
6 available to purchase or improve the property) in any facil-
7 ity renovated or constructed with funds made available in
8 this paragraph: *Provided further*, That funds made avail-
9 able in this paragraph shall not be available for costs that
10 are reimbursed by the Federal Emergency Management
11 Agency, under a contract for insurance, or by self-insur-
12 ance: *Provided further*, That funds appropriated in this
13 paragraph may be made available to restore amounts, ei-
14 ther directly or through reimbursement, for obligations in-
15 curred for such purposes, prior to the date of enactment
16 of this Act: *Provided further*, That such amount is des-
17 igned by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 For an additional amount for “Payments to States
21 for the Child Care and Development Block Grant”,
22 \$250,000,000, to remain available until September 30,
23 2025: *Provided*, That amounts made available in this
24 paragraph shall be available without regard to require-
25 ments in sections 658E(c)(3)(E) or 658G of the Child

1 Care and Development Block Grant Act: *Provided further*,
2 That payments made to States, territories, Indian Tribes,
3 and Tribal organizations from amounts made available in
4 this paragraph shall be obligated in this fiscal year or the
5 succeeding two fiscal years: *Provided further*, That
6 amounts made available in this paragraph shall be used
7 to supplement and not supplant other Federal, State, and
8 local public funds expended to provide child care services
9 for eligible individuals: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL PROVISION—THIS TITLE

15 SEC. 2801. Not later than 45 days after the date of
16 enactment of this Act, the agencies receiving funds appro-
17 priated by this title in this Act shall provide a detailed
18 operating plan of anticipated uses of funds made available
19 in this title in this Act by State and territory, and by pro-
20 gram, project, and activity, to the Committees on Appro-
21 priations of the House of Representatives and the Senate:
22 *Provided*, That no such funds shall be obligated before the
23 operating plans are provided to such Committees: *Pro-*
24 *vided further*, That such plans shall be updated, including
25 obligations to date and anticipated use of funds made

1 available in this title in this Act, and submitted to such
2 Committees quarterly until all such funds expire.

3 TITLE IX

4 LEGISLATIVE BRANCH

5 GOVERNMENT ACCOUNTABILITY OFFICE

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$10,000,000, to remain available until expended,
9 for audits and investigations related to Hurricanes Helene
10 and Milton, and other disasters declared pursuant to the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5121 et seq.) in calendar years 2023
13 and 2024: *Provided*, That such amount is designated by
14 the Congress as being for an emergency requirement pur-
15 suant to section 251(b)(2)(A)(i) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 TITLE X

18 DEPARTMENT OF DEFENSE

19 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

20 For an additional amount for “Military Construction,
21 Navy and Marine Corps”, \$1,127,281,000, to remain
22 available until September 30, 2029, for necessary expenses
23 related to the consequences of Typhoon Mawar: *Provided*,
24 That not later than 60 days after enactment of this Act,
25 the Secretary of the Navy, or their designee, shall submit

1 to the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate form 1391 for each specific
3 project and an expenditure plan for funds provided under
4 this heading in this Act: *Provided further*, That such funds
5 may be obligated or expended for design and military con-
6 struction projects not otherwise authorized by law: *Pro-*
7 *vided further*, That such amount is designated by the Con-
8 gress as being for an emergency requirement pursuant to
9 section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 MILITARY CONSTRUCTION, AIR FORCE

12 For an additional amount for “Military Construction,
13 Air Force”, \$487,300,000, to remain available until Sep-
14 tember 30, 2029, for necessary expenses related to the
15 consequences of Typhoon Mawar: *Provided*, That not later
16 than 60 days after enactment of this Act, the Secretary
17 of the Air Force, or their designee, shall submit to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate form 1391 for each specific project
20 and an expenditure plan for funds provided under this
21 heading in this Act: *Provided further*, That such funds
22 may be obligated or expended for design and military con-
23 struction projects not otherwise authorized by law: *Pro-*
24 *vided further*, That such amount is designated by the Con-
25 gress as being for an emergency requirement pursuant to

1 section 251(b)(2)(A)(i) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

4 For an additional amount for “Military Construction,
5 Army National Guard”, \$21,000,000, to remain available
6 until September 30, 2029, for necessary expenses related
7 to the consequences of Typhoon Mawar and severe storms
8 in calendar year 2023: *Provided*, That not later than 60
9 days after enactment of this Act, the Director of the Army
10 National Guard, or their designee, shall submit to the
11 Committees on Appropriations of the House of Represent-
12 atives and the Senate form 1391 for each specific project
13 and an expenditure plan for funds provided under this
14 heading in this Act: *Provided further*, That such funds
15 may be obligated or expended for design and military con-
16 struction projects not otherwise authorized by law: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

22 CORPS

23 For an additional amount for “Family Housing Con-
24 struction, Navy and Marine Corps”, \$27,399,000, to re-
25 main available until September 30, 2029, for necessary ex-

1 penses related to the consequences of Typhoon Mawar:
2 *Provided*, That not later than 60 days after enactment of
3 this Act, the Secretary of the Navy, or their designee, shall
4 submit to the Committees on Appropriations of the House
5 of Representatives and the Senate an expenditure plan for
6 funds provided under this heading in this Act: *Provided*
7 *further*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 FAMILY HOUSING OPERATION AND MAINTENANCE,

12 NAVY AND MARINE CORPS

13 For an additional amount for “Family Housing Oper-
14 ation and Maintenance, Navy and Marine Corps”,
15 \$102,168,000, to remain available until September 30,
16 2026, for necessary expenses related to the consequences
17 of Typhoon Mawar: *Provided*, That not later than 60 days
18 after enactment of this Act, the Secretary of the Navy,
19 or their designee, shall submit to the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate an expenditure plan for funds provided under this
22 heading in this Act: *Provided further*, That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 DEPARTMENT OF VETERANS AFFAIRS

4 VETERANS HEALTH ADMINISTRATION

5 MEDICAL SERVICES

6 For an additional amount for “Medical Services”,
7 \$19,258,000, to remain available until September 30,
8 2027, for necessary expenses related to the consequences
9 of Hurricanes Milton and Helene: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 MEDICAL SUPPORT AND COMPLIANCE

15 For an additional amount for “Medical Support and
16 Compliance”, \$330,000, to remain available until Sep-
17 tember 30, 2027, for necessary expenses related to the
18 consequences of Hurricanes Milton and Helene: *Provided*,
19 That such amount is designated by the Congress as being
20 for an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for “Medical Facilities”,
25 \$41,660,000, to remain available until September 30,

1 2029, for necessary expenses related to the consequences
2 of Hurricanes Milton and Helene and other Federally de-
3 clared disasters occurring in 2023 and 2024: *Provided*,
4 That such amount is designated by the Congress as being
5 for an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 NATIONAL CEMETERY ADMINISTRATION

9 For an additional amount for “National Cemetery
10 Administration” for necessary expenses related to the con-
11 sequences of Hurricanes Milton and Helene, \$693,000, to
12 remain available until September 30, 2029: *Provided*,
13 That such amount is designated by the Congress as being
14 for an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 DEPARTMENTAL ADMINISTRATION

18 CONSTRUCTION, MAJOR PROJECTS

19 For an additional amount for “Construction, Major
20 Projects”, \$4,000,000, to remain available until Sep-
21 tember 30, 2029, for necessary expenses related to the
22 consequences of Hurricanes Milton and Helene: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 CONSTRUCTION, MINOR PROJECTS

4 For an additional amount for “Construction, Minor
5 Projects”, \$2,020,000, to remain available until Sep-
6 tember 30, 2029, for necessary expenses related to the
7 consequences of Hurricanes Milton and Helene: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 TITLE XI

13 DEPARTMENT OF STATE AND RELATED

14 AGENCY

15 DEPARTMENT OF STATE

16 INTERNATIONAL COMMISSIONS

17 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

18 UNITED STATES AND MEXICO

19 CONSTRUCTION

20 For an additional amount for “Construction”,
21 \$250,000,000, to remain available until expended: *Pro-*
22 *vided*, That funds provided under this heading in this Act
23 shall be subject to prior consultation with, and the regular
24 notification procedures of, the Committees on Appropria-
25 tions of the House of Representatives and the Senate: *Pro-*

1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 TITLE XII

6 DEPARTMENT OF TRANSPORTATION

7 FEDERAL HIGHWAY ADMINISTRATION

8 EMERGENCY RELIEF PROGRAM

9 For an additional amount for the “Emergency Relief
10 Program” as authorized under section 125 of title 23,
11 United States Code, \$8,086,020,000, to remain available
12 until expended: *Provided*, That notwithstanding subsection
13 (e) of section 120 of title 23, United States Code, for any
14 obligations made on or after March 26, 2024, for fiscal
15 year 2024, this fiscal year, and hereafter, the Federal
16 share for Emergency Relief funds made available under
17 section 125 of such title to respond to damage caused by
18 the cargo ship Dali to the Francis Scott Key Bridge lo-
19 cated in Baltimore City and Baltimore and Anne Arundel
20 Counties, Maryland, including reconstruction of that
21 bridge and its approaches, shall be 100 percent: *Provided*
22 *further*, That consistent with section 668.105(e) of title
23 23, Code of Federal Regulations (or a successor regula-
24 tion), any insurance proceeds, judgments, settlements,
25 penalties, fines, or other compensation for damages, in-

1 cluding interest, from whatever source derived, recovered
2 by a State, a political subdivision of a State, or a toll au-
3 thority for repair, including reconstruction, of the Francis
4 Scott Key Bridge located in Baltimore City and Baltimore
5 and Anne Arundel Counties, Maryland, in response to, or
6 as a result of, the damage caused by the cargo ship Dali
7 to that bridge and its approaches, shall be used upon re-
8 ceipt to reduce liability on the repair, including reconstruc-
9 tion, of such bridge and its approaches from the emer-
10 gency fund authorized under section 125 of title 23,
11 United States Code: *Provided further*, That any funds re-
12 covered and used to reduce liability pursuant to the pre-
13 ceding proviso shall not exceed the total amount of liability
14 on the repair, including reconstruction, of the Francis
15 Scott Key Bridge located in Baltimore City and Baltimore
16 and Anne Arundel Counties, Maryland, and its ap-
17 proaches, from the emergency fund authorized under sec-
18 tion 125 of title 23, United States Code: *Provided further*,
19 That such amount is designated by the Congress as being
20 for an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 COMMUNITY PLANNING AND DEVELOPMENT
4 COMMUNITY DEVELOPMENT FUND
5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for “Community Develop-
7 ment Fund”, \$12,039,000,000, to remain available until
8 expended, for the same purposes and under the same
9 terms and conditions as funds appropriated under such
10 heading in title VIII of the Disaster Relief Supplemental
11 Appropriations Act, 2022 (Public Law 117–43), except
12 that such amounts shall be for major disasters that oc-
13 curred in 2023 or 2024 and the fourth, tenth, 15th, 16th,
14 20th, and 21st provisos under such heading in such Act
15 shall not apply: *Provided*, That the Secretary of Housing
16 and Urban Development shall allocate all funds provided
17 under this heading in this Act for the total estimate for
18 unmet needs including additional mitigation for qualifying
19 disasters and publish such allocations in the Federal Reg-
20 ister no later than January 15, 2025: *Provided further*,
21 That the amount obligated for each qualifying disaster
22 area shall be no less than the amounts specified in such
23 Federal Register publication, unless such allocation is re-
24 jected by the grantee: *Provided further*, That a grantee
25 shall submit a plan to the Secretary for approval detailing

1 the proposed use of all funds, including criteria for eligi-
2 bility and how the use of these funds will address long-
3 term recovery and restoration of infrastructure and hous-
4 ing, economic revitalization, and mitigation in the most
5 impacted and distressed areas: *Provided further*, That un-
6 obligated balances remaining as of the date of enactment
7 of this Act included under Treasury Appropriation Fund
8 Symbol 86 X 0162 from Public Laws 108–324, 109–148,
9 109–234, 110–252, 110–329, 111–212, 112–55, and
10 113–2 shall also be available for the purposes authorized
11 under this heading in this Act (except that the amount
12 for each set-aside provided herein shall not be exceeded),
13 notwithstanding the purposes for which such amounts
14 were appropriated: *Provided further*, That of the amounts
15 made available under this heading in this Act,
16 \$45,000,000 shall be transferred to “Department of
17 Housing and Urban Development—Management and Ad-
18 ministration—Program Offices” for salaries and expenses
19 of the Office of Community Planning and Development for
20 necessary costs, including information technology costs, of
21 administering and overseeing the obligation and expendi-
22 ture of amounts made available for activities authorized
23 under title I of the Housing and Community Development
24 Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster
25 relief, long-term recovery, restoration of infrastructure

1 and housing, economic revitalization, and mitigation in the
2 most impacted and distressed areas resulting from a
3 major disaster in this, prior, or future Acts (“this, prior,
4 or future disaster Acts”): *Provided further*, That of the
5 amounts made available under this heading in this Act,
6 \$1,850,000 shall be transferred to “Department of Hous-
7 ing and Urban Development—Information Technology
8 Fund” for the disaster recovery data portal: *Provided fur-*
9 *ther*, That of the amounts made available under this head-
10 ing in this Act, \$7,000,000 shall be transferred to “De-
11 partment of Housing and Urban Development—Office of
12 Inspector General” for necessary costs of overseeing and
13 auditing amounts made available in this, prior, or future
14 disaster Acts: *Provided further*, That of the amounts made
15 available under this heading in this Act, \$25,000,000 shall
16 be made available for capacity building and technical as-
17 sistance, including assistance on contracting and procure-
18 ment processes, to support recipients of allocations from
19 this, prior, or future disaster Acts: *Provided further*, That
20 amounts made available under this heading in this Act
21 may be used by a grantee to assist utilities as part of a
22 disaster-related eligible activity under section 105(a) of
23 the Housing and Community Development Act of 1974
24 (42 U.S.C. 5305(a)): *Provided further*, That recipients of
25 funds made available in this, prior, or future disaster Acts

1 that use such funds to supplement other Federal assist-
2 ance may adopt, without review or public comment, any
3 environmental review, approval, or permit performed by
4 a Federal agency, and such adoption shall satisfy the re-
5 sponsibilities of the recipient with respect to such environ-
6 mental review, approval or permit, so long as the actions
7 covered by the existing environmental review, approval, or
8 permit and the actions proposed for these supplemental
9 funds are substantially the same: *Provided further*, That
10 the Secretary or a State may, upon receipt of a request
11 for release of funds and certification, immediately approve
12 the release of funds for any activity or project if the recipi-
13 ent has adopted an environmental review, approval or per-
14 mit under the previous proviso or if the activity or project
15 is categorically excluded from review under the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.), notwithstanding section 104(g)(2) of the Housing
18 and Community Development Act of 1974 (42 U.S.C.
19 5304(g)(2)): *Provided further*, That such amount and
20 amounts repurposed under this heading that were pre-
21 viously designated by the Congress as an emergency re-
22 quirement pursuant to a concurrent resolution on the
23 budget or the Balanced Budget and Emergency Deficit
24 Control Act of 1985 are designated by the Congress as
25 being for an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 TITLE XIII

4 GENERAL PROVISIONS

5 SEC. 21301. Each amount appropriated or made
6 available by this Act is in addition to amounts otherwise
7 appropriated for the fiscal year involved.

8 SEC. 21302. No part of any appropriation contained
9 in this Act shall remain available for obligation beyond
10 the current fiscal year unless expressly so provided herein.

11 SEC. 21303. Unless otherwise provided for by this
12 Act, the additional amounts appropriated by this Act to
13 appropriations accounts shall be available under the au-
14 thorities and conditions applicable to such appropriations
15 accounts for fiscal year 2025.

16 SEC. 21304. Each amount designated in divisions A
17 or B by the Congress as being for an emergency require-
18 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985 shall
20 be available (or repurposed, rescinded, or transferred, if
21 applicable) only if the President subsequently so des-
22 ignates all such amounts and transmits such designations
23 to the Congress.

24 SEC. 21305. Any amount appropriated by divisions
25 A or B, designated by the Congress as an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985,
3 and subsequently so designated by the President, and
4 transferred pursuant to transfer authorities provided by
5 this division shall retain such designation.

6 SEC. 21306. Budgetary Effects.—

7 (1) STATUTORY PAYGO SCORECARDS.—The
8 budgetary effects of division C and each succeeding
9 division shall not be entered on either PAYGO score-
10 card maintained pursuant to section 4(d) of the
11 Statutory Pay-As-You-Go Act of 2010.

12 (2) SENATE PAYGO SCORECARDS.—The budg-
13 etary effects of division C and each succeeding divi-
14 sion shall not be entered on any PAYGO scorecard
15 maintained for purposes of section 4106 of H. Con.
16 Res. 71 (115th Congress).

17 (3) CLASSIFICATION OF BUDGETARY EF-
18 FECTS.—Notwithstanding Rule 3 of the Budget
19 Scorekeeping Guidelines set forth in the joint ex-
20 planatory statement of the committee of conference
21 accompanying Conference Report 105–217 and sec-
22 tion 250(c)(8) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, the budgetary ef-
24 fects of division C and each succeeding division shall
25 not be estimated—

1 (A) for purposes of section 251 of such
2 Act;

3 (B) for purposes of an allocation to the
4 Committee on Appropriations pursuant to sec-
5 tion 302(a) of the Congressional Budget Act of
6 1974; and

7 (C) for purposes of paragraph (4)(C) of
8 section 3 of the Statutory Pay-As-You-Go Act
9 of 2010 as being included in an appropriation
10 Act.

11 (4) BALANCES ON THE PAYGO SCORECARDS.—
12 Effective on the date of the adjournment of the sec-
13 ond session of the 118th Congress, and for the pur-
14 poses of the annual report issued pursuant to section
15 5 of the Statutory Pay-As-You-Go Act of 2010 (2
16 U.S.C. 934) after such adjournment and for deter-
17 mining whether a sequestration order is necessary
18 under such section, the balances on the PAYGO
19 scorecards established pursuant to paragraphs (4)
20 and (5) of section 4(d) of such Act shall be zero.

21 This division may be cited as the “Disaster Relief
22 Supplemental Appropriations Act, 2025”.

1 **DIVISION C—OTHER MATTERS**
2 **TITLE I—DISASTER RELIEF**

3 **SEC. 101. DISASTER GRANT CLOSEOUT PROCEDURES.**

4 Section 705 of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5205) is
6 amended—

7 (1) by striking “State or local government” and
8 inserting “State, local government, or the owner or
9 operator of a private nonprofit facility” each place it
10 appears;

11 (2) in paragraphs (3) and (4) of subsection (b)
12 by striking “Federal, State, or local government”
13 and inserting “Federal Government, State, local gov-
14 ernment, or the owner or operator of a private non-
15 profit facility”; and

16 (3) in subsection (d)(1) by striking “State,
17 local,” and inserting “State, local government, the
18 owner or operator of a private nonprofit facility,”.

19 **SEC. 102. AVAILABILITY OF EXCESS FUNDS.**

20 (a) IN GENERAL.—Section 324 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5165b) is amended—

23 (1) in subsection (b)(2)—

1 (A) by redesignating subparagraphs (A)
2 and (B) as clauses (i) and (ii), respectively, and
3 adjusting the margins accordingly; and

4 (B) in the matter preceding clause (i), as
5 so redesignated, by striking “provide the fol-
6 lowing percentage rates” and inserting “pro-
7 vide—

8 “(A) excess funds for management costs as
9 described in subsection (c); and

10 “(B) the following percentage rates”;

11 (2) by redesignating subsection (c) as sub-
12 section (d); and

13 (3) by inserting after subsection (b) the fol-
14 lowing:

15 “(c) USE OF EXCESS FUNDS FOR MANAGEMENT
16 COSTS.—

17 “(1) DEFINITION.—In this subsection, the term
18 ‘excess funds for management costs’ means the dif-
19 ference between—

20 “(A) the amount of the applicable specific
21 management costs authorized under subsection
22 (b)(1) and subsection (b)(2)(B); and

23 “(B) as of the date on which the grant
24 award is closed, the amount of funding for
25 management costs activities expended by the

1 grantee or subgrantee receiving the financial as-
2 sistance for costs described in subparagraph
3 (A).

4 “(2) AVAILABILITY OF EXCESS FUNDS FOR
5 MANAGEMENT COSTS.—The President may make
6 available to a grantee or subgrantee receiving finan-
7 cial assistance under section 403, 404, 406, 407, or
8 502 any excess funds for management costs.

9 “(3) USE OF FUNDS.—Excess funds for man-
10 agement costs made available to a grantee or sub-
11 grantee under paragraph (2) may be used for—

12 “(A) activities associated with building ca-
13 pacity to prepare for, recover from, or mitigate
14 the impacts of a major disaster or emergency
15 declared under section 401 or 501, respectively;
16 and

17 “(B) management costs associated with
18 any—

19 “(i) major disaster;

20 “(ii) emergency;

21 “(iii) disaster preparedness measure;

22 or

23 “(iv) mitigation activity or measure
24 authorized under section 203, 204, 205, or
25 404.

1 “(4) AVAILABILITY.—Excess funds for manage-
2 ment costs made available to a grantee or sub-
3 grantee under paragraph (2) shall remain available
4 to the grantee or subgrantee until the date that is
5 5 years after the date on which the excess funds for
6 management costs are made available under para-
7 graph (2).”.

8 (b) APPLICABILITY.—The amendments made by sub-
9 section (a) shall apply with respect to any grant award
10 in relation to a major disaster or emergency declared
11 under section 401 or 501, respectively, of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5170, 5191)—

14 (1) the declaration of which is made on or after
15 the date of enactment of this Act; and

16 (2) that is funded with amounts appropriated
17 on or after the date of enactment of this Act.

18 (c) GAO STUDY.—Not later than 180 days after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit to the Committee on
21 Homeland Security and Governmental Affairs of the Sen-
22 ate and the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives a report—

24 (1) on the actual management costs described
25 in section 324 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C.
2 5165b) during the period of a major disaster dec-
3 laration under section 401 of such Act (42 U.S.C.
4 5170) to determine whether the amount set aside for
5 those management costs after the date of enactment
6 of this Act is appropriate; and

7 (2) that includes the management costs de-
8 scribed in section 324 of the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42
10 U.S.C. 5165b) for each disaster declared under dur-
11 ing the period of a major disaster declaration under
12 section 401 of such Act (42 U.S.C. 5170) during the
13 5-year period preceding the date of the report, the
14 amount set aside for those management costs, the
15 use of those management costs, the length of each
16 disaster, and the reason for the length of each dis-
17 aster.

18 (d) NO ADDITIONAL FUNDS.—No additional funds
19 are authorized to be appropriated to carry out the amend-
20 ments made by subsection (a).

1 **SEC. 103. REIMBURSEMENT FOR REPAIR, REPLACEMENT,**
2 **AND RESTORATION WORK ON PRIVATE**
3 **ROADS AND BRIDGES IMPACTED BY TROP-**
4 **ICAL STORM HELENE.**

5 (a) **ELIGIBILITY FOR REIMBURSEMENT.**—Notwith-
6 standing any provision of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
8 seq.) or the regulations governing the public assistance
9 program of the Federal Emergency Management Agency
10 under such Act, the State, Indian Tribal, and local govern-
11 ments in North Carolina covered under major disaster
12 declaration FEMA-4827-DR-NC (relating to Tropical
13 Storm Helene) shall be eligible for reimbursement for the
14 cost of repairs, replacements, or restoration to private
15 roads and bridges, without regard to pre-existing condi-
16 tion, under section 428 of such Act that—

17 (1) are used as the sole means of access to pri-
18 mary residences or essential community services;

19 (2) are significantly damaged or destroyed as a
20 direct result of Tropical Storm Helene as identified
21 in FEMA-4827-DR-NC; and

22 (3) does not duplicate work that has already
23 been completed.

24 (b) **CONDITIONS OF REIMBURSEMENT.**—Reimburse-
25 ment under this section shall be subject to the following
26 conditions:

1 (1) Private roads or bridges shall be inspected
2 by appropriate State, Indian Tribal, or local govern-
3 ment officials or their designees to verify the scope,
4 need, and cost-effectiveness of any mitigation meas-
5 ures for the proposed repair, replacement, or res-
6 toration.

7 (2) The State, Indian Tribal, or local govern-
8 ments requesting assistance shall ensure that the
9 private roads or bridges being repaired, replaced, or
10 restored remain open for disaster recovery activities
11 for the duration of the repair, replacement, or res-
12 toration process.

13 (3) The State or Indian Tribal governments
14 shall be responsible for documenting all costs associ-
15 ated with repairs, replacements, or restorations with-
16 in their jurisdiction in accordance with Federal
17 Emergency Management Agency policy.

18 (4) The State, Indian Tribal, or local govern-
19 ment applying for public assistance funding shall ob-
20 tain authority or permission to perform the work to
21 permanently repair, replace, or restore the private
22 roads and bridges.

23 (5) The State, Indian Tribal, or local govern-
24 ment applying for public assistance funding shall en-
25 sure the work under this section is performed in

1 compliance with all applicable State and Federal
2 regulations and requirements that pertain to work
3 that is permanent in nature.

4 (c) DUPLICATION OF BENEFITS.—

5 (1) IN GENERAL.—Any individual or household
6 that has received assistance prior to the date of en-
7 actment of this section pursuant to section 408 of
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5174) for the pur-
10 poses of repairing a private road or bridge eligible
11 under this section may proceed with such repairs or
12 return any such assistance to have such repair eligi-
13 ble pursuant to this section.

14 (2) CALCULATION.—In the event the individual
15 or household chooses to proceed with such repairs
16 utilizing assistance provided pursuant to section 408
17 of the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5174) for a private
19 road or bridge, such assistance shall not be counted
20 against the maximum amount of assistance for such
21 individual or household under such section.

22 (d) ELIGIBLE COSTS.—In determining eligible costs,
23 the Administrator shall base such determinations on prop-
24 erly conducted and certified cost estimates prepared by
25 professionally licensed engineers (mutually agreed upon by

1 the Administrator and the applicant). Once certified by
2 a professionally licensed engineer and accepted by the Ad-
3 ministrator, the estimates on which grants made pursuant
4 to this section are based shall be presumed to be reason-
5 able and eligible costs, as long as there is no evidence of
6 fraud.

7 **TITLE II—RECYCLING, WATER,**
8 **AND ENVIRONMENT RELATED**
9 **PROVISIONS**

10 **SEC. 201. RECYCLING AND COMPOSTING ACCOUNTABILITY.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Recycling and Composting Accountability Act”.

13 (b) **DEFINITIONS.**—

14 (1) **IN GENERAL.**—In this section:

15 (A) **ADMINISTRATOR.**—The term “Admin-
16 istrator” means the Administrator of the Envi-
17 ronmental Protection Agency.

18 (B) **COMPOST.**—The term “compost”
19 means a product that—

20 (i) is manufactured through the con-
21 trolled aerobic, biological decomposition of
22 biodegradable materials;

23 (ii) has been subjected to medium and
24 high temperature organisms, which—

1 (I) significantly reduce the viabil-
2 ity of pathogens and weed seeds; and

3 (II) stabilize carbon in the prod-
4 uct such that the product is beneficial
5 to plant growth; and

6 (iii) is typically used as a soil amend-
7 ment, but may also contribute plant nutri-
8 ents.

9 (C) COMPOSTABLE MATERIAL.—The term
10 “compostable material” means material that is
11 a feedstock for creating compost, including—

12 (i) wood;

13 (ii) agricultural crops;

14 (iii) paper, such as cardboard and
15 other paper products;

16 (iv) certified compostable products as-
17 sociated with organic waste;

18 (v) other organic plant material;

19 (vi) organic waste, including food
20 waste and yard waste; and

21 (vii) such other material that is com-
22 posed of biomass that can be continually
23 replenished or renewed, as determined by
24 the Administrator.

1 (D) INDIAN TRIBE.—The term “Indian
2 Tribe” has the meaning given the term in sec-
3 tion 4 of the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C. 5304).

5 (E) RECYCLABLE MATERIAL.—The term
6 “recyclable material” means a material that is
7 obsolete, previously used, off-specification, sur-
8 plus, or incidentally produced for processing
9 into a specification-grade commodity for which
10 a reuse market currently exists or is being de-
11 veloped.

12 (F) RECYCLING.—The term “recycling”
13 means the series of activities—

14 (i) during which recyclable materials
15 are processed into specification-grade com-
16 modities and consumed as raw-material
17 feedstock, in lieu of virgin materials, in the
18 manufacturing of new products;

19 (ii) that may, with regard to recycla-
20 ble materials and prior to the activities de-
21 scribed in clause (i), include sorting, collec-
22 tion, processing, and brokering; and

23 (iii) that result, subsequent to proc-
24 essing described in clause (i), in consump-

1 tion by a materials manufacturer, includ-
2 ing for the manufacturing of new products.

3 (G) STATE.—The term “State” has the
4 meaning given the term in section 1004 of the
5 Solid Waste Disposal Act (42 U.S.C. 6903).

6 (2) DEFINITION OF PROCESSING.—In subpara-
7 graphs (E) and (F) of paragraph (1), the term
8 “processing” means any mechanical, manual, or
9 other method that—

10 (A) transforms a recyclable material into a
11 specification-grade commodity; and

12 (B) may occur in multiple steps, with dif-
13 ferent phases, including sorting, occurring at
14 different locations.

15 (c) REPORTS ON COMPOSTING AND RECYCLING IN-
16 FRASTRUCTURE CAPABILITIES.—

17 (1) IN GENERAL.—Subtitle D of the Solid
18 Waste Disposal Act (42 U.S.C. 6941 et seq.) is
19 amended by adding at the end the following:

20 **“SEC. 4011. REPORTS ON COMPOSTING AND RECYCLING IN-**
21 **FRASTRUCTURE CAPABILITIES.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) RECYCLING AND COMPOSTING ACCOUNT-
24 ABILITY ACT TERMS.—The terms ‘compost’,
25 ‘compostable material’, ‘recyclable material’, and ‘re-

1 cycling’ have the meanings given the terms in sub-
2 section (b) of the Recycling and Composting Ac-
3 countability Act.

4 “(2) COMPOSTING FACILITY.—The term
5 ‘composting facility’ means a location, structure, or
6 device that transforms compostable materials into
7 compost.

8 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
9 has the meaning given the term in section 4 of the
10 Indian Self-Determination and Education Assistance
11 Act (25 U.S.C. 5304).

12 “(4) MATERIALS RECOVERY FACILITY.—

13 “(A) IN GENERAL.—The term ‘materials
14 recovery facility’ means a dedicated facility
15 where primarily residential recyclable materials,
16 which are diverted from disposal by the gener-
17 ator and collected separately from municipal
18 solid waste, are mechanically or manually sort-
19 ed into commodities for further processing into
20 specification-grade commodities for sale to end
21 users.

22 “(B) EXCLUSION.—The term ‘materials
23 recovery facility’ does not include a solid waste
24 management facility that may process munic-
25 ipal solid waste to remove recyclable materials.

1 “(C) DEFINITION OF PROCESSING.—For
2 purposes of this paragraph, the term ‘proc-
3 essing’ has the meaning given the term in sub-
4 section (b)(2) of the Recycling and Composting
5 Accountability Act.

6 “(b) REPORT.—

7 “(1) IN GENERAL.—The Administrator shall re-
8 quest information and data from, collaborate with,
9 or contract with, as necessary and appropriate,
10 States, units of local government, and Indian Tribes,
11 for the provision, preparation, and publication of a
12 report, or to expand work under the National Recy-
13 cling Strategy to include information and data, on
14 compostable materials and efforts to reduce contami-
15 nation rates for recycling, including—

16 “(A) an evaluation of existing Federal,
17 State, and local laws that may present barriers
18 to implementation of composting strategies;

19 “(B) a description and evaluation of
20 composting infrastructure and programs within
21 States, units of local government, and Indian
22 Tribes;

23 “(C) an estimate of the costs and approxi-
24 mate land needed to expand composting pro-
25 grams; and

1 “(D) a review of the practices of manufac-
2 turers and companies that are moving to using
3 compostable packaging and food service ware
4 for the purpose of making the composting proc-
5 ess the end-of-life use of those products.

6 “(2) SUBMISSION.—Not later than 2 years
7 after the date of enactment of this section, the Ad-
8 ministrator shall submit to Congress the report pre-
9 pared under paragraph (1).

10 “(c) INVENTORY OF MATERIALS RECOVERY FACILI-
11 TIES.—Not later than 3 years after the date of enactment
12 of this section, and every 4 years thereafter, the Adminis-
13 trator, in consultation with relevant Federal agencies and
14 States, units of local government, and Indian Tribes,
15 shall—

16 “(1) prepare an inventory or estimate of mate-
17 rials recovery facilities in the United States, includ-
18 ing—

19 “(A) the number of materials recovery fa-
20 cilities in each State; and

21 “(B) a general description of the materials
22 that each of those materials recovery facilities
23 can process, including—

24 “(i) in the case of plastic, a descrip-
25 tion of—

1 “(I) the types of accepted resin,
2 if applicable; and

3 “(II) the packaging or product
4 format, such as a jug, a carton, or
5 film;

6 “(ii) food packaging and service ware,
7 such as a bottle, cutlery, or a cup;

8 “(iii) paper;

9 “(iv) aluminum, such as an aluminum
10 beverage can, food can, aerosol can, or foil;

11 “(v) steel, such as a steel food or aer-
12 osol can;

13 “(vi) other scrap metal;

14 “(vii) glass; or

15 “(viii) any other material not de-
16 scribed in any of clauses (i) through (vii)
17 that a materials recovery facility processes;
18 and

19 “(2) submit to Congress the inventory or esti-
20 mate prepared under paragraph (1).

21 “(d) INFORMATION ON RECYCLING AND COMPOSTING
22 SYSTEMS.—The Administrator shall, as necessary and ap-
23 propriate, collaborate or contract with States, units of
24 local government, and Indian Tribes to estimate, with re-
25 spect to the United States—

1 “(1) the number and types of recycling and
2 composting programs;

3 “(2) the types and forms of materials accepted
4 by recycling or composting programs;

5 “(3) the number of individuals—

6 “(A) with access to recycling and
7 composting services to at least the extent of ac-
8 cess to disposal services; and

9 “(B) who use, on a percentage basis, the
10 recycling and composting services described in
11 subparagraph (A);

12 “(4) the number of individuals with barriers to
13 accessing recycling and composting services similar
14 to their access to disposal services and the types of
15 those barriers experienced;

16 “(5) the inbound contamination and capture
17 rates of recycling and composting programs;

18 “(6) if applicable, other available recycling or
19 composting programs; and

20 “(7) the average costs and benefits to States,
21 units of local government, and Indian Tribes of recy-
22 cling and composting programs.

23 “(e) RECYCLING REPORTING RATES.—

24 “(1) COLLECTION OF DATA; DEVELOPMENT OF
25 RATES.—The Administrator may use amounts made

1 available under subsection (f) of the Recycling and
2 Composting Accountability Act—

3 “(A) to biannually collect, in collaboration
4 with States, to the extent practicable, informa-
5 tion supplied on a voluntary basis to develop
6 the estimated rates described in subparagraphs
7 (B) and (C);

8 “(B) to develop a standardized estimated
9 rate of recyclable materials in States that pro-
10 vide information under subparagraph (A) that
11 have been successfully diverted from the waste
12 stream and brought to a materials recovery fa-
13 cility or composting facility; and

14 “(C) to develop an estimated national recy-
15 cling rate based on the information described in
16 subparagraphs (A) and (B).

17 “(2) USE.—Using amounts made available
18 under subsection (f) of the Recycling and
19 Composting Accountability Act, the Administrator
20 may use the information collected and rates devel-
21 oped under paragraph (1) to provide requesting
22 States, units of local government, and Indian Tribes
23 data and technical assistance—

1 “(A) to reduce the overall waste produced
2 by the States, units of local government, and
3 Indian Tribes;

4 “(B) to assist the States, units of local
5 government, and Indian Tribes in under-
6 standing the nuances of the information col-
7 lected relating to diversion activities; and

8 “(C) to increase recycling and composting
9 rates of the States, units of local government,
10 and Indian Tribes.

11 “(f) REPORT ON END MARKETS.—The Adminis-
12 trator, in collaboration or contract with, as necessary and
13 appropriate, relevant Federal agencies, States, units of
14 local government, or Indian Tribes, shall—

15 “(1) provide an update to the report submitted
16 under section 306 of the Save Our Seas 2.0 Act
17 (Public Law 116–224; 134 Stat. 1096) to include an
18 addendum on the end-market sale of all recyclable
19 materials from materials recovery facilities that
20 process recyclable materials, including, to the extent
21 practicable—

22 “(A) the total, in dollars per ton, domestic
23 sales of bales of recyclable materials; and

24 “(B) the total, in dollars per ton, inter-
25 national sales of bales of recyclable materials;

1 “(2) prepare a report on the end-market sale of
2 compost from, to the extent practicable, compostable
3 materials, including the total, in dollars per ton, of
4 domestic sales of compostable materials; and

5 “(3) not later than 3 years after the date of en-
6 actment of this section, submit to Congress the up-
7 date to the report prepared under paragraph (1) and
8 the report prepared under paragraph (2).

9 “(g) PRIVILEGED OR CONFIDENTIAL INFORMA-
10 TION.—

11 “(1) IN GENERAL.—Information collected under
12 subsection (e)(1) or paragraph (1) or (2) of sub-
13 section (f) shall not include any privileged or con-
14 fidential information described in section 552(b)(4)
15 of title 5, United States Code.

16 “(2) NONDISCLOSURE.—Information collected
17 to carry out this section shall not be made public if
18 the information meets the requirements of section
19 552(b) of title 5, United States Code.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents in section 1001 of the Solid Waste Disposal
22 Act (Public Law 89–272; 90 Stat. 2795; 98 Stat.
23 3268) is amended by inserting after the item relat-
24 ing to section 4010 the following:

“Sec. 4011. Report on composting and recycling infrastructure capabilities.”.

1 (d) FEDERAL AGENCY ACTIVITIES RELATED TO RE-
2 CYCLING.—Not later than 2 years after the date of enact-
3 ment of this Act, and every 2 years thereafter until 2033,
4 the Comptroller General of the United States shall make
5 publicly available a report—

6 (1) detailing or, to the extent practicable, pro-
7 viding an estimate of—

8 (A) the total annual recycling and
9 composting rates reported by all Federal agen-
10 cies; and

11 (B) the total annual percentage of prod-
12 ucts containing recyclable material, compostable
13 material, or recovered materials purchased by
14 all Federal agencies, including—

15 (i) the total quantity of procured
16 products containing recyclable material or
17 recovered materials listed in the com-
18 prehensive procurement guidelines pub-
19 lished under section 6002(e) of the Solid
20 Waste Disposal Act (42 U.S.C. 6962(e));
21 and

22 (ii) the total quantity of compostable
23 material purchased by all Federal agencies;

24 (2) identifying the activities of each Federal
25 agency that promote recycling or composting; and

1 (3) identifying activities that Federal agencies
2 could carry out to further promote recycling or
3 composting.

4 (e) STUDY ON THE DIVERSION OF RECYCLABLE MA-
5 TERIALS FROM A CIRCULAR MARKET.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Administrator
8 shall develop a metric for determining the proportion
9 of recyclable materials in commercial and municipal
10 waste streams that are being diverted from a cir-
11 cular market.

12 (2) STUDY; REPORT.—Not later than 1 year
13 after the development of a metric under paragraph
14 (1), the Administrator shall conduct a study of, and
15 submit to Congress a report on, the proportion of re-
16 cyclable materials in commercial and municipal
17 waste streams that, during each of the 10 calendar
18 years preceding the year of submission of the report,
19 were diverted from a circular market.

20 (3) DATA.—The report under paragraph (2)
21 shall provide data on specific recyclable materials,
22 including aluminum, plastics, paper and paperboard,
23 textiles, and glass, that were prevented from remain-
24 ing in a circular market through disposal or elimi-

1 nation, and to what use those specific recyclable ma-
2 terials were lost.

3 (4) EVALUATION.—The report under paragraph
4 (2) shall include an evaluation of whether the estab-
5 lishment or improvement of recycling programs
6 would—

7 (A) improve recycling rates;

8 (B) reduce the quantity of recyclable mate-
9 rials being unutilized in a circular market; and

10 (C) affect prices paid by consumers for
11 products using materials recycled in the circular
12 market.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Administrator to
15 carry out this section and the amendments made by this
16 section \$4,000,000 for each of fiscal years 2025 through
17 2029.

18 (g) ADMINISTRATION.—

19 (1) UNFUNDED MANDATES.—The Adminis-
20 trator or the Secretary of Commerce may not exer-
21 cise any authority under this section or any amend-
22 ment made by this section if exercising that author-
23 ity would require a State, a unit of local govern-
24 ment, or an Indian Tribe to carry out a mandate for
25 which funding is not available.

1 (2) NONDISCLOSURE.—Any information col-
2 lected to carry out this section shall not be made
3 public if the information meets the requirements of
4 section 552(b) of title 5, United States Code.

5 **SEC. 202. RECYCLING INFRASTRUCTURE AND ACCESSI-**
6 **BILITY PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) CURBSIDE RECYCLING.—The term
12 “curbside recycling” means the process by which
13 residential recyclable materials are picked up
14 curbside.

15 (3) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State (as defined in section 1004 of
18 the Solid Waste Disposal Act (42 U.S.C.
19 6903));

20 (B) a unit of local government;

21 (C) an Indian Tribe; and

22 (D) a public-private partnership.

23 (4) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (5) MATERIALS RECOVERY FACILITY.—

4 (A) IN GENERAL.—The term “materials
5 recovery facility” means a recycling facility
6 where primarily residential recyclables, which
7 are diverted from disposal by a generator and
8 collected separately from municipal solid waste,
9 are mechanically or manually sorted into com-
10 modities for further processing into specifica-
11 tion-grade commodities for sale to end users.

12 (B) EXCLUSION.—The term “materials re-
13 covery facility” does not include a solid waste
14 management facility that may process munic-
15 ipal solid waste to remove recyclable materials.

16 (6) PILOT GRANT PROGRAM.—The term “pilot
17 grant program” means the Recycling Infrastructure
18 and Accessibility Program established under sub-
19 section (b).

20 (7) RECYCLABLE MATERIAL.—The term “recy-
21 clable material” means obsolete, previously used, off-
22 specification, surplus, or incidentally produced mate-
23 rial for processing into a specification-grade com-
24 modity for which a market exists.

1 (8) TRANSFER STATION.—The term “transfer
2 station” means a facility that—

3 (A) receives and consolidates recyclable
4 material from curbside recycling or drop-off fa-
5 cilities; and

6 (B) loads the recyclable material onto trac-
7 tor trailers, railcars, or barges for transport to
8 a distant materials recovery facility or another
9 recycling-related facility.

10 (9) UNDERSERVED COMMUNITY.—The term
11 “underserved community” means a community, in-
12 cluding an unincorporated area, without access to
13 full recycling services because—

14 (A) transportation, distance, or other rea-
15 sons render utilization of available processing
16 capacity at an existing materials recovery facil-
17 ity cost prohibitive; or

18 (B) the processing capacity of an existing
19 materials recovery facility is insufficient to
20 manage the volume of recyclable materials pro-
21 duced by that community.

22 (b) ESTABLISHMENT.—Not later than 18 months
23 after the date of enactment of this Act, the Administrator
24 shall establish a pilot grant program, to be known as the
25 “Recycling Infrastructure and Accessibility Program”, to

1 award grants, on a competitive basis, to eligible entities
2 to improve recycling accessibility in a community or com-
3 munities within the same geographic area.

4 (c) GOAL.—The goal of the pilot grant program is
5 to fund eligible projects that will significantly improve ac-
6 cessibility to recycling systems through investments in in-
7 frastructure in underserved communities through the use
8 of a hub-and-spoke model for recycling infrastructure de-
9 velopment.

10 (d) APPLICATIONS.—To be eligible to receive a grant
11 under the pilot grant program, an eligible entity shall sub-
12 mit to the Administrator an application at such time, in
13 such manner, and containing such information as the Ad-
14 ministrator may require.

15 (e) CONSIDERATIONS.—In selecting eligible entities
16 to receive a grant under the pilot grant program, the Ad-
17 ministrator shall consider—

18 (1) whether the community or communities in
19 which the eligible entity is seeking to carry out a
20 proposed project has curbside recycling;

21 (2) whether the proposed project of the eligible
22 entity will improve accessibility to recycling services
23 in a single underserved community or multiple un-
24 derserved communities; and

1 (3) if the eligible entity is a public-private part-
2 nership, the financial health of the private entity
3 seeking to enter into that public-private partnership.

4 (f) PRIORITY.—In selecting eligible entities to receive
5 a grant under the pilot grant program, the Administrator
6 shall give priority to eligible entities seeking to carry out
7 a proposed project in a community in which there is not
8 more than 1 materials recovery facility within a 75-mile
9 radius of that community.

10 (g) USE OF FUNDS.—An eligible entity awarded a
11 grant under the pilot grant program may use the grant
12 funds for projects to improve recycling accessibility in
13 communities, including in underserved communities, by—

14 (1) increasing the number of transfer stations;

15 (2) expanding curbside recycling collection pro-
16 grams where appropriate; and

17 (3) leveraging public-private partnerships to re-
18 duce the costs associated with collecting and trans-
19 porting recyclable materials in underserved commu-
20 nities.

21 (h) PROHIBITION ON USE OF FUNDS.—An eligible
22 entity awarded a grant under the pilot grant program may
23 not use the grant funds for projects relating to recycling
24 education programs.

1 (i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A
2 grant awarded to an eligible entity under the pilot grant
3 program shall be in an amount—

4 (1) not less than \$500,000; and

5 (2) not more than \$15,000,000.

6 (j) SET-ASIDE.—The Administrator shall set aside
7 not less than 70 percent of the amounts made available
8 to carry out the pilot grant program for each fiscal year
9 to award grants to eligible entities to carry out a proposed
10 project or program in a single underserved community or
11 multiple underserved communities.

12 (k) FEDERAL SHARE.—The Federal share of the cost
13 of a project or program carried out by an eligible entity
14 using grant funds shall be not more than 95 percent.

15 (l) REPORT.—Not later than 2 years after the date
16 on which the first grant is awarded under the pilot grant
17 program, the Administrator shall submit to Congress a re-
18 port describing the implementation of the pilot grant pro-
19 gram, which shall include—

20 (1) a list of eligible entities that have received
21 a grant under the pilot grant program;

22 (2) the actions taken by each eligible entity that
23 received a grant under the pilot grant program to
24 improve recycling accessibility with grant funds; and

1 (3) to the extent information is available, a de-
2 scription of how grant funds received under the pilot
3 grant program improved recycling rates in each com-
4 munity in which a project or program was carried
5 out under the pilot grant program.

6 (m) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to the Administrator to carry out the
9 pilot grant program \$30,000,000 for each of fiscal
10 years 2025 through 2029, to remain available until
11 expended.

12 (2) ADMINISTRATIVE COSTS AND TECHNICAL
13 ASSISTANCE.—Of the amounts made available under
14 paragraph (1), the Administrator may use up to 5
15 percent—

16 (A) for administrative costs relating to car-
17 rying out the pilot grant program; and

18 (B) to provide technical assistance to eligi-
19 ble entities applying for a grant under the pilot
20 grant program.

21 **SEC. 203. DRINKING WATER INFRASTRUCTURE RISK AND**
22 **RESILIENCE.**

23 Section 1433(g) of the Safe Drinking Water Act (42
24 U.S.C. 300i–2(g)) is amended—

1 (1) in paragraph (1), by striking “2020 and
2 2021” and inserting “2026 and 2027”;

3 (2) in paragraph (4), by striking “\$5,000,000”
4 and inserting “\$10,000,000”;

5 (3) in paragraph (5), by striking
6 “\$10,000,000” and inserting “\$20,000,000”; and

7 (4) in paragraph (6)—

8 (A) by striking “\$25,000,000” and insert-
9 ing “\$50,000,000”; and

10 (B) by striking “2020 and 2021” and in-
11 serting “2026 and 2027”.

12 **SEC. 204. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
13 **DUCTION ACT.**

14 Section 797(a) of the Energy Policy Act of 2005 (42
15 U.S.C. 16137(a)) is amended by striking “2024” and in-
16 serting “2029”.

17 **SEC. 205. NATIONWIDE CONSUMER AND FUEL RETAILER**
18 **CHOICE ACT OF 2024.**

19 (a) **SHORT TITLE.**—This section may be cited as the
20 “Nationwide Consumer and Fuel Retailer Choice Act of
21 2024”.

22 (b) **ETHANOL WAIVER.**—

23 (1) **EXISTING WAIVERS.**—Section 211(f)(4) of
24 the Clean Air Act (42 U.S.C. 7545(f)(4)) is amend-
25 ed—

1 (A) by striking “(4) The Administrator,
2 upon” and inserting the following:

3 “(4) WAIVERS.—

4 “(A) IN GENERAL.—The Administrator,
5 on”;

6 (B) in subparagraph (A) (as so des-
7 ignated)—

8 (i) in the first sentence—

9 (I) by striking “of this sub-
10 section” each place it appears; and

11 (II) by striking “if he deter-
12 mines” and inserting “if the Adminis-
13 trator determines”; and

14 (ii) in the second sentence, by striking
15 “The Administrator” and inserting the fol-
16 lowing:

17 “(B) FINAL ACTION.—The Adminis-
18 trator”; and

19 (C) by adding at the end the following:

20 “(C) REID VAPOR PRESSURE.—A fuel or
21 fuel additive may be introduced into commerce
22 if—

23 “(i)(I) the Administrator determines
24 that the fuel or fuel additive is substan-
25 tially similar to a fuel or fuel additive uti-

1 lized in the certification of any model year
2 vehicle pursuant to paragraph (1)(A); or

3 “(II) the fuel or fuel additive has been
4 granted a waiver under subparagraph (A)
5 and meets all of the conditions of that
6 waiver other than any limitation of the
7 waiver with respect to the Reid Vapor
8 Pressure of the fuel or fuel additive; and

9 “(ii) the fuel or fuel additive meets all
10 other applicable Reid Vapor Pressure re-
11 quirements under subsection (h).”.

12 (2) REID VAPOR PRESSURE LIMITATION.—Sec-
13 tion 211(h) of the Clean Air Act (42 U.S.C.
14 7545(h)) is amended—

15 (A) by striking “vapor pressure” each
16 place it appears and inserting “Vapor Pres-
17 sure”;

18 (B) in paragraph (4), in the matter pre-
19 ceding subparagraph (A), by striking “10 per-
20 cent” and inserting “10 to 15 percent”; and

21 (C) in paragraph (5)(A)—

22 (i) by striking “Upon notification, ac-
23 companied by” and inserting “On receipt
24 of a notification that is submitted after the
25 date of enactment of the Nationwide Con-

1 consumer and Fuel Retailer Choice Act of
2 2024, and is accompanied by appropriate”;
3 (ii) by striking “10 percent” and in-
4 serting “10 to 15 percent”; and
5 (iii) by adding at the end the fol-
6 lowing: “Upon the enactment of the Na-
7 tionwide Consumer and Fuel Retailer
8 Choice Act of 2024, any State for which
9 the notification from the Governor of a
10 State was submitted before the date of en-
11 actment of the Nationwide Consumer and
12 Fuel Retailer Choice Act of 2024 and to
13 which the Administrator applied the Reid
14 Vapor Pressure limitation established by
15 paragraph (1) shall instead have the Reid
16 Vapor Pressure limitation established by
17 paragraph (4) apply to all fuel blends con-
18 taining gasoline and 10 to 15 percent de-
19 natured anhydrous ethanol that are sold,
20 offered for sale, dispensed, supplied, of-
21 fered for supply, transported, or introduced
22 into commerce in the area during the high
23 ozone season.”.

24 (c) GENERATION OF CREDITS BY SMALL REFIN-
25 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-

1 tion 211(o)(9) of the Clean Air Act (42 U.S.C.
2 7545(o)(9)) is amended by adding at the end the fol-
3 lowing:

4 “(E) CREDITS GENERATED FOR 2016–2018
5 COMPLIANCE YEARS.—

6 “(i) RULE.—For any small refinery
7 described in clause (ii) or (iii), the credits
8 described in the respective clause shall
9 be—

10 “(I) returned to the small refin-
11 ery and, notwithstanding paragraph
12 (5)(C), deemed eligible for future
13 compliance years; or

14 “(II) applied as a credit in the
15 EPA Moderated Transaction System
16 (EMTS) account of the small refinery.

17 “(ii) COMPLIANCE YEARS 2016 AND
18 2017.—Clause (i) applies with respect to
19 any small refinery that—

20 “(I) retired credits generated for
21 compliance years 2016 or 2017; and

22 “(II) submitted a petition under
23 subparagraph (B)(i) for that compli-
24 ance year that remained outstanding
25 as of December 1, 2022.

1 “(iii) COMPLIANCE YEAR 2018.—In
2 addition to small refineries described in
3 clause (ii), clause (i) applies with respect
4 to any small refinery—

5 “(I) that submitted a petition
6 under subparagraph (B)(i) for compli-
7 ance year 2018 by September 1,
8 2019;

9 “(II) that retired credits gen-
10 erated for compliance year 2018 as
11 part of the compliance demonstration
12 of the small refinery for compliance
13 year 2018 by March 31, 2019; and

14 “(III) for which—

15 “(aa) the petition remained
16 outstanding as of December 1,
17 2022; or

18 “(bb) the Administrator de-
19 nied the petition as of July 1,
20 2022, and has not returned the
21 retired credits as of December 1,
22 2022.”.

23 (d) ADDRESSING RENEWABLE FUEL MARKET MA-
24 NIPULATION AND TRANSPARENCY.—Not later than 90
25 days after the date of enactment of this Act, the Adminis-

1 trator of the Environmental Protection Agency, in collabo-
2 ration with the Commodity Futures Trading Commission,
3 shall—

4 (1) review all applicable Renewable Identifica-
5 tion Number (as described in section 80.1425 of title
6 40, Code of Federal Regulations (or successor regu-
7 lations)) data collected for the EPA Moderated
8 Transaction System (as defined in section 80.2 of
9 title 40, Code of Federal Regulations (or successor
10 regulations)); and

11 (2) submit to Congress a report that identifies
12 any additional data that should be collected to re-
13 duce renewable fuel market manipulation.

14 **TITLE III—FOREIGN AFFAIRS**

15 **SEC. 301. GLOBAL ENGAGEMENT CENTER EXTENSION.**

16 Section 1287(j) of the National Defense Authoriza-
17 tion Act for Fiscal Year 2017 (Public Law 114–328; 22
18 U.S.C. 2656 note) is amended by striking “on the date
19 that is 8 years after the date of the enactment of this
20 Act” and inserting “on the date that is 9 years after the
21 date of the enactment of this Act”.

22 **SEC. 302. HAITI CRIMINAL COLLUSION TRANSPARENCY** 23 **ACT OF 2024.**

24 (a) REPORTING REQUIREMENTS.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) The term “appropriate congressional
2 committees” means—

3 (i) the Committee on Foreign Rela-
4 tions of the Senate;

5 (ii) the Select Committee on Intel-
6 ligence of the Senate;

7 (iii) the Committee on the Judiciary
8 of the Senate;

9 (iv) the Committee on Banking, Hous-
10 ing, and Urban Affairs of the Senate;

11 (v) the Committee on Foreign Affairs
12 of the House of Representatives;

13 (vi) the Permanent Select Committee
14 on Intelligence of the House of Represent-
15 atives;

16 (vii) the Committee on the Judiciary
17 of the House of Representatives; and

18 (viii) the Committee on Financial
19 Services of the House of Representatives.

20 (B) The term “economic elites” means
21 board members, officers, and executives of
22 groups, committees, corporations, or other enti-
23 ties that exert substantial influence or control
24 over Haiti’s economy, infrastructure, or par-
25 ticular industries.

1 (C) The term “intelligence community”
2 has the meaning given such term in section
3 3(4) of the National Security Act of 1947 (50
4 U.S.C. 3003(4)).

5 (D) The term “political and economic
6 elites” means political elites and economic
7 elites.

8 (E) The term “political elites” means cur-
9 rent and former government officials and their
10 high-level staff, political party leaders, and po-
11 litical committee leaders.

12 (2) REPORT REQUIRED.—

13 (A) IN GENERAL.—Not later than 270
14 days after the date of the enactment of this
15 Act, and annually thereafter for the following 5
16 years, the Secretary of State, in coordination
17 with other Federal agencies as appropriate,
18 shall submit a report to the appropriate con-
19 gressional committees regarding the ties be-
20 tween criminal gangs and political and eco-
21 nomic elites in Haiti. The report shall—

22 (i) identify prominent criminal gangs
23 in Haiti, describe their criminal activities
24 including coercive recruitment, and identify

1 their primary geographic areas of oper-
2 ations;

3 (ii) list Haitian political and economic
4 elites who knowingly have direct and sig-
5 nificant links to criminal gangs;

6 (iii) describe in detail the relationship
7 between the individuals listed pursuant to
8 clause (ii) and the criminal gangs identi-
9 fied pursuant to clause (i);

10 (iv) list Haitian political and economic
11 elites with links to criminal activities who
12 are currently subjected to visa restrictions
13 or sanctions by the United States, its
14 international partners, or the United Na-
15 tions, including information regarding—

16 (I) the date on which each such
17 Haitian political or economic elite was
18 designated for restrictions or sanc-
19 tions;

20 (II) which countries have des-
21 ignated such Haitian political and
22 economic elites for restrictions or
23 sanctions; and

24 (III) for Haitian political and
25 economic elites who were designated

1 by the United States, the statutory
2 basis for such designation;

3 (v) describe in detail how Haitian po-
4 litical and economic elites use their rela-
5 tionships with criminal gangs to advance
6 their political and economic interests and
7 agenda;

8 (vi) include a list of each criminal or-
9 ganization assessed to be trafficking Hai-
10 tians and other individuals to the United
11 States border;

12 (vii) include an assessment of how the
13 nature and extent of collusion between po-
14 litical and economic elites and criminal
15 gangs threatens the Haitian people and
16 United States national interests and activi-
17 ties in the country, including the provision
18 of security assistance to the Haitian gov-
19 ernment; and

20 (viii) include an assessment of poten-
21 tial actions that the Government of the
22 United States and the Government of
23 Haiti could take to address the findings
24 made pursuant to clause (vii).

1 (B) FORM OF REPORT.—The report re-
2 quired under subparagraph (A) shall be sub-
3 mitted in unclassified form, but may include a
4 classified annex.

5 (3) DESIGNATIONS OF POLITICAL AND ECO-
6 NOMIC ELITES.—

7 (A) IN GENERAL.—The Secretary of State,
8 in coordination with the heads of other relevant
9 Federal agencies and departments, shall iden-
10 tify persons identified pursuant to clause (i)
11 and (ii) of paragraph (2)(A) who shall be sub-
12 jected to visa restrictions and may be subjected
13 to asset blocking sanctions under—

14 (i) section 7031(c) of the Department
15 of State, Foreign Operations, and Related
16 Programs Appropriations Act, 2022 (divi-
17 sion K of Public Law 117–103; 8 U.S.C.
18 1182 note); or

19 (ii) section 1263 of the Global
20 Magnitsky Human Rights Accountability
21 Act (22 U.S.C. 10102).

22 (B) WAIVER.—The President may waive
23 the requirements under subparagraph (A) with
24 respect to a foreign person if the President cer-
25 tifies and reports to the appropriate congres-

1 sional committees before such waiver is to take
2 effect that such waiver would serve a national
3 interest of the United States.

4 (C) PUBLIC AVAILABILITY.—The list of
5 persons identified pursuant to paragraph
6 (2)(A)(ii) shall be posted on a publicly acces-
7 sible website of the Department of State con-
8 currently with the submission of the report re-
9 quired under paragraph (2)(A).

10 (D) IMPLEMENTATION AUTHORITY.—The
11 President may exercise all authorities provided
12 to the President under sections 203 and 205 of
13 the International Emergency Economic Powers
14 Act (50 U.S.C. 1702 and 1704) for purposes of
15 carrying out this section.

16 (E) RULE OF CONSTRUCTION.—Nothing in
17 this section shall be construed to affect the
18 availability of any existing authorities to issue
19 waivers, exceptions, exemptions, licenses, or
20 other authorizations.

21 (4) SUNSET.—This section shall cease to have
22 effect on the date that is 5 years after the date of
23 the enactment of this Act.

24 (b) EXCEPTION RELATING TO IMPORTATION OF
25 GOODS.—

1 (1) IN GENERAL.—A requirement to block and
2 prohibit all transactions in all property and interests
3 in property pursuant to the authority provided by
4 this section shall not include the authority or a re-
5 quirement to impose sanctions on the importation of
6 goods.

7 (2) GOOD DEFINED.—In this section, the term
8 “good” means any article, natural or manmade sub-
9 stance, material, supply or manufactured product,
10 including inspection and test equipment, and exclud-
11 ing technical data.

12 **SEC. 303. EXTENSION OF SPECIAL RULES FOR HAITI**
13 **UNDER CARIBBEAN BASIN ECONOMIC RE-**
14 **COVERY ACT.**

15 (a) IN GENERAL.—Section 213A of the Caribbean
16 Basin Economic Recovery Act (19 U.S.C. 2703a) is
17 amended—

18 (1) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by amending subparagraph

21 (B)(v)(I) to read as follows:

22 “(I) APPLICABLE PERCENT-
23 AGE.—The term ‘applicable percent-
24 age’ means 60 percent or more during
25 the period beginning on December 20,

1 2017, and ending on September 30,
2 2030.”; and

3 (ii) by amending subparagraph (C) to
4 read as follows:

5 “(C) QUANTITATIVE LIMITATIONS.—The
6 preferential treatment described in subpara-
7 graph (A) shall be extended, during each period
8 after the initial applicable 1-year period, to not
9 more than 1.25 percent of the aggregate square
10 meter equivalents of all apparel articles im-
11 ported into the United States in the most re-
12 cent 12-month period for which data are avail-
13 able.”; and

14 (B) in paragraph (2), by striking “in each
15 of the 16 succeeding 1-year periods” each place
16 it appears and inserting “in any of the suc-
17 ceeding 1-year periods”; and

18 (2) by amending subsection (h) to read as fol-
19 lows:

20 “(h) TERMINATION.—The duty-free treatment pro-
21 vided under this section shall remain in effect until Sep-
22 tember 30, 2030.”.

23 (b) MODIFICATIONS TO THE HARMONIZED TARIFF
24 SCHEDULE OF THE UNITED STATES.—The President
25 shall proclaim such modifications as may be necessary to

1 the Harmonized Tariff Schedule of the United States to
2 restore such special tariff treatment to articles that lost
3 such treatment due to prior modifications made to U.S.
4 notes, tariff headings, subheadings or statistical suffixes
5 in chapters 1 through 97 of the Harmonized Tariff Sched-
6 ule of the United States before the date of the enactment
7 of this Act and remain eligible for such tariff treatment
8 due to the amendments made by subsection (a) to section
9 213A of the Caribbean Basin Economic Recovery Act.

10 **SEC. 304. REPORTS ON FOREIGN BOYCOTTS OF ISRAEL.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, and annually thereafter,
13 the head of the Office of Antiboycott Compliance of the
14 Bureau of Industry and Security of the Department of
15 Commerce shall submit to the Committee on Banking,
16 Housing, and Urban Affairs of the Senate and the Com-
17 mittee on Foreign Affairs of the House of Representatives
18 a report on foreign boycotts described in section 1773(a)
19 of the Anti-Boycott Act of 2018 (50 U.S.C. 4842(a)) tar-
20 geted at the State of Israel.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include a description of—
23 (1) the foreign boycotts; and
24 (2) the steps taken by the Secretary of Com-
25 merce to enforce the provisions of the Anti-Boycott

1 Act of 2018 (50 U.S.C. 4841 et seq.) with respect
2 to such boycotts.

3 (c) TERMINATION.—The requirement to submit re-
4 ports under subsection (a) shall terminate on the date that
5 is 5 years after the date of the enactment of this Act.

6 **SEC. 305. LICENSING TRANSPARENCY.**

7 Section 1756 of the Export Control Reform Act of
8 2018 (50 U.S.C. 4815) is amended by adding at the end
9 the following:

10 “(e) REPORT.—

11 “(1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this subsection,
13 and not less frequently than annually thereafter, the
14 Secretary, shall, subject to the availability of appro-
15 priations, submit to the appropriate congressional
16 committees a report on license applications, enforce-
17 ment actions, and other requests for authorization
18 for the export, reexport, release, and in-country
19 transfer of items controlled under this part to cov-
20 ered entities.

21 “(2) ELEMENTS.—The report required by para-
22 graph (1) shall include, with respect to the one year
23 preceding the previous one-year period, the fol-
24 lowing:

1 “(A) For each license application or other
2 request for authorization, the name of the enti-
3 ty submitting the application, a brief descrip-
4 tion of the item (including the Export Control
5 Classification Number (ECCN) and level of
6 control, if applicable), the name of the end-user,
7 the end-user’s location, a value estimate, deci-
8 sion with respect to the license application or
9 authorization, and the date of submission.

10 “(B) The date, location, and result of any
11 related enforcement activities, such as end-use
12 checks, to ensure compliance with United
13 States export controls.

14 “(C) Aggregate statistics on all license ap-
15 plications and other requests for authorization
16 as described in subparagraph (A).

17 “(3) CONFIDENTIALITY OF INFORMATION.—
18 The information required to be provided in the re-
19 ports required by this subsection (other than the in-
20 formation required by paragraph (2)(C)) shall be ex-
21 empt from public disclosure pursuant to section
22 1761(h)(1).

23 “(4) DEFINITIONS.—In this subsection—

24 “(A) the term ‘appropriate congressional
25 committees’ means—

1 “(i) the Committee on Foreign Affairs
2 of the House of Representatives; and

3 “(ii) the Committee on Banking,
4 Housing, and Urban Affairs of the Senate;
5 and

6 “(B) the term ‘covered entity’ means any
7 entity that—

8 “(i) is located or operating in a coun-
9 try listed in Country Group D:5 under
10 Supplement No. 1 to part 740 of title 15,
11 Code of Federal Regulations; and

12 “(ii) is included on—

13 “(I) the list maintained and set
14 forth in Supplement No. 4 to part
15 744 of the Export Administration
16 Regulations; or

17 “(II) the list maintained and set
18 forth in Supplement No. 7 to part
19 744 of the Export Administration
20 Regulations.”.

1 **SEC. 306. TEN-YEAR STATUTE OF LIMITATIONS FOR EX-**
2 **PORT CONTROL AND ANTI-BOYCOTT VIOLA-**
3 **TIONS.**

4 (a) EXPORT CONTROL VIOLATIONS.—Section 1760
5 of the Export Control Reform Act of 2018 (50 U.S.C.
6 4819) is amended by adding at the end the following:

7 “(g) STATUTE OF LIMITATIONS.—

8 “(1) TIME FOR COMMENCING PROCEEDINGS.—

9 “(A) IN GENERAL.—An action, suit, or
10 proceeding for the enforcement of any civil fine,
11 penalty, or forfeiture, pecuniary or otherwise,
12 under this section may not be entertained un-
13 less the action, suit, or proceeding is com-
14 menced within the 10-year period beginning on
15 the date of the violation upon which the civil
16 fine, penalty, or forfeiture is based.

17 “(B) COMMENCEMENT.—For purposes of
18 subparagraph (A), the commencement of an ac-
19 tion, suit, or proceeding includes the issuance of
20 a charging letter.

21 “(2) TIME FOR INDICTMENT.—No person may
22 be prosecuted, tried, or punished for any offense
23 under subsection (a) unless the indictment is found
24 or the information is instituted within the 10-year
25 period beginning on the latest date of the violation
26 upon which the indictment or information is based.”.

1 (b) ANTI-BOYCOTT VIOLATIONS.—Section 1774 of
2 the Export Control Reform Act of 2018 (50 U.S.C. 4843)
3 is amended by adding at the end the following:

4 “(e) STATUTE OF LIMITATIONS.—

5 “(1) TIME FOR COMMENCING PROCEEDINGS.—

6 “(A) IN GENERAL.—An action, suit, or
7 proceeding for the enforcement of any civil fine,
8 penalty, or forfeiture, pecuniary or otherwise,
9 under this section may not be entertained un-
10 less the action, suit, or proceeding is com-
11 menced within the 10-year period beginning on
12 the date of the violation upon which the civil
13 fine, penalty, or forfeiture is based.

14 “(B) COMMENCEMENT.—For purposes of
15 subparagraph (A), the commencement of an ac-
16 tion, suit, or proceeding includes the issuance of
17 a charging letter.

18 “(2) TIME FOR INDICTMENT.—No person shall
19 be prosecuted, tried, or punished for any offense
20 under section 1773(a)(1) unless the indictment is
21 found or the information is instituted within the 10-
22 year period beginning on the latest date of the viola-
23 tion upon which the indictment or information is
24 based.”.

1 **TITLE IV—VETERANS**

2 **SEC. 401. PROTECTING REGULAR ORDER FOR VETERANS**

3 **ACT OF 2024.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Protecting Regular Order for Veterans Act of 2024” or
6 the “PRO Veterans Act of 2024”.

7 (b) **QUARTERLY BRIEFINGS ON DEPARTMENT OF**
8 **VETERANS AFFAIRS BUDGETARY SHORTFALLS.**—

9 (1) **QUARTERLY BRIEFINGS.**—

10 (A) **QUARTERLY BRIEFINGS REQUIRED.**—

11 During the first quarter beginning after the
12 date of the enactment of this Act and in each
13 quarter thereafter until the date that is three
14 years after the date of the enactment of this
15 Act, the Secretary of Veterans Affairs shall pro-
16 vide to the appropriate committees of Congress
17 a quarterly briefing, in person, on the budget of
18 the Department of Veterans Affairs and any
19 shortfall the Department may be experiencing.

20 (B) **PLANS.**—In any case in which the Sec-
21 retary informs Congress during a briefing
22 under paragraph (1) that the Department is ex-
23 periencing a shortfall, the Secretary shall, dur-
24 ing such briefing, present the plans of the Sec-
25 retary to address or mitigate the shortfall.

1 (2) DEFINITIONS.—In this subsection:

2 (A) APPROPRIATE COMMITTEES OF CON-
3 GRESS.—The term “appropriate committees of
4 Congress” means—

5 (i) the Committee on Veterans’ Af-
6 fairs and the Committee on Appropriations
7 of the Senate; and

8 (ii) the Committee on Veterans’ Af-
9 fairs and the Committee on Appropriations
10 of the House of Representatives.

11 (B) SHORTFALL.—The term “shortfall”,
12 with respect to a fiscal year, means that the
13 amount of appropriations required by the De-
14 partment of Veterans Affairs for such fiscal
15 year to meet all of the statutory obligations of
16 the Department during that fiscal year exceeds
17 the amount of appropriations requested for the
18 Department for that fiscal year in the budget of
19 the President submitted pursuant to section
20 1105(a) of title 31, United States Code, for
21 that fiscal year.

22 (c) LIMITATIONS ON PROVISION OF INCENTIVES FOR
23 CRITICAL SKILLS TO SENIOR EXECUTIVE SERVICE EM-
24 PLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.—

1 Section 706(d) of title 38, United States Code, is amended
2 by adding at the end the following:

3 “(7)(A) Subject to subparagraph (B)(ii), a critical
4 skill incentive may not be provided under paragraph (1)
5 to an employee of the Department employed in a Senior
6 Executive Service position, or a position in another com-
7 parable system for senior-level Government employees, as
8 defined by the Secretary, whose position is at the Central
9 Office of the Department, including the Veterans Health
10 Administration, the Veterans Benefits Administration,
11 and the National Cemetery Administration, regardless of
12 the actual location where the employee performs the func-
13 tions of the position.

14 “(B)(i) A critical skill incentive provided under para-
15 graph (1) to an employee of the Department employed in
16 a Senior Executive Service position, or a position in an-
17 other comparable system for senior-level Government em-
18 ployees, as defined by the Secretary, not described in sub-
19 paragraph (A) of this paragraph may only be provided—

20 “(I) on an individual basis and may not be pro-
21 vided to a group of such employees; and

22 “(II) upon approval of the following officers or
23 those serving in an acting capacity:

1 “(aa) The Under Secretary for Benefits,
2 the Under Secretary for Health, or the Under
3 Secretary for Memorial Affairs.

4 “(bb) The Assistant Secretary for Human
5 Resources and Administration.

6 “(cc) The Director of the Office of Man-
7 agement or the Chief Financial Officer.

8 “(dd) The Assistant Secretary for Ac-
9 countability and Whistleblower Protection.

10 “(ee) The General Counsel.

11 “(ff) Such other officers as the Secretary
12 determines appropriate.

13 “(ii) In the case of an employee of the Department
14 employed in a Senior Executive Service position, or a posi-
15 tion in another comparable system for senior-level Govern-
16 ment employees, as defined by the Secretary, whose posi-
17 tion is primarily at the Central Office of the Department,
18 but who performs some portion of the employee’s job func-
19 tion at other facilities of the Department, as defined by
20 the Secretary, not at Central Office—

21 “(I) the employee shall not be considered de-
22 scribed in subparagraph (A) with respect to the por-
23 tion of the employee’s job function that is based out
24 of non-Central Office facilities of the Department;
25 and

1 “(II) any critical skill incentive provided under
2 paragraph (1) to the employee for the portion of the
3 employee’s job function that is based out of facilities
4 of the Department other than the Central Office
5 shall be proportionate to the time spent at those De-
6 partment facilities.

7 “(C)(i) Not later than one year after the date of the
8 enactment of the Protecting Regular Order for Veterans
9 Act of 2024, and not less frequently than once each year
10 thereafter, the Secretary shall submit to the Committee
11 on Veterans’ Affairs of the Senate and the Committee on
12 Veterans’ Affairs of the House of Representatives an an-
13 nual report on the employees of the Department employed
14 in a Senior Executive Service position, or a position in
15 another comparable system for senior-level Government
16 employees, as defined by the Secretary, who were provided
17 a critical skill incentive under paragraph (1).

18 “(ii) Reports submitted pursuant to clause (i) may
19 be submitted by incorporating their contents into other
20 congressionally mandated reports to the committees de-
21 scribed in such clause.

22 “(D) In this paragraph, the term ‘Senior Executive
23 Service position’ has the meaning given such term in sec-
24 tion 3132(a) of title 5.”.

1 **SEC. 402. IMPROVING VETERANS' EXPERIENCE ACT OF 2024.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Improving Veterans’ Experience Act of 2024”.

4 (b) ESTABLISHMENT OF VETERANS EXPERIENCE
5 OFFICE.—

6 (1) IN GENERAL.—Chapter 3 of title 38, United
7 States Code, is amended by adding at the end the
8 following new section:

9 **“§ 325. Veterans Experience Office**

10 “(a) ESTABLISHMENT.—There is established in the
11 Department within the Office of the Secretary an office
12 to be known as the ‘Veterans Experience Office’ (in this
13 section referred to as the ‘Office’).

14 “(b) HEAD OF OFFICE.—(1) The head of the Office
15 shall be the Chief Veterans Experience Officer.

16 “(2) The Chief Veterans Experience Officer shall—

17 “(A) be appointed by the Secretary from among
18 individuals the Secretary considers qualified to per-
19 form the duties of the position;

20 “(B) report directly to the Secretary; and

21 “(C) be responsible for carrying out the func-
22 tions of the Office set forth under subsection (c).

23 “(c) FUNCTION.—The functions of the Office are as
24 follows:

25 “(1) Carrying out the key customer experience
26 initiatives of the Department relating to veterans’

1 and other beneficiaries' satisfaction with and usage
2 of benefits and services furnished under laws admin-
3 istered by the Secretary for which they are eligible,
4 including setting the strategy, framework, policy,
5 and other guidance for the Department relating to
6 customer experience, including ensuring the activi-
7 ties of the Office and those of other organizations
8 and offices within the Department are coordinated
9 and not duplicative.

10 “(2) Requiring the heads of other organizations
11 and offices within the Department to report regu-
12 larly on customer experience metrics, action plans,
13 and other customer experience improvement efforts
14 to the Chief Veterans Experience Officer.

15 “(3) Collecting veteran-derived data—

16 “(A) to determine veteran and beneficiary
17 satisfaction with and usage of the benefits and
18 services furnished under laws administered by
19 the Secretary for which they are eligible; and

20 “(B) to be considered during policymaking.

21 “(4) Providing strategic guidance and strategies
22 to Department entities for engaging with veterans
23 and beneficiaries regarding benefits and services fur-
24 nished under laws administered by the Secretary, in-
25 cluding those not using such benefits and services.

1 “(5) Assessing and advising the Secretary on
2 the accuracy and helpfulness of the websites and
3 other customer-facing information of the Depart-
4 ment, be it available electronically or in any other
5 format.

6 “(6) Assessing and advising the Secretary on
7 the status and opportunities for improvement of the
8 customer service efforts of the Department.

9 “(d) REPORTS.—(1) Each year, the Chief Veterans
10 Experience Officer shall submit to the Secretary a sum-
11 mary of the data received by the Chief Veterans Experi-
12 ence Officer under subsection (c)(2).

13 “(2) Each year, not later than 180 days after the
14 date on which the Secretary receives the summary under
15 paragraph (1), the Secretary shall submit to Congress an
16 annual summary and analysis of the matters summarized
17 pursuant to such paragraph.

18 “(3) Each annual summary submitted pursuant to
19 paragraph (2) shall include the following:

20 “(A) Data regarding customer service and expe-
21 rience feedback, disaggregated by benefit or service
22 furnished under laws administered by the Secretary,
23 and relevant demographic data of the veterans and
24 beneficiaries providing the feedback.

1 “(B) Data regarding veteran and beneficiary
2 satisfaction with and usage of benefits or services,
3 disaggregated by benefit or service furnished under
4 laws administered by the Secretary, and relevant de-
5 mographic data of the veterans and beneficiaries
6 providing the feedback, including—

7 “(i) potential reasons for not using the
8 benefits or services, such as—

9 “(I) eligibility;

10 “(II) lack of knowledge or awareness
11 of existence of benefit or service;

12 “(III) barriers of technology, informa-
13 tion, or time; and

14 “(IV) other related reasons; and

15 “(ii) an analysis of how such reasons may
16 be addressed.

17 “(e) STAFF AND RESOURCES.—(1) The Secretary
18 shall ensure that—

19 “(A) the Office has such staff, resources, and
20 access to customer service and experience informa-
21 tion as may be necessary to carry out the functions
22 of the Office; and

23 “(B) any information provided to the Office
24 does not include personally identifiable information
25 of an individual veteran, survivor, dependent, or

1 other beneficiary unless such individual provides ap-
2 propriate consent to allow such information to be
3 shared with the Office.

4 “(2) Funds available for basic pay and other adminis-
5 trative expenses of other Department organizations and
6 offices may be available to reimburse the Office for all
7 services provided at rates which will recover actual costs
8 for services provided to such organizations if the Secretary
9 determines that contributing to such costs will not under-
10 mine the ability of any such organization or office to pro-
11 vide services required by such office.

12 “(3) Nothing in this subsection shall be construed to
13 authorize an increase in the number of full-time employees
14 otherwise authorized for the Department.

15 “(f) PRIVACY.—Nothing in this section shall be con-
16 strued to authorize the Chief Veterans Experience Officer
17 to disclose any record in contravention of section 552a of
18 title 5 (commonly referred to as the ‘Privacy Act of
19 1974’).

20 “(g) SUNSET.—The requirements and authorities of
21 this section shall terminate on September 30, 2028.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of chapter 3 of such title is
24 amended by adding at the end the following new
25 item:

“325. Veterans Experience Office.”.

1 (c) COMPTROLLER GENERAL REVIEW OF VETERANS
2 EXPERIENCE OFFICE AND CUSTOMER SERVICE IMPROVE-
3 MENT EFFORTS.—Not later than 540 days after the date
4 of the enactment of this Act, the Comptroller General of
5 the United States shall—

6 (1) complete an analysis of the methodology, ef-
7 fectiveness, and implementation of findings and
8 feedback of veterans and beneficiaries used by the
9 Department of Veterans Affairs, including the Vet-
10 erans Experience Office, to improve veteran and
11 beneficiary customer experience and satisfaction, in-
12 cluding through the use of what are known as
13 “trust-scores”, Veteran Signals also known as
14 “VSignals”, and related survey and data collection
15 activities, processes, and initiatives; and

16 (2) submit to the Committee on Veterans’ Af-
17 fairs of the Senate and the Committee on Veterans’
18 Affairs of the House of Representatives a report set-
19 ting forth the findings of the Comptroller General
20 with respect to the analysis completed pursuant to
21 paragraph (1).

1 **SEC. 403. NAMING THE DEPARTMENT OF VETERANS AF-**
2 **FAIRS COMMUNITY-BASED OUTPATIENT**
3 **CLINIC IN PLANO, TEXAS, AS THE “U.S. CON-**
4 **GRESSMAN SAM JOHNSON MEMORIAL VA**
5 **CLINIC”.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “U.S. Congressman Sam Johnson Memorial VA Clinic
8 Act”.

9 (b) **NAME OF DEPARTMENT OF VETERANS AFFAIRS**
10 **COMMUNITY-BASED OUTPATIENT CLINIC, PLANO,**
11 **TEXAS.**— The Department of Veterans Affairs commu-
12 nity-based outpatient clinic in Plano, Texas, shall after the
13 date of the enactment of this Act be known and designated
14 as the “U.S. Congressman Sam Johnson Memorial VA
15 Clinic”. Any reference to such clinic in any law, regula-
16 tion, map, document, record, or other paper of the United
17 States shall be considered to be a reference to the U.S.
18 Congressman Sam Johnson Memorial VA Clinic.

19 **SEC. 404. EDDIE BERNICE JOHNSON VA MEDICAL CENTER.**

20 (a) **FINDINGS.**—Congress finds the following:

21 (1) Congresswoman Eddie Bernice Johnson
22 served the veteran community diligently during her
23 16 years working as the Chief Psychiatric Nurse of
24 the Dallas VA Medical Center.

25 (2) Throughout her 30 years in Congress,
26 Eddie Bernice Johnson introduced numerous bills

1 that sought to honor and serve the patriots who so
2 nobly served their country.

3 (3) Congresswoman Johnson introduced, and
4 won passage of, the Dr. James Allen Veteran Vision
5 Equity Act of 2007 (Public Law 110–157; 38
6 U.S.C. 101 note), which assists those wounded in
7 service in receiving the treatment they need, and in-
8 creases the dignity shown to those who gave their
9 last full measure of devotion to the country that they
10 served.

11 (4) Congresswoman Eddie Bernice Johnson was
12 a trailblazer who worked tirelessly on behalf of
13 American veterans and has earned the respect and
14 honor of her native city of Dallas, State of Texas,
15 the United States, and the Congress.

16 (b) DESIGNATION OF THE EDDIE BERNICE JOHNSON
17 VA MEDICAL CENTER.—

18 (1) DESIGNATION.—The Dallas Veterans Cen-
19 ter of the Department of Veterans Affairs located at
20 4500 South Lancaster Road, Dallas, Texas, shall,
21 after the date of the enactment of this Act, be
22 known and designated as the “Eddie Bernice John-
23 son VA Medical Center”.

24 (2) REFERENCE.—Any reference in any law,
25 regulation, map, document, paper, or other record of

1 the United States to the veterans center referred to
2 in paragraph (1).

3 **TITLE V—COMPREHENSIVE OUT-**
4 **BOUND INVESTMENT NA-**
5 **TIONAL SECURITY ACT OF**
6 **2024**

7 **SEC. 1. SHORT TITLE.**

8 This title may be cited as the “Comprehensive Out-
9 bound Investment National Security Act of 2024” or
10 “COINS Act of 2024”.

11 **SEC. 2. SECRETARY DEFINED.**

12 Except as otherwise provided, in this title, the term
13 “Secretary” means the Secretary of the Treasury.

14 **SEC. 3. SEVERABILITY.**

15 If any provision of this title, or the application there-
16 of, is held invalid, the validity of the remainder of this
17 title and the application of such provision to other persons
18 and circumstances shall not be affected thereby.

19 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated \$150,000,000 to the Department of the Treasury,
22 out of which amounts may be transferred to the Depart-
23 ment of Commerce to jointly conduct outreach to industry
24 and persons affected by this title, for each of the first two

1 fiscal years beginning on or after the date of the enact-
2 ment of this Act, to carry out this title.

3 (b) **HIRING AUTHORITY.**—

4 (1) **BY THE PRESIDENT.**—The President may
5 appoint, without regard to the provisions of sections
6 3309 through 3318 of title 5, United States Code,
7 not more than 15 individuals directly to positions in
8 the competitive service (as defined in section 2102 of
9 that title) to carry out this title.

10 (2) **BY AGENCIES.**—The Secretary and the Sec-
11 retary of Commerce may appoint, without regard to
12 the provisions of sections 3309 through 3318 of title
13 5, United States Code, individuals directly to posi-
14 tions in the competitive service (as defined in section
15 2102 of that title) of the Department of the Treas-
16 ury and the Department of Commerce, respectively,
17 to carry out this title.

18 **SEC. 5. TERMINATION.**

19 This title shall cease to have any force or effect on
20 the date on which the Secretary of Commerce revises sec-
21 tion 791.4 of title 15, Code of Federal Regulations, to re-
22 move the People’s Republic of China from the list of for-
23 eign adversaries contained in such section.

1 **Subtitle A—Imposition of Sanctions**

2 **SEC. 101. IMPOSITION OF SANCTIONS.**

3 (a) IN GENERAL.—The President may impose the
4 sanctions described in subsection (b) with respect to any
5 foreign person determined by the Secretary, in consulta-
6 tion with the Secretary of State, to be a covered foreign
7 person.

8 (b) SANCTIONS DESCRIBED.—The President may ex-
9 ercise all of the powers granted to the President under
10 the International Emergency Economic Powers Act (50
11 U.S.C. 1701 et seq.) to the extent necessary to block and
12 prohibit all transactions in property and interests in prop-
13 erty of a foreign person that is determined to be a covered
14 foreign person pursuant to subsection (a) if such property
15 and interests in property are in the United States, come
16 within the United States, or are or come within the posses-
17 sion or control of a United States person.

18 (c) PENALTIES.—The penalties provided for in sub-
19 sections (b) and (c) of section 206 of the International
20 Emergency Economic Powers Act (50 U.S.C. 1705) shall
21 apply to any person who violates, attempts to violate, con-
22 spires to violate, or causes a violation of any prohibition
23 of this section, or an order or regulation prescribed under
24 this section, to the same extent that such penalties apply

1 to a person that commits an unlawful act described in sec-
2 tion 206(a) of such Act (50 U.S.C. 1705(a)).

3 (d) EXCEPTION FOR INTELLIGENCE AND LAW EN-
4 FORCEMENT ACTIVITIES.—Sanctions under this section
5 shall not apply with respect to any activity subject to the
6 reporting requirements under title V of the National Secu-
7 rity Act of 1947 (50 U.S.C. 3091 et seq.) or any author-
8 ized intelligence activities of the United States.

9 (e) EXCEPTION FOR UNITED STATES GOVERNMENT
10 ACTIVITIES.—Nothing in this section shall prohibit trans-
11 actions for the conduct of the official business of the Fed-
12 eral Government by employees, grantees, or contractors
13 thereof.

14 (f) REPORT TO CONGRESS.—Not later than 365 days
15 after the date of the enactment of this Act, and annually
16 thereafter for 7 years, the Secretary shall submit to the
17 appropriate congressional committees a report that—

18 (1) states whether each foreign person on the
19 Non-SDN Chinese Military-Industrial Complex Com-
20 panies List is a covered foreign person; and

21 (2) shall be submitted in unclassified form, but
22 may include a classified annex.

23 (g) CONSIDERATION OF CERTAIN INFORMATION IN
24 IMPOSING SANCTIONS.—In determining whether a foreign
25 person is a covered foreign person, the President—

1 (1) may consider credible information obtained
2 by other countries, nongovernmental organizations,
3 or the appropriate congressional committees that re-
4 lates to the foreign person; and

5 (2) may consider any other information that the
6 Secretary deems relevant.

7 (h) ADMINISTRATIVE PROVISIONS.—The President
8 may exercise all authorities provided under sections 203
9 and 205 of the International Emergency Economic Powers
10 Act (50 U.S.C. 1702 and 1704) to carry out this section.

11 (i) DELEGATION.—The President shall delegate the
12 authorities granted by this section to the Secretary.

13 **SEC. 102. DEFINITIONS.**

14 In this subtitle:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Financial Services
19 and the Committee on Foreign Affairs of the
20 House of Representatives; and

21 (B) the Committee on Banking, Housing,
22 and Urban Affairs and the Committee on For-
23 eign Relations of the Senate.

24 (2) COUNTRY OF CONCERN.—The term “coun-
25 try of concern”—

1 (A) means the People’s Republic of China;
2 and

3 (B) includes the Hong Kong Special Ad-
4 ministrative Region and the Macau Special Ad-
5 ministrative Region.

6 (3) COVERED FOREIGN PERSON.—The term
7 “covered foreign person” means a foreign person—

8 (A)(i) that is incorporated in, has a prin-
9 cipal place of business in, or is organized under
10 the laws of a country of concern;

11 (ii) the equity securities of which are pri-
12 marily traded in the ordinary course of business
13 on one or more exchanges in a country of con-
14 cern;

15 (iii) that is a member of the Central Com-
16 mittee of the Chinese Communist Party;

17 (iv) that is the state or the government of
18 a country of concern, as well as any political
19 subdivision, agency, or instrumentality thereof;

20 (v) that is subject to the direction or con-
21 trol of any entity described in clause (i), (ii),
22 (iii), or (iv); or

23 (vi) that is owned in the aggregate, directly
24 or indirectly, 50 percent or more by an entity

1 or a group of entities described in clause (i),
2 (ii), (iii), or (iv); and

3 (B) that knowingly engaged in significant
4 operations in the defense and related materiel
5 sector or the surveillance technology sector of
6 the economy of a country of concern.

7 (4) FOREIGN PERSON.—The term “foreign per-
8 son” means a person, country, state, or government
9 (and any political subdivision, agency, or instrumen-
10 tality thereof) that is not a United States person.

11 (5) NON-SDN CHINESE MILITARY-INDUSTRIAL
12 COMPLEX COMPANIES LIST.—The term “Non-SDN
13 Chinese Military-Industrial Complex Companies
14 List” means the list maintained by the Office of
15 Foreign Assets Control of the Department of the
16 Treasury under Executive Order 13959, as amended
17 by Executive Order 14032 (50 U.S.C. 1701 note; re-
18 lating to addressing the threat from securities in-
19 vestments that finance certain companies of the Peo-
20 ple’s Republic of China), or any successor order.

21 (6) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) any United States citizen or an alien
24 lawfully admitted for permanent residence to
25 the United States;

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States (including any foreign branch
4 of such an entity); or

5 (C) any person in the United States.

6 **Subtitle B—Prohibition and Notifi-**
7 **cation on Investments Relating**
8 **to Covered National Security**
9 **Transactions**

10 **SEC. 111. PROHIBITION AND NOTIFICATION ON INVEST-**
11 **MENTS RELATING TO COVERED NATIONAL**
12 **SECURITY TRANSACTIONS.**

13 The Defense Production Act of 1950 (50 U.S.C.
14 4501 et seq.) is amended by adding at the end the fol-
15 lowing:

16 **“TITLE VIII—PROHIBITION AND**
17 **NOTIFICATION ON INVEST-**
18 **MENTS RELATING TO COV-**
19 **ERED NATIONAL SECURITY**
20 **TRANSACTIONS**

21 **“SEC. 801. PROHIBITION ON INVESTMENTS.**

22 “(a) IN GENERAL.—The Secretary may prohibit, in
23 accordance with regulations issued under subsection (e),
24 a United States person from knowingly engaging in a cov-

1 ered national security transaction in a prohibited tech-
2 nology.

3 “(b) EVASION.—Any transaction by a United States
4 person or within the United States that evades or avoids,
5 has the purpose of evading or avoiding, causes a violation
6 of, or attempts to violate the prohibition set forth in sub-
7 section (a) is prohibited.

8 “(c) WAIVER.—Subject to subsection (d), the Sec-
9 retary is authorized to exempt from the prohibition set
10 forth in subsection (a) any activity determined by the
11 President, in consultation with the Secretary, the Sec-
12 retary of Commerce and, as appropriate, the heads of
13 other relevant Federal departments and agencies, to be in
14 the national interest of the United States.

15 “(d) CONGRESSIONAL NOTIFICATION.—The Sec-
16 retary shall—

17 “(1) notify the appropriate congressional com-
18 mittees not later than 5 business days after issuing
19 a waiver under subsection (c); and

20 “(2) include in such notification an identifica-
21 tion of the national interest justifying the use of the
22 waiver.

23 “(e) REGULATIONS.—

24 “(1) IN GENERAL.—The Secretary, in consulta-
25 tion with the Secretary of Commerce and, as appro-

1 appropriate, the heads of other relevant Federal depart-
2 ments and agencies, may issue regulations to carry
3 out this section in accordance with subchapter II of
4 chapter 5 and chapter 7 of title 5, United States
5 Code (commonly known as ‘Administrative Proce-
6 dure Act’).

7 “(2) NON-BINDING FEEDBACK.—

8 “(A) IN GENERAL.—The regulations issued
9 under paragraph (1) shall include a process
10 under which a person can request non-binding
11 feedback on a confidential basis as to whether
12 a transaction would constitute a covered na-
13 tional security transaction in a prohibited tech-
14 nology.

15 “(B) AUTHORITY TO LIMIT FRIVOLOUS
16 FEEDBACK REQUESTS.—In establishing the
17 process required by subparagraph (A), the Sec-
18 retary may prescribe limitations on requests for
19 feedback identified as frivolous for purposes of
20 this subsection.

21 “(3) NOTICE AND OPPORTUNITY TO CURE.—

22 “(A) IN GENERAL.—The regulations issued
23 under paragraph (1) shall account for whether
24 a United States person has self-identified a vio-
25 lation of the prohibition set forth in subsection

1 (a) in determining the legal consequences of
2 that violation.

3 “(B) SELF-DISCLOSURE LETTERS.—The
4 regulations issued under paragraph (1) shall
5 dictate the form and content of a letter of self-
6 disclosure, which shall include relevant facts
7 about the violation, why the United States per-
8 son believes its activity to have violated the pro-
9 hibition set forth in subsection (a), and a pro-
10 posal for mitigation of the harm of such action.

11 “(4) PUBLIC NOTICE AND COMMENT.—The reg-
12 ulations issued under paragraph (1) shall be subject
13 to public notice and comment.

14 “(5) LOW-BURDEN REGULATIONS.—In issuing
15 regulations under paragraph (1), the Secretary shall
16 balance the priority of protecting the national secu-
17 rity interest of the United States while, to the extent
18 practicable—

19 “(A) minimizing the cost and complexity of
20 compliance for affected parties, including the
21 duplication of reporting requirements under
22 current regulations;

23 “(B) adopting the least burdensome alter-
24 native that achieves regulatory objectives; and

1 “(C) prioritizing transparency and stake-
2 holder involvement in the process of issuing the
3 rules.

4 “(6) PENALTIES.—

5 “(A) IN GENERAL.—The regulations issued
6 under paragraph (1) shall provide for the im-
7 position of civil penalties described in subpara-
8 graph (B) for violations of the prohibition set
9 forth in subsection (a).

10 “(B) PENALTIES DESCRIBED.—

11 “(i) UNLAWFUL ACTS.—It shall be
12 unlawful for a person to violate, attempt to
13 violate, conspire to violate, or cause a vio-
14 lation of any license, order, regulation, no-
15 tification requirement, or prohibition
16 issued under this section.

17 “(ii) CIVIL PENALTY.—The Secretary
18 may impose a civil penalty on any person
19 who commits an unlawful act described in
20 clause (i) in an amount not to exceed the
21 greater of—

22 “(I) \$250,000; or

23 “(II) an amount that is twice the
24 amount of the transaction that is the

1 basis of the violation with respect to
2 which the penalty is imposed.

3 “(iii) DIVESTMENT.—The Secretary
4 may compel the divestment of a covered
5 national security transaction in a prohib-
6 ited technology determined to be in viola-
7 tion of this title.

8 “(iv) RELIEF.—The President may di-
9 rect the Attorney General of the United
10 States to seek appropriate relief, including
11 divestment relief, in the district courts of
12 the United States, in order to implement
13 and enforce this title.

14 “(7) BURDEN OF PROOF.—In accordance with
15 section 556(d) of title 5, United States Code, in an
16 enforcement action for a violation of the prohibition
17 set forth in subsection (a), the burden of proof shall
18 be upon the Secretary.

19 **“SEC. 802. NOTIFICATION ON INVESTMENTS.**

20 “(a) MANDATORY NOTIFICATION.—Not later than
21 450 days after the date of the enactment of this title, the
22 Secretary shall issue regulations prescribed in accordance
23 with subsection (b), to require a United States person that
24 engages in a covered national security transaction in a
25 prohibited technology (unless the Secretary has exercised

1 the authority provided by section 801(a) to prohibit know-
2 ingly engaging in such covered national security trans-
3 action) or a notifiable technology to submit to the Sec-
4 retary a written notification of the transaction not later
5 than 30 days after the completion date of the transaction.

6 “(b) REGULATIONS.—

7 “(1) IN GENERAL.—Not later than 450 days
8 after the date of the enactment of this title, the Sec-
9 retary, in consultation with the Secretary of Com-
10 merce and, as appropriate, the heads of other rel-
11 evant Federal departments and agencies, shall issue
12 regulations to carry out this section in accordance
13 with subchapter II of chapter 5 and chapter 7 of
14 title 5, United States Code (commonly known as
15 ‘Administrative Procedure Act’).

16 “(2) PUBLIC NOTICE AND COMMENT.—The reg-
17 ulations issued under paragraph (1) shall be subject
18 to public notice and comment.

19 “(3) LOW-BURDEN REGULATIONS.—In issuing
20 regulations under paragraph (1), the Secretary shall
21 balance the priority of protecting the national secu-
22 rity interest of the United States while, to the extent
23 practicable—

24 “(A) minimizing the cost and complexity of
25 compliance for affected parties, including the

1 duplication of reporting requirements under
2 current regulation;

3 “(B) adopting the least burdensome alter-
4 native that achieves regulatory objectives; and

5 “(C) prioritizing transparency and stake-
6 holder involvement in the process of issuing the
7 rules.

8 “(4) PENALTIES.—

9 “(A) IN GENERAL.—The regulations issued
10 under paragraph (1) shall provide for the impo-
11 sition of civil penalties described in subpara-
12 graph (B) for violations of the notification re-
13 quirement set forth in subsection (a).

14 “(B) PENALTIES DESCRIBED.—

15 “(i) UNLAWFUL ACTS.—It shall be
16 unlawful for a person to violate, attempt to
17 violate, conspire to violate, or cause a vio-
18 lation of any license, order, regulation, no-
19 tification requirement, or prohibition
20 issued under this section.

21 “(ii) CIVIL PENALTY.—A civil penalty
22 may be imposed on any person who com-
23 mits an unlawful act described in clause (i)
24 in an amount not to exceed the greater
25 of—

1 “(I) \$250,000; or

2 “(II) an amount that is twice the
3 amount of the transaction that is the
4 basis of the violation with respect to
5 which the penalty is imposed.

6 “(5) BURDEN OF PROOF.—In accordance with
7 section 556(d) of title 5, United States Code, in an
8 enforcement action for a violation of the prohibition
9 set forth in subsection (a), the burden of proof shall
10 be upon the Secretary.

11 “(6) COMPLETENESS OF NOTIFICATION.—

12 “(A) IN GENERAL.—The Secretary shall,
13 upon receipt of a notification under subsection
14 (a), and in consultation with the Secretary of
15 Commerce, promptly inspect the notification for
16 completeness.

17 “(B) INCOMPLETE NOTIFICATIONS.—If a
18 notification submitted under subsection (a) is
19 incomplete, the Secretary shall promptly inform
20 the United States person that submits the noti-
21 fication that the notification is not complete
22 and provide an explanation of relevant material
23 respects in which the notification is not com-
24 plete.

1 “(7) IDENTIFICATION OF NON-NOTIFIED ACTIV-
2 ITY.—The Secretary, in coordination with the Sec-
3 retary of Commerce, shall establish a process to
4 identify covered national security transactions in a
5 prohibited technology or a notifiable technology for
6 which—

7 “(A) a notification is not submitted to the
8 Secretary under subsection (a); and

9 “(B) information is reasonably available.

10 “(c) CONFIDENTIALITY OF INFORMATION.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), any information or documentary material
13 filed with the Secretary pursuant to this section
14 shall be exempt from disclosure under section
15 552(b)(3) of title 5, United States Code, and no
16 such information or documentary material may be
17 made public by any government agency or Member
18 of Congress.

19 “(2) EXCEPTIONS.—The exemption from disclo-
20 sure provided by paragraph (1) shall not prevent the
21 disclosure of the following:

22 “(A) Information relevant to any adminis-
23 trative or judicial action or proceeding.

1 “(B) Information provided to Congress or
2 any of the appropriate congressional commit-
3 tees.

4 “(C) Information important to the national
5 security analysis or actions of the Secretary to
6 any domestic governmental entity, or to any
7 foreign governmental entity of an ally or part-
8 ner of the United States, under the direction
9 and authorization of the Secretary, only to the
10 extent necessary for national security purposes,
11 and subject to appropriate confidentiality and
12 classification requirements.

13 “(D) Information that the parties have
14 consented to be disclosed to third parties.

15 “(E) Information where the disclosure of
16 such information is determined by the Secretary
17 to be in the national security interest.

18 “(d) INAPPLICABILITY.—If the Secretary prohibits a
19 covered national security transaction in a prohibited tech-
20 nology under section 801, the requirements of this section
21 shall not apply with respect to the covered national secu-
22 rity transaction.

23 **“SEC. 803. REPORT.**

24 “(a) IN GENERAL.—Not later than one year after the
25 date on which the regulations issued under section 801(e)

1 take effect, and not less frequently than annually there-
2 after for 7 years, the Secretary, in consultation with the
3 Secretary of Commerce, shall submit to the appropriate
4 congressional committees a report that—

5 “(1) lists all enforcement actions taken subject
6 to the regulations during the year preceding submis-
7 sion of the report, which includes, with respect to
8 each such action, a description of—

9 “(A) the prohibited technology or notifiable
10 technology;

11 “(B) the covered national security trans-
12 action; and

13 “(C) the covered foreign person;

14 “(2) provides an assessment of whether Con-
15 gress should amend the definition of the term ‘pro-
16 hibited technology’ by—

17 “(A) identifying additional technologies,
18 not currently listed as a prohibited technology,
19 that the Secretary, in consultation with the Sec-
20 retary of Commerce and, as applicable, the Sec-
21 retary of Defense, the Secretary of State, the
22 Secretary of Energy, the Director of National
23 Intelligence, and the heads of any other rel-
24 evant Federal agencies, determines may pose an
25 acute threat to the national security of the

1 United States if developed or acquired by a
2 country of concern;

3 “(B) explaining why each technology iden-
4 tified in subparagraph (A) may pose an acute
5 threat to the national security of the United
6 States if developed or acquired by a country of
7 concern; and

8 “(C) recommending the repeal of tech-
9 nologies from the category of prohibited tech-
10 nology to the extent that the technologies no
11 longer pose an acute threat to the national se-
12 curity of the United States if developed or ac-
13 quired by a country of concern;

14 “(3) lists all notifications submitted under sec-
15 tion 802 during the year preceding submission of the
16 report and includes, with respect to each such notifi-
17 cation—

18 “(A) basic information on each party to
19 the covered national security transaction with
20 respect to which the notification was submitted;
21 and

22 “(B) the nature of the covered national se-
23 curity transaction that was the subject to the
24 notification, including the elements of the cov-

1 ered national security transaction that neces-
2 sitated a notification;

3 “(4) includes a summary of those notifications,
4 disaggregated by prohibited technology, notifiable
5 technology, by covered national security transaction,
6 and by country of concern;

7 “(5) provides additional context and informa-
8 tion regarding trends in the prohibited technology,
9 notifiable technology, the types of covered national
10 security transaction, and the countries involved in
11 those notifications; and

12 “(6) assesses the overall impact of those notifi-
13 cations, including recommendations for—

14 “(A) expanding existing Federal programs
15 to support the production or supply of prohib-
16 ited technologies or notifiable technologies in
17 the United States, including the potential of ex-
18 isting authorities to address any related na-
19 tional security concerns;

20 “(B) investments needed to enhance pro-
21 hibited technologies or notifiable technologies
22 and reduce dependence on countries of concern
23 regarding those technologies; and

24 “(C) the continuation, expansion, or modi-
25 fication of the implementation and administra-

1 tion of this title, including recommendations
2 with respect to whether the definition of the
3 term ‘country of concern’ under section 807(2)
4 should be amended to add or remove countries.

5 “(b) CONSIDERATION OF CERTAIN INFORMATION.—

6 In preparing the report pursuant to subsection (a), the
7 Secretary—

8 “(1) shall consider information provided jointly
9 by the chairperson and ranking member of any of
10 the appropriate congressional committees;

11 “(2) may consider credible information obtained
12 by other countries and nongovernmental organiza-
13 tions that monitor the military, surveillance, intel-
14 ligence, or technology capabilities of a country of
15 concern; and

16 “(3) may consider any other information that
17 the Secretary deems relevant.

18 “(c) FORM OF REPORT.—Each report required by
19 this section shall be submitted in unclassified form, but
20 may include a classified annex.

21 “(d) TESTIMONY REQUIRED.—Not later than one
22 year after the date of the enactment of this title, and an-
23 nually thereafter for five years, the Secretary and the Sec-
24 retary of Commerce shall each provide to the Committee
25 on Banking, Housing, and Urban Affairs of the Senate

1 and the Committee on Financial Services of the House of
2 Representatives testimony with respect to the national se-
3 curity threats relating to investments by United States
4 persons in countries of concern and broader international
5 capital flows.

6 “(e) REQUESTS BY APPROPRIATE CONGRESSIONAL
7 COMMITTEES.—

8 “(1) IN GENERAL.—After receiving a request
9 that meets the requirements of paragraph (2) with
10 respect to whether a technology should be included
11 in the amendments as described in subsection (a)(2),
12 the Secretary shall, in preparing the report pursuant
13 to subsection (a)—

14 “(A) determine if that technology may
15 pose an acute threat to the national security of
16 the United States if developed or acquired by a
17 country of concern; and

18 “(B) include in the report pursuant to sub-
19 section (a) an explanation with respect to that
20 determination that includes—

21 “(i) a statement of whether or not the
22 technology, as determined by the Sec-
23 retary, may pose an acute threat to the na-
24 tional security of the United States if de-

1 veloped or acquired by a country of con-
2 cern; and

3 “(ii) if the Secretary determines
4 that—

5 “(I) the technology may pose an
6 acute threat to the national security
7 of the United States if developed or
8 acquired by a country of concern, an
9 explanation for such determination
10 and a recommendation whether that
11 technology should be named a prohib-
12 ited technology or a notifiable tech-
13 nology; and

14 “(II) the technology would not
15 pose an acute threat to the national
16 security of the United States if devel-
17 oped or acquired by a country of con-
18 cern, an explanation for such deter-
19 mination.

20 “(2) REQUIREMENTS.—A request under para-
21 graph (1) with respect to whether a technology may
22 pose an acute threat to the national security of the
23 United States if developed or acquired by a country
24 of concern shall be submitted to the Secretary in
25 writing jointly by the chairperson and ranking mem-

1 “(b) STRATEGY FOR MULTILATERAL ENGAGEMENT
2 AND COORDINATION.—Not later than 180 days after the
3 date of the enactment of this title, the Secretary, in con-
4 sultation with the Secretary of State, the Secretary of
5 Commerce, and the heads of other relevant Federal agen-
6 cies, should—

7 “(1) develop a strategy to work with the gov-
8 ernments of countries that are allies and partners of
9 the United States to develop mechanisms that are
10 comparable to the prohibitions pursuant to this title,
11 for the exclusive purpose of preventing the develop-
12 ment and acquisition of prohibited technologies by a
13 country of concern; and

14 “(2) assess opportunities to provide technical
15 assistance to those countries with respect to the de-
16 velopment of those mechanisms.

17 “(c) REPORT.—Not later than one year after the date
18 of the enactment of this title, and annually thereafter for
19 four years, the Secretary shall submit to the appropriate
20 congressional committees a report that includes—

21 “(1) a discussion of any strategy developed pur-
22 suant to subsection (b)(1), including key tools and
23 objectives for the development of comparable mecha-
24 nisms by the governments of allies and partners of
25 the United States;

1 “(2) a list of partner and allied countries to
2 target for cooperation in developing their own prohi-
3 bitions;

4 “(3) the status of the strategy’s implementation
5 and outcomes; and

6 “(4) a description of impediments to the estab-
7 lishment of comparable mechanisms by governments
8 of allies and partners of the United States.

9 “(d) **APPROPRIATE CONGRESSIONAL COMMITTEES**
10 **DEFINED.**—In this section, the term ‘appropriate congres-
11 sional committees’ means—

12 “(1) the Committee on Foreign Relations and
13 the Committee on Banking, Housing, and Urban Af-
14 fairs of the Senate; and

15 “(2) the Committee on Foreign Affairs and the
16 Committee on Financial Services of the House of
17 Representatives.

18 **“SEC. 805. PUBLIC DATABASE OF COVERED FOREIGN PER-**
19 **SONS.**

20 “(a) **IN GENERAL.**—The Secretary, in consultation
21 with the Secretary of Commerce, may establish a publicly
22 accessible, non-exhaustive database that identifies covered
23 foreign persons in a prohibited technology pursuant to this
24 title.

1 “(b) CONFIDENTIALITY OF EVIDENCE.—The Sec-
2 retary shall establish a mechanism for the public, includ-
3 ing Congress, stakeholders, investors, and nongovern-
4 mental organizations, to submit evidence on a confidential
5 basis regarding whether a foreign person is a covered for-
6 eign person in a prohibited technology and should be in-
7 cluded in the database described in subsection (a), if any.

8 “(c) EXEMPTION FROM DISCLOSURE.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), any information or documentary material
11 filed with the Secretary pursuant to this section
12 shall be exempt from disclosure under section
13 552(b)(3) of title 5, United States Code, and no
14 such information or documentary material may be
15 made public (other than the identity of a covered
16 foreign person in accordance with subsection (b)).

17 “(2) EXCEPTIONS.—Paragraph (1) shall not
18 prohibit the disclosure of the following:

19 “(A) Information relevant to any adminis-
20 trative or judicial action or proceeding.

21 “(B) Information to Congress or any duly
22 authorized committee or subcommittee of Con-
23 gress.

24 “(C) Information important to the national
25 security analysis or actions of the Secretary to

1 any domestic governmental entity, or to any
2 foreign governmental entity of a United States
3 ally or partner, under the exclusive direction
4 and authorization of the Secretary, only to the
5 extent necessary for national security purposes,
6 and subject to appropriate confidentiality and
7 classification requirements.

8 “(D) Information that the parties have
9 consented to be disclosed to third parties.

10 “(d) RULE OF CONSTRUCTION.—The database de-
11 scribed in subsection (a), if any, shall not be considered
12 to be an exhaustive or comprehensive list of covered for-
13 eign persons for the purposes of this title.

14 **“SEC. 806. RULE OF CONSTRUCTION.**

15 “Nothing in this title may be construed to negate the
16 authority of the President under any authority, process,
17 regulation, investigation, enforcement measure, or review
18 provided by or established under any other provision of
19 Federal law, or any other authority of the President or
20 the Congress under the Constitution of the United States.

21 **“SEC. 807. DEFINITIONS.**

22 “In this title:

23 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—Except as provided by section 804(d), the

1 term ‘appropriate congressional committees’
2 means—

3 “(A) the Committee on Financial Services,
4 the Committee on Foreign Affairs, the Com-
5 mittee on Energy and Commerce, and the Com-
6 mittee on Appropriations of the House of Rep-
7 resentatives; and

8 “(B) the Committee on Banking, Housing,
9 and Urban Affairs and the Committee on Ap-
10 propriations of the Senate.

11 “(2) COUNTRY OF CONCERN.—The term ‘coun-
12 try of concern’—

13 “(A) means the People’s Republic of
14 China; and

15 “(B) includes the Hong Kong Special Ad-
16 ministrative Region and the Macau Special Ad-
17 ministrative Region.

18 “(3) COVERED FOREIGN PERSON.—Subject to
19 regulations prescribed in accordance with this title,
20 the term ‘covered foreign person’ means a foreign
21 person that—

22 “(A) is incorporated in, has a principal
23 place of business in, or is organized under the
24 laws of a country of concern;

1 “(B) is a member of the Central Com-
2 mittee of the Chinese Communist Party;

3 “(C) is subject to the direction or control
4 of a country of concern, an entity described in
5 subparagraph (A) or (B), or the state or the
6 government of a country of concern (including
7 any political subdivision, agency, or instrumen-
8 tality thereof); or

9 “(D) is owned in the aggregate, directly or
10 indirectly, 50 percent or more by a country of
11 concern, an entity described in subparagraph
12 (A) or (B), or the state or the government of
13 a country of concern (including any political
14 subdivision, agency, or instrumentality thereof).

15 “(4) COVERED NATIONAL SECURITY TRANS-
16 ACTION.—

17 “(A) IN GENERAL.—Subject to such regu-
18 lations as may be issued in accordance with this
19 title, the term ‘covered national security trans-
20 action’ means any activity engaged in by a
21 United States person that involves—

22 “(i) the acquisition of an equity inter-
23 est or contingent equity interest in a cov-
24 ered foreign person;

1 “(ii) the provision of a loan or similar
2 debt financing arrangement to a covered
3 foreign person, where such debt financ-
4 ing—

5 “(I) is convertible to an equity
6 interest; or

7 “(II) affords or will afford the
8 United States person the right to
9 make management decisions with re-
10 spect to or on behalf of a covered for-
11 eign person or the right to appoint
12 members of the board of directors (or
13 equivalent) of the covered foreign per-
14 son;

15 “(iii) the entrance by such United
16 States person into a joint venture with a
17 covered foreign person;

18 “(iv) the conversion of a contingent
19 equity interest (or interest equivalent to a
20 contingent equity interest) or conversion of
21 debt to an equity interest in a covered for-
22 eign person;

23 “(v) the acquisition, leasing, or other
24 development of operations, land, property,
25 or other assets in a country of concern

1 that will result in, or that the United
2 States person intends to result in—

3 “(I) the establishment of a cov-
4 ered foreign person; or

5 “(II) the engagement of a person
6 of a country of concern in a prohib-
7 ited technology where it was not pre-
8 viously engaged in such prohibited
9 technology;

10 “(vi) knowingly directing transactions
11 by foreign persons that the United States
12 person has knowledge at the time of the
13 transaction would constitute an activity de-
14 scribed in clause (i), (ii), (iii), (iv), or (v),
15 if engaged in by a United States person; or

16 “(vii) the acquisition of a limited part-
17 ner or equivalent interest in a venture cap-
18 ital fund, private equity fund, fund of
19 funds, or other pooled investment fund
20 that the United States person has knowl-
21 edge at the time of the acquisition, intends
22 to engage in an activity described in clause
23 (i), (ii), (iii), (iv), (v), or (vi).

24 “(B) EXCEPTIONS.—Subject to notice and
25 comment regulations prescribed in consultation

1 with Congress and in accordance with this title,
2 the term ‘covered national security transaction’
3 does not include—

4 “(i) any transaction the value of
5 which the Secretary determines is de mini-
6 mis;

7 “(ii) any category of transactions that
8 the Secretary determines is in the national
9 interest of the United States;

10 “(iii) an investment—

11 “(I) in a security (as defined in
12 section 3(a) of the Securities Ex-
13 change Act of 1934(15 U.S.C.
14 78c(a))) that is traded on an ex-
15 change or the over-the-counter market
16 in any jurisdiction;

17 “(II) in a security issued by an
18 investment company (as defined in
19 section 3 of the Investment Company
20 Act of 1940(15 U.S.C. 80a–3)) that is
21 registered with the Securities and Ex-
22 change Commission;

23 “(III) made as a limited partner
24 or equivalent in a venture capital
25 fund, private equity fund, fund of

1 funds, or other pooled investment
2 fund (other than as described in sub-
3 clause (II)) where—

4 “(aa) the limited partner or
5 equivalent’s committed capital is
6 not more than \$2,000,000, ag-
7 gregated across any investment
8 and co-investment vehicles of the
9 fund; or

10 “(bb) the limited partner or
11 equivalent has secured a binding
12 contractual assurance that its
13 capital in the fund will not be
14 used to engage in a transaction
15 that would be a covered national
16 security transaction if engaged in
17 by a United States person; or

18 “(IV) in a derivative of a security
19 described under subclause (I), (II), or
20 (III);

21 “(iv) any ancillary transaction under-
22 taken by a financial institution (as defined
23 in section 5312 of title 31, United States
24 Code);

1 “(v) the acquisition by a United
2 States person of the equity or other inter-
3 est owned or held by a covered foreign per-
4 son in an entity or assets located outside
5 of a country of concern in which the
6 United States person is acquiring the to-
7 tality of the interest in the entity held by
8 the covered foreign person;

9 “(vi) an intracompany transfer of
10 funds, as defined in regulations prescribed
11 in accordance with this title, from a United
12 States parent company to a subsidiary lo-
13 cated in a country of concern or a trans-
14 action that, but for this clause, would be a
15 covered national security transaction be-
16 tween a United States person and its con-
17 trolled foreign person that supports oper-
18 ations that are not covered national secu-
19 rity transactions or that maintains covered
20 national security transactions that the con-
21 trolled foreign person was engaged in prior
22 to January 2, 2025;

23 “(vii) a transaction secondary to a
24 covered national security transaction, in-
25 cluding—

1 “(I) contractual arrangements or
2 the procurement of material inputs
3 for any covered national security
4 transaction (such as raw materials);

5 “(II) bank lending;

6 “(III) the processing, clearing, or
7 sending of payments by a bank;

8 “(IV) underwriting services;

9 “(V) debt rating services;

10 “(VI) prime brokerage;

11 “(VII) global custody;

12 “(VIII) equity research or anal-
13 ysis; or

14 “(IX) other similar services;

15 “(viii) any ordinary or administrative
16 business transaction as may be defined in
17 such regulations; or

18 “(ix) any transaction completed before
19 the date of the enactment of this title.

20 “(C) ANCILLARY TRANSACTION DE-
21 FINED.—In this paragraph, the term ‘ancillary
22 transaction’ means—

23 “(i) the processing, settling, clearing,
24 or sending of payments and cash trans-
25 actions;

1 “(ii) underwriting services;
2 “(iii) credit rating services; and
3 “(iv) other services ordinarily incident
4 to and part of the provision of financial
5 services, such as opening deposit accounts,
6 direct custody services, foreign exchange
7 services, remittances services, and safe de-
8 posit services.

9 “(5) FOREIGN PERSON.—The term ‘foreign per-
10 son’ means a person that is not a United States per-
11 son.

12 “(6) NOTIFIABLE TECHNOLOGY.—

13 “(A) IN GENERAL.—The term ‘notifiable
14 technology’ means a technology with respect to
15 which a covered foreign person—

16 “(i) designs any advanced integrated
17 circuit that is not covered under paragraph
18 (8)(A)(iii);

19 “(ii) fabricates any integrated circuit
20 that is not covered under paragraph
21 (8)(A)(iv);

22 “(iii) packages any integrated circuit
23 that is not covered under paragraph
24 (8)(A)(v); or

1 “(iv) develops any artificial intel-
2 ligence system that is not covered under
3 clause (vii), (viii), (ix), or (xvi) of para-
4 graph (8)(A), and that is—

5 “(I) designed to be used for—

6 “(aa) any military end use
7 (such as for weapons targeting,
8 target identification, combat sim-
9 ulation, military vehicle or weap-
10 ons control, military decision-
11 making, weapons design (includ-
12 ing chemical, biological, radio-
13 logical, or nuclear weapons), or
14 combat system logistics and
15 maintenance); or

16 “(bb) any government intel-
17 ligence or mass-surveillance end
18 use (such as through incorpora-
19 tion of features such as mining
20 text, audio, or video, image rec-
21 ognition, location tracking, or
22 surreptitious listening devices);

23 “(II) intended by the covered for-
24 eign person or joint venture to be
25 used for—

1 “(aa) cybersecurity applica-
2 tions;

3 “(bb) digital forensics tools;

4 “(cc) penetration testing
5 tools; or

6 “(dd) control of robotic sys-
7 tems; or

8 “(III) trained using a quantity of
9 computing power greater than 10^{23}
10 computational operations (such as in-
11 teger or floating-point operations).

12 “(B) UPDATES.—The Secretary, in con-
13 sultation with Congress, may prescribe regula-
14 tions in accordance with this title to refine the
15 technical parameters of technologies described
16 in subparagraph (A) as reasonably needed for
17 national security purposes or to add or remove
18 categories to or from the list in subparagraph
19 (A).

20 “(7) PARTY.—The term ‘party’, with respect to
21 a covered national security transaction, has the
22 meaning given that term in regulations prescribed in
23 accordance with this title.

24 “(8) PROHIBITED TECHNOLOGY.—

1 “(A) IN GENERAL.—The term ‘prohibited
2 technology’ means a technology with respect to
3 which a covered foreign person—

4 “(i) develops or produces any design
5 automation software for the design of inte-
6 grated circuits or advanced packaging;

7 “(ii) develops or produces any—

8 “(I) electronic design automation
9 software for the design of integrated
10 circuits or advanced packaging;

11 “(II) front-end semiconductor
12 fabrication equipment designed for the
13 volume fabrication of integrated cir-
14 cuits, including equipment used in the
15 production stages from a blank wafer
16 or substrate to a completed wafer or
17 substrate; or

18 “(III) equipment for performing
19 volume advanced packaging;

20 “(iii) designs any integrated circuit
21 designs that meet or exceed the specifica-
22 tions set in Export Control Classification
23 Number (ECCN) 3A090 in Supplement
24 No. 1 to the Export Administration Regu-

1 lations, or integrated circuits designed for
2 operation at or below 4.5 Kelvin;

3 “(iv) fabricates integrated circuits
4 that are—

5 “(I) logic integrated circuits
6 using a non-planar transistor architec-
7 ture or with a technology node of 16/
8 14 nanometers or less, including fully
9 depleted silicon-on-insulator (FDSOI)
10 integrated circuits;

11 “(II) NOT-AND (NAND) mem-
12 ory integrated circuits with 128 layers
13 or more;

14 “(III) dynamic random-access
15 memory (DRAM) integrated circuits
16 using a technology node of 18
17 nanometer half-pitch or less;

18 “(IV) integrated circuits manu-
19 factured from a gallium-based com-
20 pound semiconductor;

21 “(V) integrated circuits using
22 graphene transistors or carbon
23 nanotubes; or

24 “(VI) integrated circuits designed
25 for operation at or below 4.5 Kelvin;

1 “(v) packages any integrated circuit
2 using advanced packaging techniques;

3 “(vi) develops, designs, or produces
4 any commodity, material, software, or
5 technology designed exclusively for use in
6 or with extreme ultraviolet lithography fab-
7 rication equipment;

8 “(vii) develops, designs, or produces
9 any artificial intelligence models trained
10 with at least 10^{25} floating point oper-
11 ations;

12 “(viii) develops, designs, or produces
13 any artificial intelligence models that rely
14 upon or utilize advanced integrated circuits
15 that meet or exceed the specifications set
16 in Export Control Classification Number
17 (ECCN) 3A090 in Supplement No. 1 to
18 the Export Administration Regulations;

19 “(ix) develops, designs, or produces
20 any artificial intelligence models designed
21 for use by the Government of the People’s
22 Republic of China, its special administra-
23 tive regions, or its agencies and instrumen-
24 talities;

1 “(x) develops a quantum computer or
2 produces any critical components required
3 to produce a quantum computer such as a
4 dilution refrigerator or two-stage pulse
5 tube cryocooler;

6 “(xi) develops or produces any quan-
7 tum sensing platform designed for, or
8 which the relevant covered foreign person
9 intends to be used for, any military, gov-
10 ernment intelligence, or mass-surveillance
11 end use;

12 “(xii) develops or produces quantum
13 networks or quantum communication sys-
14 tems designed for or intended to be used
15 for—

16 “(I) networking to scale up the
17 capabilities of quantum computers,
18 such as for the purposes of breaking
19 or compromising encryption;

20 “(II) secure communications,
21 such as quantum key distribution; or

22 “(III) any other application that
23 has any military, government intel-
24 ligence, or mass-surveillance end use;

1 “(xiii) develops, designs, or produces
2 materials, components, avionics, flight con-
3 trol, propulsion, Global Positioning System
4 (GPS), data relay, and target detection
5 systems designed for use in hypersonic sys-
6 tems or capable of sustainable operations
7 above 1,000 degrees Celsius;

8 “(xiv) develops, installs, sells, or pro-
9 duces any supercomputer enabled by ad-
10 vanced integrated circuits that can provide
11 theoretical compute capacity of 100 or
12 more double-precision (64-bit) petaflops or
13 200 or more single-precision (32-bit)
14 petaflops of processing power within a
15 41,600 cubic foot or smaller envelope;

16 “(xv) develops, designs, or produces
17 any other technologies in the advanced
18 semiconductors and microelectronics sec-
19 tor, the artificial intelligence sector, the
20 high-performance computing and super-
21 computing sector, the hypersonic missiles
22 sector, or the quantum information science
23 and technology sector that are—

24 “(I) defense articles or defense
25 services included on the United States

1 Munitions List set forth in the Inter-
2 national Traffic in Arms Regulations
3 under subchapter M of chapter I of
4 title 22, Code of Federal Regulations;

5 “(II) specially designed and pre-
6 pared nuclear equipment, parts or
7 components, materials, software, or
8 technologies covered by part 810 of
9 title 10, Code of Federal Regulations
10 (relating to assistance to foreign
11 atomic energy activities);

12 “(III) nuclear facilities, equip-
13 ment, or materials covered by part
14 110 of title 10, Code of Federal Regu-
15 lations (relating to export and import
16 of nuclear equipment and material);
17 or

18 “(IV) emerging or foundational
19 technologies controlled pursuant to
20 section 1758 of the Export Control
21 Reform Act of 2018 (50 U.S.C.
22 4817); or

23 “(xvi) develops any artificial intel-
24 ligence system that is designed to be exclu-
25 sively used for, or which the relevant cov-

1 ered foreign person intends to be used for,
2 any—

3 “(I) military end use (such as for
4 weapons targeting, target identifica-
5 tion, combat simulation, military vehi-
6 cle or weapon control, military deci-
7 sion-making, weapons design (includ-
8 ing chemical, biological, radiological,
9 or nuclear weapons), or combat sys-
10 tem logistics and maintenance); or

11 “(II) government intelligence or
12 mass-surveillance end (such as
13 through incorporation of features such
14 as mining text, audio, or video, image
15 recognition, location tracking, or sur-
16 reptitious listening devices).

17 “(B) UPDATES.—The Secretary, in con-
18 sultation with Congress, may prescribe regula-
19 tions in accordance with this title to make up-
20 dates to the technical parameters of tech-
21 nologies described in subparagraph (A) as rea-
22 sonably needed for national security purposes.

23 “(9) SECRETARY.—Except as otherwise pro-
24 vided, the term ‘Secretary’ means the Secretary of
25 the Treasury.

1 “(10) UNITED STATES PERSON.—The term
2 ‘United States person’ means—

3 “(A) any United States citizen or an alien
4 lawfully admitted for permanent residence to
5 the United States;

6 “(B) an entity organized under the laws of
7 the United States or of any jurisdiction within
8 the United States (including any foreign branch
9 of such an entity); or

10 “(C) any person in the United States.”.

11 **SEC. 112. REVIEW OF AND REPORTING ON NATIONAL SECURITY SENSITIVE SITES FOR PURPOSES OF RE-**
12 **VIEW OF REAL ESTATE TRANSACTIONS BY**
13 **THE COMMITTEE ON FOREIGN INVESTMENT**
14 **IN THE UNITED STATES.**
15

16 (a) LIST OF NATIONAL SECURITY SENSITIVE
17 SITES.—Section 721(a)(4)(C) of the Defense Production
18 Act of 1950 (50 U.S.C. 4565(a)(4)(C)) is amended by
19 adding at the end the following:

20 “(iii) LIST OF SITES.—For purposes
21 of subparagraph (B)(ii), the Committee
22 may prescribe through regulations a list of
23 facilities and property of the United States
24 Government that are sensitive for reasons
25 relating to national security. Such list may

1 include certain facilities and property of
2 the intelligence community and National
3 Laboratories (as defined in section 2 of the
4 Energy Policy Act of 2005 (42 U.S.C.
5 15801)).”.

6 (b) REVIEW AND REPORTS.—Section 721(m) of the
7 Defense Production Act of 1950 (50 U.S.C. 4565(m)(2))
8 is amended—

9 (1) in paragraph (2), by adding at the end the
10 following:

11 “(L) A list of all notices and declarations
12 filed and all reviews or investigations of covered
13 transactions completed during the period relat-
14 ing to facilities and property of the United
15 States Government determined to be sensitive
16 for reasons relating to national security for pur-
17 poses of subsection (a)(4)(B)(ii).

18 “(M) A certification that the list of sites
19 identified under subsection (a)(4)(C)(iii) re-
20 flects consideration of the recommended up-
21 dates and revisions submitted under paragraph
22 (4)(B). Upon request from any Member of Con-
23 gress specified in subsection (b)(3)(C)(iii), the
24 chairperson shall provide a classified briefing to
25 that Member, and staff of the member with ap-

1 appropriate security clearances, regarding the list
2 of sites identified under subsection
3 (a)(4)(C)(iii).”;

4 (2) by redesignating paragraph (4) as para-
5 graph (5); and

6 (3) by inserting after paragraph (3) the fol-
7 lowing:

8 “(4) ANNUAL REVIEW OF LIST OF FACILITIES
9 AND PROPERTY.—Not later than January 31 of each
10 year, each member of the Committee shall—

11 “(A) review the facilities and property of
12 the agency represented by that member that are
13 on the list prescribed under subparagraph
14 (C)(iii) of subsection (a)(4) of facilities and
15 property that are sensitive for reasons relating
16 to national security for purposes of subpara-
17 graph (B)(ii) of that subsection; and

18 “(B) submit to the chairperson a report on
19 that review, after approval of the report by an
20 Assistant Secretary or equivalent official of the
21 agency, which shall include any recommended
22 updates or revisions to the list regarding facili-
23 ties and property administered by the member
24 of the Committee.”.

1 (c) CENTRALIZATION OF MONITORING AND EN-
2 FORCEMENT FUNCTIONS.—Section 721(q)(2) of the De-
3 fense Production Act of 1950 (50 U.S.C. 4565(q)(2)) is
4 amended by inserting before the period the following: “,
5 such as monitoring of agreements and conditions entered
6 into or imposed under subsection (l) and enforcement of
7 this section”.

8 (d) MANDATORY DECLARATIONS OF TRANSACTIONS
9 RELATING TO CRITICAL INFRASTRUCTURE AND CRITICAL
10 TECHNOLOGIES.—Section 721(b)(1)(C)(v)(IV)(cc) of the
11 Defense Production Act of 1950 (50 U.S.C.
12 4565(b)(1)(C)(v)(IV)(cc)) is amended by striking “sub-
13 section (a)(4)(B)(iii)(II)” and inserting “subclause (I) or
14 (II) of subsection (a)(4)(B)(iii)”.

15 (e) EXTENSION.—Section 717(a) of the Defense Pro-
16 duction Act of 1950 (50 U.S.C. 4564(a)) is amended by
17 striking “September 30, 2025” and inserting “September
18 30, 2026”.

19 **Subtitle C—Securities and Related** 20 **Matters**

21 **SEC. 121. REQUIREMENTS RELATING TO THE NON-SDN CHI-** 22 **NESE MILITARY-INDUSTRIAL COMPLEX COM-** 23 **PANIES LIST.**

24 (a) REPORT.—

1 (1) IN GENERAL.—Not later than 365 days
2 after the date of the enactment of this Act, and bi-
3 ennially thereafter for 6 years, the Secretary shall
4 submit to the appropriate congressional committees
5 a report that states whether any of the following for-
6 eign persons qualifies for inclusion on the Non-SDN
7 Chinese Military-Industrial Complex Companies
8 List:

9 (A) Any PRC person listed on the Military
10 End-User List (Supplement No. 7 to part 744
11 of the Export Administration Regulations).

12 (B) Any PRC person listed pursuant to
13 section 1260H of the William M. (Mac) Thorn-
14 berry National Defense Authorization Act for
15 Fiscal Year 2021 (10 U.S.C. 113 note).

16 (C) Any PRC person listed on the Depart-
17 ment of Commerce’s Entity List (Supplement
18 No. 4 to part 744 of the Export Administration
19 Regulations).

20 (2) PROCESS REQUIRED.—To prepare the re-
21 ports under paragraph (1), the President shall es-
22 tablish a process under which the Federal agencies
23 responsible for administering the lists described in
24 subparagraphs (A), (B), and (C) of paragraph (1)
25 shall share with each other all relevant information

1 that led to the identification of the entities described
2 in such lists.

3 (3) RISK-BASED PRIORITIZATION FRAME-
4 WORK.—In making the initial determinations under
5 paragraph (1), the Secretary may establish a risk-
6 based prioritization framework factoring in
7 prioritization of entity review submitted to the Sec-
8 retary by the Federal agencies administering the
9 lists described in subparagraphs (A), (B), and (C) of
10 paragraph (1).

11 (4) ANNUAL REPORTS TO THE APPROPRIATE
12 CONGRESSIONAL COMMITTEES.—The report under
13 paragraph (1) may summarize findings concerning
14 entities previously reviewed pursuant to this section
15 and do not necessitate additional review by the Sec-
16 retary.

17 (5) MATTERS TO BE INCLUDED.—The Sec-
18 retary shall include in the report required by para-
19 graph (1) an overview of the criteria required for
20 listing on Non-SDN Chinese Military-Industrial
21 Complex Companies List. The heads of the Federal
22 agencies administering the lists described in sub-
23 paragraphs (A), (B), and (C) of paragraph (1) shall
24 provide an overview of the criteria for entity identi-
25 fication or listing on each respective list.

1 (b) REQUIREMENT FOR DIVESTMENT.—

2 (1) IN GENERAL.—The President shall promul-
3 gate rules that prohibit a United States person from
4 knowingly holding securities of entities on the Non-
5 SDN Chinese Military-Industrial Complex Compa-
6 nies List, after the date that is 365 days after the
7 date of enactment of this Act.

8 (2) AUTHORIZATION.—The prohibitions on in-
9 vestment imposed under paragraph (1) shall not
10 apply to a transaction in a security that is entered
11 into on or before the date that is 365 days after the
12 date of enactment of this Act by a United States
13 person, if such transaction is entered into solely to
14 divest of the security.

15 (c) WAIVER.—

16 (1) IN GENERAL.—The President may establish
17 a process under which the requirements of sub-
18 section (b) shall not apply if the President deter-
19 mines to do so is necessary to protect the national
20 security or foreign policy objectives of the United
21 States.

22 (2) CASE-BY-CASE REQUIREMENT.—Determina-
23 tions under paragraph (1) shall be issued on a case-
24 by-case basis for each entity on the Non-SDN Chi-
25 nese Military-Industrial Complex Companies List.

1 (3) NOTICE AND BRIEFING.—The President
2 shall notify the appropriate congressional committees
3 in writing in advance of issuing a determination
4 under paragraph (1) and shall provide a substantive
5 briefing on the determination to the appropriate con-
6 gressional committees within 30 days of issuing a
7 determination.

8 (d) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Financial Services
13 and the Committee on Foreign Affairs of the
14 House of Representatives; and

15 (B) the Committee on Banking, Housing,
16 and Urban Affairs of the Senate.

17 (2) COUNTRY OF CONCERN.—The term “coun-
18 try of concern”—

19 (A) means the People’s Republic of China;
20 and

21 (B) includes the Hong Kong Special Ad-
22 ministrative Region and the Macau Special Ad-
23 ministrative Region.

24 (3) NON-SDN CHINESE MILITARY-INDUSTRIAL
25 COMPLEX COMPANIES LIST.—The term “Non-SDN

1 Chinese Military-Industrial Complex Companies
2 List” means the list maintained by the Office of
3 Foreign Assets Control of the Department of the
4 Treasury under Executive Order 13959, as amended
5 by Executive Order 14032 (50 U.S.C. 1701 note; re-
6 lating to addressing the threat from securities in-
7 vestments that finance certain companies of the Peo-
8 ple’s Republic of China), and any successor order.

9 (4) PRC PERSON.—The term “PRC person”
10 means a foreign person that—

11 (A) is incorporated in a principal place of
12 business in, or is organized under the laws of,
13 a country of concern;

14 (B) is a member of the Central Committee
15 of the Chinese Communist Party;

16 (C) is the state or the government of a
17 country of concern, as well as any political sub-
18 division, agency, or instrumentality thereof; or

19 (D) is owned in the aggregate, directly or
20 indirectly, 50 percent or more by an entity or
21 a group of entities described in subparagraph
22 (A), (B), or (C).

1 **SEC. 122. EXTENSION OF FILING DEADLINE FOR CERTAIN**
2 **PRE-EXISTING REPORTING COMPANIES.**

3 Section 5336(b)(1)(B) of title 31, United States
4 Code, is amended by striking “before the effective date
5 of the regulations prescribed under this subsection shall,
6 in a timely manner, and not later than 2 years after the
7 effective date of the regulations prescribed under this sub-
8 section,” and inserting “before January 1, 2024, shall, not
9 later than January 1, 2026,”.

10 **TITLE VI—MISCELLANEOUS**

11 **SEC. 601. COMMODITY FUTURES TRADING COMMISSION**
12 **WHISTLEBLOWER PROGRAM.**

13 (a) IN GENERAL.—Section 1(b) of Public Law 117–
14 25 (135 Stat. 297; 136 Stat. 2133; 136 Stat. 5984) is
15 amended, in paragraphs (3) and (4), by striking “October
16 1, 2024” each place it appears and inserting “March 14,
17 2025”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect as if enacted on September
20 30, 2024.

21 **SEC. 602. TRANSFER AND REDESIGNATION OF THE 121ST**
22 **FIGHTER SQUADRON OF THE 113TH WING,**
23 **DISTRICT OF COLUMBIA AIR NATIONAL**
24 **GUARD.**

25 (a) IN GENERAL.—Not later than September 30,
26 2025, the Secretary of the Air Force shall transfer and

1 redesignate the 121st Fighter Squadron of the 113th
2 Wing, District of Columbia Air National Guard to the
3 175th Wing of the Maryland Air National Guard.

4 (b) SAVINGS PROVISION.—Nothing in this section
5 shall be construed to authorize the transfer or relocation
6 of billets or operational equipment from Joint Base An-
7 drews.

8 **SEC. 603. PUBLIC AVAILABILITY OF REPORTS ON DISASTER**
9 **ASSISTANCE.**

10 Section 12091 of the Small Business Disaster Re-
11 sponse and Loan Improvements Act of 2008 (15 U.S.C.
12 636k) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by inserting “and
15 make publicly available” after “Representa-
16 tives”; and

17 (B) in paragraph (2), in the matter pre-
18 ceding subparagraph (A), by inserting “and
19 made publicly available” after “submitted”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by inserting “and
22 make publicly available” after “Representa-
23 tives”; and

1 (B) in paragraph (2), in the matter pre-
2 ceding subparagraph (A), by inserting “and
3 made publicly available” after “submitted”;

4 (3) in subsection (c)—

5 (A) in paragraph (1), by inserting “and
6 make publicly available” after “Representa-
7 tives”; and

8 (B) in paragraph (2), in the matter pre-
9 ceding subparagraph (A), by inserting “and
10 made publicly available” after “submitted”; and
11 (4) in subsection (e)—

12 (A) in paragraph (1)—

13 (i) by striking “a report”; and

14 (ii) by inserting “and make publicly
15 available a report” after “Representa-
16 tives”; and

17 (B) in paragraph (2), in the matter pre-
18 ceding subparagraph (A), by inserting “and
19 made publicly available” after “submitted”.

20 **SEC. 604. TRANSFER OF ADMINISTRATIVE JURISDICTION**
21 **OVER RFK MEMORIAL STADIUM CAMPUS TO**
22 **DISTRICT OF COLUMBIA.**

23 (a) EXERCISE OF TRANSFER AUTHORITY.—

24 (1) TRANSFER.—Not later than 180 days after
25 the date of the enactment of this Act, the Secretary

1 of the Interior (hereafter referred to as the “Sec-
2 retary”), acting under the authority of section 8124
3 of title 40, United States Code (except as provided
4 under paragraph (2)), shall transfer administrative
5 jurisdiction over the Robert F. Kennedy Memorial
6 Stadium Campus (hereafter referred to as the
7 “Campus”) to the District of Columbia (hereafter
8 referred to as the “District”), subject to a Declara-
9 tion of Covenants with the District which is con-
10 sistent with the succeeding provisions of this section
11 and which includes such other terms and conditions
12 as may be agreed to by the Secretary and the Dis-
13 trict.

14 (2) WAIVER OF REQUIREMENT FOR PRIOR REC-
15 OMMENDATION OF NATIONAL CAPITAL PLANNING
16 COMMISSION.—The second sentence of section
17 8124(a) of title 40, United States Code, shall not
18 apply to the transfer of administrative jurisdiction
19 over the Campus under this section.

20 (3) NO EFFECT ON STATUS OF OWNERSHIP OF
21 CAMPUS.—Consistent with section 8124 of title 40,
22 United States Code, the transfer of administrative
23 jurisdiction over the Campus under this section does
24 not change the status of the ownership of the Cam-
25 pus by the United States.

1 (b) DEVELOPMENT AND USES OF CAMPUS.—After
2 transfer of administrative jurisdiction over the Campus
3 under this section, the District may develop and use, and
4 permit the development and use of, the Campus for any
5 of the following purposes:

6 (1) Stadium purposes, including training facili-
7 ties, offices, and other structures necessary to sup-
8 port a stadium.

9 (2) Commercial and residential development.

10 (3) Facilities, open space, and public outdoor
11 opportunities, which may include supporting cultural
12 activities, educational activities, and recreational ac-
13 tivities, as such terms are defined in section 3306(a)
14 of title 40, United States Code.

15 (4) Such other public purposes for which the
16 Campus was used or approved for use prior to June
17 1, 1985.

18 (5) Demolition purposes to facilitate develop-
19 ment and use of the Campus under subparagraphs
20 (1) through (4).

21 (c) SPECIFIC REQUIREMENTS RELATING TO DEVEL-
22 OPMENT AND USE OF CAMPUS.—The Declaration of Cov-
23 enants entered into under subsection (a)(1) shall include
24 provisions to require the District to meet the following re-
25 quirements as a condition of the development and use of

1 the Campus as set forth under subsection (b) after trans-
2 fer of administrative jurisdiction over the Campus under
3 this section:

4 (1) The District shall ensure that the develop-
5 ment and use does not materially degrade or ad-
6 versely impact any lands under the jurisdiction of
7 the National Park Service, including the restoration
8 of the wetlands south of Kingman Island.

9 (2) The District shall designate, develop, oper-
10 ate, and maintain at least 30 percent of the Campus
11 (excluding the riparian area of the Campus as de-
12 fined in subsection (g)(2)) as the “Robert F. Ken-
13 nedy Memorial Park” as parks and open space to
14 provide land for passive and active outdoor recre-
15 ation and shall require that portion to be reserved
16 for such purposes for the duration of the transfer.

17 (3) The District shall ensure that the develop-
18 ment and use provides for improved public access to
19 the Anacostia River and shall not interrupt the Ana-
20 costia River Trail.

21 (4) The District shall, to the extent necessary,
22 ensure that parking facilities are provided to accom-
23 modate the development.

24 (5) The District shall provide for adequate pub-
25 lic safety and security measures and resources in the

1 planning and ongoing management of the develop-
2 ment.

3 (6) The District shall carry out measures that,
4 to the greatest extent practicable, will reduce the im-
5 pact of noise and traffic of the development on sur-
6 rounding residential areas in the District.

7 (7) The District shall operate and maintain the
8 riparian area of the Campus in accordance with sub-
9 section (g).

10 (8) The District shall ensure that no Member
11 of Congress, Delegate or Resident Commissioner to
12 the Congress, or any other official of the Govern-
13 ment of the United States or the Government of the
14 District of Columbia shall be admitted to any share
15 or part of any lease entered into by the District in
16 the exercise of the administrative jurisdiction over
17 the Campus transferred under this section, or to any
18 benefit that may arise therefrom, including any con-
19 tract or agreement made, entered into, or accepted
20 by or on behalf of the District as a result of this sec-
21 tion. Nothing in the previous sentence may be con-
22 strued to apply to a person who is a shareholder or
23 other beneficial owner of any publicly held corpora-
24 tion or other entity, if the lease is for the general
25 benefit of such corporation or other entity.

1 (d) SURVEY.—

2 (1) REQUIRING SURVEY.—As soon as prac-
3 ticable after the date of the enactment of this Act,
4 the District shall conduct a survey of the Campus,
5 which shall determine the exact acreage and legal
6 description of the Campus by a boundary survey
7 prepared by a qualified Federally-, State-, or Dis-
8 trict-licensed surveyor who is approved by the Sec-
9 retary.

10 (2) SUBMISSION TO CONGRESS.—Upon comple-
11 tion, the survey conducted under paragraph (1) shall
12 be submitted to—

13 (A) the Committee on Oversight and Ac-
14 countability and the Committee on Natural Re-
15 sources of the House of Representatives; and

16 (B) the Committee on Homeland Security
17 and Governmental Affairs and the Committee
18 on Energy and Natural Resources of the Sen-
19 ate.

20 (3) INCORPORATION IN DECLARATION OF COV-
21 ENANTS FOR TRANSFER.—The survey conducted
22 under paragraph (1) shall be incorporated in the
23 Declaration of Covenants entered into under sub-
24 section (a)(1).

1 (4) AVAILABILITY OF SURVEY AND MAP FOR
2 PUBLIC INSPECTION.—The survey conducted under
3 paragraph (1), together with the map of the Campus
4 referred to in subsection (m), shall be kept on file
5 and available for public inspection in the appropriate
6 offices of the Secretary.

7 (e) MEMORANDUM OF UNDERSTANDING.—As a con-
8 dition of the development and use of the Campus after
9 transfer of administrative jurisdiction over the Campus
10 under this section, the Secretary and the District shall
11 enter into a memorandum of understanding to determine
12 an allocation of the costs of carrying out all responsibilities
13 of the United States and the District with respect to the
14 Campus under the Comprehensive Environmental Re-
15 sponse, Compensation, and Liability Act of 1980 (42
16 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act
17 (42 U.S.C. 6901 et seq.), including any costs of any re-
18 sponse action with respect to any contamination present
19 on the Campus.

20 (f) COSTS.—

21 (1) COSTS OF TRANSFER.—The District shall
22 be responsible for payment of any costs of carrying
23 out the transfer of administrative jurisdiction over
24 the Campus under this section, including—

1 (A) any costs of carrying out the survey
2 under subsection (d); and

3 (B) any costs of carrying out any environ-
4 mental analysis required under Federal law.

5 (2) COSTS AFTER TRANSFER.—Except as pro-
6 vided under the memorandum of understanding en-
7 tered into under subsection (e), the Secretary shall
8 not be responsible for payment of any costs or ex-
9 penses that are incurred by the District or any other
10 party (other than the United States) associated with
11 the Campus after the transfer of administrative ju-
12 risdiction under this section.

13 (g) SPECIAL RULES FOR RIPARIAN AREA.—

14 (1) RESTRICTION ON DEVELOPMENT AND
15 USE.—The Declaration of Covenants entered into
16 under subsection (a)(1) shall include provisions to
17 ensure that the riparian area of the Campus may
18 not be developed or used for any purposes other
19 than the continuing maintenance of any develop-
20 ment, use, or infrastructure (including roads and
21 pathways) existing at the time of the execution of
22 the transfer of administrative jurisdiction over the
23 Campus under this section.

24 (2) RIPARIAN AREA OF THE CAMPUS DE-
25 FINED.—In this subsection, the term “riparian area

1 of the Campus” means the area designated in the
2 map referred to in subsection (m) as “Riparian Area
3 (Area F)”.

4 (h) PROHIBITING USE OF FEDERAL FUNDS FOR
5 STADIUM.—The Declaration of Covenants entered into
6 under subsection (a)(1) shall include provisions to ensure
7 that the District may not use Federal funds for stadium
8 purposes on the Campus, including training facilities, of-
9 fices, and other structures necessary to support a stadium.

10 (i) TERM.—The transfer of administrative jurisdic-
11 tion over the Campus under this section shall be in effect
12 for a term of not less than 99 years, and may be renewed
13 for subsequent periods agreed to by the Secretary and the
14 District.

15 (j) REVERSION OF ADMINISTRATIVE JURISDIC-
16 TION.—

17 (1) GROUNDS FOR REVERSION.—The Declara-
18 tion of Covenants entered into under subsection
19 (a)(1) shall include provisions stating that adminis-
20 trative jurisdiction over the Campus transferred
21 under this section shall revert to the Secretary if
22 each of the following occurs:

23 (A) The terms and conditions of the Dec-
24 laration of Covenants have not been complied

1 with, as reasonably determined by the Sec-
2 retary.

3 (B) Such noncompliance has not been cor-
4 rected within 90 days after written notice of
5 such noncompliance has been received by the
6 District. Such noncompliance shall be treated
7 as corrected if the District and the Secretary
8 enter into an agreement that the Secretary
9 finds adequate to ensure that the Campus will
10 be developed and used in a manner consistent
11 with the purposes referred to in subsection (b).

12 (2) TIMING.—The Secretary may not seek the
13 reversion of administrative jurisdiction over the
14 Campus under this subsection before the expiration
15 of 90 days after the date on which written notice of
16 the alleged violation is received by the District. The
17 notice shall include notice of the Secretary's inten-
18 tion for administrative jurisdiction over the Campus
19 to revert to the Secretary.

20 (3) COST OF REHABILITATING PROPERTY.—
21 The Declaration of Covenants entered into under
22 subsection (a)(1) shall include provisions requiring
23 the District to bear the actual cost of removing
24 structures from or rehabilitating the Campus if ad-

1 ministrative jurisdiction over the Campus reverts to
2 the Secretary under this subsection.

3 (k) RULE OF CONSTRUCTION RELATED TO THE AP-
4 PLICABILITY TO THE ADMINISTRATIVE JURISDICTION
5 TRANSFER.—Nothing in this section may be construed to
6 affect or limit the application of or obligation to comply
7 with the Comprehensive Environmental Response, Com-
8 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
9 seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
10 et seq.).

11 (l) CONFORMING AMENDMENT; TERMINATION OF
12 EXISTING LEASE.—Effective on the date of the transfer
13 of administrative jurisdiction over the Campus under this
14 section—

15 (1) the District of Columbia Stadium Act of
16 1957 (sec. 3–321 et seq., D.C. Official Code) is re-
17 pealed; and

18 (2) the lease dated January 14, 1988, between
19 the United States and the District for the use of the
20 Campus, as authorized by section 7(b)(1)(B) of such
21 Act (sec. 3–326(b)(1)(B), D.C. Official Code), is ter-
22 minated.

23 (m) DEFINITION.—In this section, the term “Robert
24 F. Kennedy Memorial Stadium Campus” means the ap-
25 proximately 174 acres of Federal land as generally de-

1 pictured on the map entitled “Anacostia Park, Robert F.
2 Kennedy Memorial Stadium Campus – Transfer of Ad-
3 ministrative Jurisdiction”, numbered 831/189,767, and
4 dated January 2024.

5 **SEC. 605. TREATMENT OF ELECTRONIC SERVICES PRO-**
6 **VIDED FOR HOUSE OFFICES.**

7 (a) IN GENERAL.—In this section—

8 (1) the term “agent of the Office of the Chief
9 Administrative Officer” includes a provider of elec-
10 tronic communication service or remote computing
11 service commissioned or used through the Office of
12 the Chief Administrative Officer by a House office
13 to provide such services to the House office;

14 (2) the term “electronic communication service”
15 has the meaning given that term in section 2510 of
16 title 18, United States Code;

17 (3) the term “House data”, with respect to a
18 House office, means any electronic mail or other
19 electronic or data communication, other data (in-
20 cluding metadata), or other information of the
21 House office;

22 (4) the term “House office” means any employ-
23 ing office whose salaries or expenses are disbursed
24 by the Office of the Chief Administrative Officer;

1 (5) the term “Office of the Chief Administrative
2 Officer” means the Office of the Chief Administra-
3 tive Officer of the House of Representatives;

4 (6) the term “provider for a House office”
5 means a provider of electronic communication serv-
6 ice or remote computing service directly commis-
7 sioned or used by a House office to provide such
8 services; and

9 (7) the term “remote computing service” has
10 the meaning given that term in section 2711 of title
11 18, United States Code.

12 (b) TREATMENT.—

13 (1) RETAINING POSSESSION.—

14 (A) IN GENERAL.—A House office shall be
15 deemed to retain possession of any House data
16 of the House office, without regard to the use
17 by the House office of any individual or entity
18 described in paragraph (2) for the purposes of
19 any function or service described in paragraph
20 (2).

21 (B) RULE OF CONSTRUCTION.—Subpara-
22 graph (A) shall not be construed to limit the
23 use by an intended recipient of any House data
24 from a House office.

1 (2) CHIEF ADMINISTRATIVE OFFICER AND PRO-
2 VIDERS FOR A HOUSE OFFICE.—The Office of the
3 Chief Administrative Officer, any officer, employee,
4 or agent of the Office of the Chief Administrative
5 Officer, and any provider for a House office shall
6 not be treated as acquiring possession, custody, or
7 control of any House data by reason of its being
8 transmitted, processed, or stored (whether tempo-
9 rarily or otherwise) through the use of an electronic
10 system established, maintained, or operated, or the
11 use of electronic services provided, in whole or in
12 part by the Office of the Chief Administrative Offi-
13 cer, the officer, employee, or agent of the Office of
14 the Chief Administrative Officer, or the provider for
15 the House office.

16 (c) NOTIFICATION.—Notwithstanding any other pro-
17 vision of law or rule of civil or criminal procedure, the
18 Office of the Chief Administrative Officer, any officer, em-
19 ployee, or agent of the Office of the Chief Administrative
20 Officer, and any provider for a House office that is pro-
21 viding services to or used by a House office shall not be
22 barred, through operation of any court order or any statu-
23 tory provision, from notifying the House office of any legal
24 process seeking disclosure of House data of the House of-
25 fice that is transmitted, processed, or stored (whether tem-

1 porarily or otherwise) through the use of an electronic sys-
2 tem established, maintained, or operated, or the use of
3 electronic services provided, in whole or in part by the Of-
4 fice of the Chief Administrative Officer, the officer, em-
5 ployee, or agent of the Office of the Chief Administrative
6 Officer, or the provider for a House office.

7 (d) MOTIONS TO QUASH OR MODIFY.—Upon a mo-
8 tion made promptly by a House office or provider for a
9 House office, a court of competent jurisdiction shall quash
10 or modify any legal process directed to the provider for
11 a House office if compliance with the legal process would
12 require the disclosure of House data of the House office.

13 (e) INFORMATION REGARDING IMPLICATIONS OF
14 USING PROVIDERS.—The Office of the Chief Administra-
15 tive Officer, in consultation with the House Office of Gen-
16 eral Counsel, shall provide information regarding the po-
17 tential constitutional implications and the potential impact
18 on privileges that may be asserted to each House office
19 that commissions or uses a provider of electronic commu-
20 nication service or remote computing service.

21 (f) APPLICABLE PRIVILEGES.—Nothing in this sec-
22 tion shall be construed to limit or supersede any applicable
23 privilege, immunity, or other objection that may apply to
24 the disclosure of House data.

1 (g) PREEMPTION.—Except as provided in this sec-
2 tion, any provision of law or rule of civil or criminal proce-
3 dure of any State, political subdivision, or agency thereof,
4 which is inconsistent with this section shall be deemed to
5 be preempted and superseded.

6 (h) EFFECTIVE DATE.—This section shall apply with
7 respect to—

8 (1) any legal process seeking disclosure of
9 House data of a House office that is filed, issued,
10 or made on or after the date of the enactment of
11 this Act; and

12 (2) any matter that is pending on or after the
13 date of enactment of this Act that relates to a legal
14 process described in paragraph (1) that is filed,
15 issued, or made before the date of the enactment of
16 this Act, unless the House data of the House office
17 was disclosed in accordance with such legal process
18 before the date of the enactment of this Act.

19 **SEC. 606. PROTECTION OF CERTAIN FACILITIES AND AS-**
20 **SETS FROM UNMANNED AIRCRAFT.**

21 Section 210G(i) of the Homeland Security Act of
22 2002 (6 U.S.C. 124n(i)) is amended by striking “Decem-
23 ber 20, 2024” and inserting “March 14, 2025”.

1 **SEC. 607. ADDITIONAL SPECIAL ASSESSMENT.**

2 Section 3014 of title 18, United States Code, is
3 amended by striking “December 23, 2024” and inserting
4 “March 14, 2025”.

5 **SEC. 608. NATIONAL CYBERSECURITY PROTECTION SYS-**
6 **TEM AUTHORIZATION.**

7 Section 227(a) of the Federal Cybersecurity En-
8 hancement Act of 2015 (6 U.S.C. 1525(a)) is amended
9 by striking “December 20, 2024” and inserting “March
10 14, 2025”.

11 **DIVISION D—COMMERCE**
12 **MATTERS**
13 **TITLE I—SECOND CHANCE**
14 **REAUTHORIZATION ACT OF 2024**

15 **SECTION 101. SHORT TITLE.**

16 This Act may be cited as the “Second Chance Reau-
17 thorization Act of 2024”.

18 **SEC. 102. IMPROVEMENTS TO EXISTING PROGRAMS.**

19 (a) STATE AND LOCAL REENTRY DEMONSTRATION
20 PROJECTS.—Section 2976 of title I of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (34 U.S.C. 10631)
22 is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (7), by striking “and” at
25 the end;

1 (B) in paragraph (8), by striking the pe-
2 riod at the end; and

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

4 “(9) treating substance use disorders, including
5 by providing peer recovery services, case manage-
6 ment, and access to overdose education and overdose
7 reversal medications; and

8 “(10) providing reentry housing services.”; and

9 (2) in subsection (o)(1), by striking “2019
10 through 2023” and inserting “2025 through 2029”.

11 (b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE
12 TREATMENT.—Section 2926(a) of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (34 U.S.C.
14 10595a(a)) is amended by striking “2019 through 2023”
15 and inserting “2025 through 2029”.

16 (c) GRANT PROGRAM TO EVALUATE AND IMPROVE
17 EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVE-
18 NILE FACILITIES.—Section 1001(a)(28) of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
20 10261(a)(28)) is amended by striking “2019, 2020, 2021,
21 2022, and 2023” and inserting “2025 through 2029”.

22 (d) CAREERS TRAINING DEMONSTRATION
23 GRANTS.—Section 115(f) of the Second Chance Act of
24 2007 (34 U.S.C. 60511(f)) is amended by striking “2019,

1 2020, 2021, 2022, and 2023” and inserting “2025
2 through 2029”.

3 (e) OFFENDER REENTRY SUBSTANCE ABUSE AND
4 CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section
5 201(f)(1) of the Second Chance Act of 2007 (34 U.S.C.
6 60521(f)(1)) is amended by striking “2019 through 2023”
7 and inserting “2025 through 2029”.

8 (f) COMMUNITY-BASED MENTORING AND TRANSI-
9 TIONAL SERVICE GRANTS TO NONPROFIT ORGANIZA-
10 TIONS.—Section 211(f) of the Second Chance Act of 2007
11 (34 U.S.C. 60531(f)) is amended by striking “2019
12 through 2023” and inserting “2025 through 2029”.

13 **TITLE II—YOUTH POISONING** 14 **PREVENTION**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Youth Poisoning Pro-
17 tection Act”.

18 **SEC. 202. BANNING OF PRODUCTS CONTAINING A HIGH** 19 **CONCENTRATION OF SODIUM NITRITE.**

20 (a) IN GENERAL.—Any consumer product containing
21 a high concentration of sodium nitrite shall be considered
22 to be a banned hazardous product under section 8 of the
23 Consumer Product Safety Act (15 U.S.C. 2057).

24 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to—

1 (1) prohibit any commercial or industrial pur-
2 pose in which high concentration sodium nitrite is
3 not customarily produced or distributed for sale to,
4 or use or consumption by, or enjoyment of, a con-
5 sumer; and

6 (2) apply to high concentration sodium nitrite
7 that meets the definition of a drug, device, or cos-
8 metic (as such terms are defined in sections 201(g),
9 (h), and (i) of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 321(g), (h), and (i))), or food
11 (as defined in section 201(f) of such Act (21 U.S.C.
12 321(f))), including poultry and poultry products (as
13 such terms are defined in sections 4(e) and (f) of
14 the Poultry Products Inspection Act (21 U.S.C.
15 453(e)and (f))), meat and meat food products (as
16 such terms are defined in section 1(j) of the Federal
17 Meat Inspection Act (21 U.S.C. 601(j))), and eggs
18 and egg products (as such terms are defined in sec-
19 tion 4 of the Egg Products Inspection Act (21
20 U.S.C. 1033)).

21 (c) DEFINITIONS.—For purposes of this section:

22 (1) CONSUMER PRODUCT.—The term consumer
23 product has the meaning given that term under sec-
24 tion 3(a)(5) of the Consumer Product Safety Act (
25 15 U.S.C. 2052(a)(5)).

1 (2) HIGH CONCENTRATION OF SODIUM NI-
2 TRITE.—The term high concentration of sodium ni-
3 trite means a concentration of 10 or more percent
4 by weight of sodium nitrite.

5 (d) EFFECTIVE DATE.—This section shall take effect
6 90 days after the date of enactment of this Act.

7 **TITLE III—CONSUMER PRODUCT**
8 **SAFETY STANDARD FOR CER-**
9 **TAIN BATTERIES**

10 **SEC. 301. CONSUMER PRODUCT SAFETY STANDARD FOR**
11 **CERTAIN BATTERIES.**

12 (a) CONSUMER PRODUCT SAFETY STANDARD RE-
13 QUIRED.—Not later than 180 days after the date of the
14 enactment of this Act, the Consumer Product Safety Com-
15 mission (referred to in this section as the “Commission”)
16 shall promulgate, under section 553 of title 5, United
17 States Code, the provisions of ANSI/CAN/UL 2271-
18 Standard for Batteries for Use in Light Electric Vehicle
19 Applications, ANSI/CAN/UL 2849-Standard for Safety
20 for Electrical Systems for eBikes, and ANSI/CA/UL
21 2272-Standard for Electrical Systems for Personal E-Mo-
22 bility Devices, as in effect on the date of enactment of
23 this Act, as final consumer product safety standards.

24 (b) CONSUMER PRODUCT SAFETY COMMISSION DE-
25 TERMINATION OF SCOPE.—In adopting the standards

1 under subsection (a), the Commission shall limit the appli-
2 cation of such standards to consumer products as defined
3 in section 3(a)(5) of the Consumer Product Safety Act (15
4 U.S.C. 2052(a)(5)).

5 (c) REVISION OF VOLUNTARY STANDARDS.—

6 (1) NOTICE TO COMMISSION.—If the provisions
7 of ANSI/CAN/UL 2271-Standard for Batteries for
8 Use in Light Electric Vehicle Applications, ANSI/
9 CAN/UL 2849-Standard for Safety for Electrical
10 Systems for eBikes, or ANSI/CAN/UL 2272-Stand-
11 ard for Electrical Systems for Personal E-Mobility
12 Devices, are revised following the enactment of this
13 Act, the organization that revised the requirements
14 of such standard shall notify the Commission after
15 the final approval of the revision.

16 (2) TREATMENT OF REVISION.—The revised
17 voluntary standard shall be considered to be a con-
18 sumer product safety standard issued by the Com-
19 mission under section 9 of the Consumer Product
20 Safety Act (15 U.S.C. 2058), effective 180 days
21 after the date on which the organization notifies the
22 Commission (or such later date specified by the
23 Commission in the Federal Register) unless, within
24 90 days after receiving that notice, the Commission
25 notifies the organization that it has determined that

1 the proposed revision, in whole or in part, does not
2 improve the safety of the consumer product covered
3 by the standard and that the Commission is retain-
4 ing the existing consumer product safety standard.

5 (d) TREATMENT OF STANDARD.—A standard pro-
6 mulgated under this section, including a revision of such
7 standard adopted by the Commission, shall be treated as
8 a consumer product safety rule promulgated under section
9 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

10 (e) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 5 years after
12 the date of enactment of this Act, the Commission
13 shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the
15 Committee on Energy and Commerce of the House
16 of Representatives, a report regarding fires, explo-
17 sions, and other hazards relating to lithium-ion bat-
18 teries used in micromobility products during the pe-
19 riod beginning on the date of enactment of this Act
20 and ending on the report date.

21 (2) CONTENT.—The report required by para-
22 graph (1) shall describe, at a minimum—

23 (A) the source of the information that was
24 provided to the Commission regarding the fire,
25 explosion, or other hazard;

1 (B) the make and model of the lithium-ion
2 battery and micromobility product that resulted
3 in a fire, explosion, or other hazard, if known;

4 (C) whether a lithium-ion battery involved
5 in a fire, explosion, or other hazard complied
6 with the standard required by this section, if
7 known; and

8 (D) if known, the manufacturer and coun-
9 try of manufacture of a lithium-ion battery that
10 resulted in a fire, explosion, or other hazard.

11 **TITLE IV—FOREIGN ADVERSARY**
12 **COMMUNICATIONS TRANSPARENCY ACT**
13 **PARENCY ACT**

14 **SEC. 401. SHORT TITLE.**

15 This title may be cited as the “Foreign Adversary
16 Communications Transparency Act”.

17 **SEC. 402. LIST OF ENTITIES HOLDING FCC AUTHORIZA-**
18 **TIONS, LICENSES, OR OTHER GRANTS OF AU-**
19 **THORITY AND HAVING CERTAIN FOREIGN**
20 **OWNERSHIP.**

21 (a) **IN GENERAL.**—Not later than 120 days after the
22 date of the enactment of this Act, the Commission shall
23 publish on the internet website of the Commission a list
24 of each entity—

1 (1) that holds a license issued by the Commis-
2 sion pursuant to—

3 (A) section 309(j) of the Communications
4 Act of 1934 (47 U.S.C. 309(j)); or

5 (B) the Act of May 27, 1921 (47 U.S.C.
6 34 et seq.; commonly known as the “Cable
7 Landing Licensing Act”) and Executive Order
8 10530 (3 U.S.C. 301 note; relating to the per-
9 formance of certain functions vested in or sub-
10 ject to the approval of the President); and

11 (2) with respect to which—

12 (A) a covered entity holds an equity or vot-
13 ing interest that is required to be reported to
14 the Commission under the ownership rules of
15 the Commission; or

16 (B) an appropriate national security agen-
17 cy has determined that a covered entity exerts
18 control, regardless of whether such covered enti-
19 ty holds an equity or voting interest as de-
20 scribed in subparagraph (A).

21 (b) RULEMAKING.—

22 (1) IN GENERAL.—Not later than 18 months
23 after the date of the enactment of this Act, the
24 Commission shall issue rules to obtain information
25 to identify each entity—

1 (A) that holds any authorization, license,
2 or other grant of authority issued by the Com-
3 mission (other than a license described in sub-
4 section (a)(1)); and

5 (B) with respect to which a covered entity
6 holds an equity or voting interest that is re-
7 quired to be reported to the Commission under
8 the ownership rules of the Commission.

9 (2) PLACEMENT ON LIST.—Not later than 1
10 year after the Commission issues the rules required
11 by paragraph (1), the Commission shall place each
12 entity described in such paragraph on the list pub-
13 lished under subsection (a).

14 (c) PAPERWORK REDUCTION ACT EXEMPTION.—A
15 collection of information conducted or sponsored by the
16 Commission to implement this section does not constitute
17 a collection of information for the purposes of subchapter
18 I of chapter 35 of title 44, United States Code (commonly
19 referred to as the “Paperwork Reduction Act”).

20 (d) ANNUAL UPDATES.—The Commission shall, not
21 less frequently than annually, update the list published
22 under subsection (a), including with respect to any entity
23 required to be placed on such list by subsection (b)(2).

24 (e) DEFINITIONS.—In this section:

1 (1) APPROPRIATE NATIONAL SECURITY AGEN-
2 CY.—The term “appropriate national security agen-
3 cy” has the meaning given such term in section 9
4 of the Secure and Trusted Communications Net-
5 works Act of 2019 (47 U.S.C. 1608).

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (3) COVERED COUNTRY.—The term “covered
9 country” means a country specified in section
10 4872(d)(2) of title 10, United States Code.

11 (4) COVERED ENTITY.—The term “covered en-
12 tity” means—

13 (A) the government of a covered country;

14 (B) an entity organized under the laws of
15 a covered country; and

16 (C) a subsidiary of an entity described in
17 subparagraph (B), regardless of whether the
18 subsidiary is organized under the laws of a cov-
19 ered country.

20 **TITLE V—PROMOTING**
21 **RESILIENT SUPPLY CHAINS**

22 **SEC. 501. SHORT TITLE.**

23 This title may be cited as the “Promoting Resilient
24 Supply Chains Act of 2024”.

1 **SEC. 502. ADDITIONAL RESPONSIBILITIES OF ASSISTANT**
2 **SECRETARY OF COMMERCE FOR INDUSTRY**
3 **AND ANALYSIS.**

4 In addition to the responsibilities of the Assistant
5 Secretary on the day before the date of the enactment of
6 this Act, the Assistant Secretary shall have the following
7 responsibilities:

8 (1) Promote the stability and resilience of crit-
9 ical supply chains and critical and emerging tech-
10 nologies that strengthen the national security of the
11 United States.

12 (2) Lead the Working Group established pursu-
13 ant to section 503 and consult covered nongovern-
14 mental representatives, industry, institutions of
15 higher education, and State and local governments
16 in order to—

17 (A) promote resilient critical supply chains;
18 and

19 (B) identify, prepare for, and respond to
20 supply chain shocks to—

21 (i) critical industries;

22 (ii) critical supply chains; and

23 (iii) critical and emerging tech-
24 nologies.

1 (3) Encourage the growth and competitiveness
2 of United States production and manufacturing in
3 the United States of emerging technologies.

4 (4) Assess the resilience, diversity, and strength
5 of critical supply chains and critical and emerging
6 technologies.

7 (5) In consultation with the Secretary of State
8 and the United States Trade Representative, sup-
9 port the availability of critical goods from domestic
10 manufacturers, domestic enterprises, and manufac-
11 turing operations in countries that are allies or key
12 international partner nations.

13 (6) Assist the Federal Government in preparing
14 for and responding to supply chain shocks to critical
15 supply chains, including by improving flexible manu-
16 facturing capacities and capabilities in the United
17 States.

18 (7) Consistent with United States obligations
19 under international agreements, encourage and
20 incentivize the reduced reliance of domestic enter-
21 prises and domestic manufacturers on critical goods
22 from countries that are described in section
23 507(2)(B).

24 (8) Encourage the relocation of manufacturing
25 facilities that manufacture critical goods from coun-

1 tries that are described in section 507(2)(B) to the
2 United States and countries that are allies or key
3 international partner nations to strengthen the resil-
4 ience, diversity, and strength of critical supply
5 chains.

6 **SEC. 503. CRITICAL SUPPLY CHAIN RESILIENCE WORKING**
7 **GROUP.**

8 (a) ESTABLISHMENT.—Not later than 120 days after
9 the date of the enactment of this Act, the Assistant Sec-
10 retary shall establish a working group to be known as the
11 “Supply Chain Resilience Working Group” (in this title
12 referred to as the “Working Group”) composed of the
13 Federal agencies that rely upon the Industry and Analysis
14 Business unit analysis, including agencies enumerated in
15 subsection (c).

16 (b) ACTIVITIES.—Not later than 1 year after the date
17 of the enactment of this Act, the Assistant Secretary shall
18 carry out the following activities:

- 19 (1) In consultation with the Working Group—
20 (A) assessing, mapping, and modeling crit-
21 ical supply chains, including for critical and
22 emerging technologies, which may include—
23 (i) modeling the impact of supply
24 chain shocks on critical industries (includ-

1 ing for critical and emerging technologies),
2 and critical supply chains;

3 (ii) assessing the demand for and sup-
4 ply of critical goods, production equipment,
5 and manufacturing technology needed for
6 critical supply chains, including critical
7 goods, production equipment, and manu-
8 facturing technology obtained by or pur-
9 chased from a person outside of the United
10 States or imported into the United States;
11 and

12 (iii) assessing manufacturing,
13 warehousing, transportation, and distribu-
14 tion related to critical supply chains;

15 (B) identifying high priority gaps and
16 vulnerabilities in critical supply chains and crit-
17 ical industries (including critical industries for
18 critical and emerging technologies) that—

19 (i) exist as of the date of the enact-
20 ment of this Act; or

21 (ii) are anticipated to occur after the
22 date of the enactment of this Act;

23 (C) identifying potential supply chain
24 shocks to a critical supply chain that may dis-

1 rupt, strain, or eliminate the critical supply
2 chain;

3 (D) evaluating the capability and capacity
4 of domestic manufacturers or manufacturers lo-
5 cated in countries that are allies or key inter-
6 national partner nations to serve as sources for
7 critical goods, production equipment, or manu-
8 facturing technology needed in critical supply
9 chains;

10 (E) evaluating the effect on market sta-
11 bility that may result from the disruption,
12 strain, or elimination of a critical supply chain;

13 (F) evaluating the state of the manufac-
14 turing workforce, including by—

15 (i) identifying the needs of domestic
16 manufacturers; and

17 (ii) identifying opportunities to create
18 high-quality manufacturing jobs; and

19 (G) identifying and describing necessary
20 tools, including commercially available risk as-
21 sessment tools, that leverage data and industry
22 expertise to provide insights into critical supply
23 chain vulnerabilities, including how such tools
24 fulfill the requirements described in subpara-
25 graphs (A) through (F).

1 (2) In consultation with State and local govern-
2 ments, the Working Group, and (as appropriate)
3 countries that are allies or key international partner
4 nations—

5 (A) identifying opportunities to reduce
6 gaps and vulnerabilities in critical supply chains
7 and critical industries;

8 (B) encouraging consultation between the
9 Federal Government, industry, covered non-
10 governmental representatives, institutions of
11 higher education, and State and local govern-
12 ments to—

13 (i) better respond to supply chain
14 shocks to critical supply chains and critical
15 industries (including critical industries for
16 emerging technologies); and

17 (ii) coordinate response efforts to sup-
18 ply chain shocks;

19 (C) encouraging consultation between the
20 Federal Government and the governments of
21 countries that are allies or key international
22 partner nations;

23 (D) identifying opportunities to build the
24 capacity of the United States in critical supply

1 chains, critical industries, and emerging tech-
2 nologies;

3 (E) identifying opportunities to build the
4 capacity of countries that are allies or key
5 international partner nations in critical indus-
6 tries (including critical industries for emerging
7 technologies) and critical supply chains; and

8 (F) developing and assessing contingency
9 plans and coordination mechanisms to improve
10 the response of critical supply chains and crit-
11 ical industries to supply chain shocks.

12 (c) WORKING GROUP MEMBERSHIP.—The Working
13 Group shall include a representative from each Federal
14 agency that relies on the analysis of the Industry and
15 Analysis business unit, including—

- 16 (1) the Department of State;
- 17 (2) the Department of Defense;
- 18 (3) the Department of Homeland Security;
- 19 (4) the Department of Transportation;
- 20 (5) the Department of Energy;
- 21 (6) the Department of Agriculture;
- 22 (7) the Department of the Interior;
- 23 (8) the Department of Health and Human
24 Services;

1 (9) the Office of the Director of National Intel-
2 ligence; and

3 (10) the Small Business Administration.

4 (d) DESIGNATIONS.—The Assistant Secretary shall—

5 (1) not later than 120 days after the date of
6 the enactment of this Act, designate—

7 (A) critical industries;

8 (B) critical supply chains; and

9 (C) critical goods;

10 (2) provide for a period of public comment and
11 review in carrying out paragraph (1); and

12 (3) update the designations made pursuant to
13 paragraph (1) not less frequently than once every 4
14 years, including designations for technologies that
15 are not described in section 507(12)(B) that the As-
16 sistant Secretary considers necessary.

17 (e) IMPLEMENTATION REPORT.—Not later than 1
18 year after the date of the enactment of this Act, the As-
19 sistant Secretary shall submit to the relevant committees
20 of Congress a report that—

21 (1) details supply chain activities, including ap-
22 plicable activities described in subsection (b) and re-
23 sponsibilities described in section 502, that the As-
24 sistant Secretary has conducted over the past year;

1 (2) describes supply chain data collected, re-
2 tained, and analyzed by the Assistant Secretary over
3 the past year;

4 (3) identifies and describes necessary tools, in-
5 cluding commercially available risk assessment tools,
6 that leverage data and industry expertise to provide
7 insights into critical supply chain vulnerabilities, in-
8 cluding how such tools fulfill each responsibility de-
9 scribed in subsection (b);

10 (4) identifies and describes all Federal agencies
11 with authorities or responsibilities described in sub-
12 section (b); and

13 (5) identifies Federal agencies, programs, and
14 bureaus with duplicative purposes to fulfill any of
15 the authorities or responsibilities described in sub-
16 section (b).

17 (f) NATIONAL STRATEGY AND REVIEW ON CRITICAL
18 SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN
19 THE UNITED STATES.—

20 (1) IN GENERAL.—Not later than 18 months
21 after the date of the enactment of this Act, and an-
22 nually thereafter, the Assistant Secretary, in con-
23 sultation with the Working Group, covered non-
24 governmental representatives, industries, institutions
25 of higher education, and State and local govern-

1 ments, shall submit to the relevant committees of
2 Congress a report that—

3 (A) identifies—

4 (i) critical infrastructure that may as-
5 sist in fulfilling the responsibilities de-
6 scribed in section 502;

7 (ii) critical and emerging technologies
8 that may assist in fulfilling the responsibil-
9 ities described in section 502, including
10 such technologies that may be critical to
11 addressing preparedness, weaknesses, and
12 vulnerabilities relating to critical supply
13 chains;

14 (iii) critical industries, critical supply
15 chains, and critical goods designated pur-
16 suant to subsection (d);

17 (iv) other supplies and services that
18 are critical to the crisis preparedness of
19 the United States;

20 (v) substitutes for critical goods, pro-
21 duction equipment, and manufacturing
22 technology;

23 (vi) methods and technologies, includ-
24 ing blockchain technology, distributed ledg-
25 er technology, and other critical and

1 emerging technologies, as appropriate, for
2 the authentication and traceability of crit-
3 ical goods; and

4 (vii) countries that are allies or key
5 international partner nations;

6 (B) describes the matters identified and
7 evaluated under subsection (b)(1), including—

8 (i) the manufacturing base, critical
9 supply chains, and emerging technologies
10 in the United States, including the manu-
11 facturing base and critical supply chains
12 for—

13 (I) critical goods;

14 (II) production equipment; and

15 (III) manufacturing technology;

16 and

17 (ii) the ability of the United States
18 to—

19 (I) maintain readiness with re-
20 spect to preparing for and responding
21 to supply chain shocks; and

22 (II) in response to a supply chain
23 shock—

24 (aa) surge production in
25 critical industries;

1 (bb) surge production of
2 critical goods and production
3 equipment; and

4 (cc) maintain access to crit-
5 ical goods, production equipment,
6 and manufacturing technology;

7 (C) assesses and describes—

8 (i) the demand and supply of critical
9 goods, production equipment, and manu-
10 facturing technology;

11 (ii) the production of critical goods,
12 production equipment, and manufacturing
13 technology by domestic manufacturers;

14 (iii) the capability and capacity of do-
15 mestic manufacturers and manufacturers
16 in countries that are allies or key inter-
17 national partner nations to manufacture
18 critical goods, production equipment, and
19 manufacturing technology; and

20 (iv) how supply chain shocks could af-
21 fect rural, Tribal, and underserved commu-
22 nities;

23 (D) identifies threats and supply chain
24 shocks that may disrupt, strain, or eliminate
25 critical supply chains, critical goods, and critical

1 industries (including critical industries for
2 emerging technologies);

3 (E) with regard to any threat identified
4 under subparagraph (D), lists any threat or
5 supply chain shock that may originate from a
6 country, or a company or individual from a
7 country, that is described in section 507(2)(B);

8 (F) assesses—

9 (i) the resilience and capacity of the
10 manufacturing base, critical supply chains,
11 and workforce of the United States and
12 countries that are allies or key inter-
13 national partner nations that can sustain
14 critical industries (including critical indus-
15 tries for emerging technologies) through a
16 supply chain shock; and

17 (ii) the effect innovation has on do-
18 mestic manufacturers;

19 (G) assesses the flexible manufacturing ca-
20 pacity and capability available in the United
21 States in the case of a supply chain shock; and

22 (H) develops a strategy for the Depart-
23 ment of Commerce to support the resilience, di-
24 versity, and strength of critical supply chains
25 and critical and emerging technologies to—

1 (i) support sufficient access to critical
2 goods by mitigating vulnerabilities in crit-
3 ical supply chains, including critical supply
4 chains concentrated in countries that are
5 described in section 507(2)(B);

6 (ii) consult with other relevant agen-
7 cies to assist countries that are allies or
8 key international partner nations in build-
9 ing capacity for manufacturing critical
10 goods;

11 (iii) recover from supply chain shocks;

12 (iv) identify, in consultation with the
13 Working Group and other relevant agen-
14 cies, actions relating to critical supply
15 chains or emerging technologies that the
16 United States may take to improve re-
17 sponses to supply chain shocks;

18 (v) protect against supply chain
19 shocks relating to critical supply chains
20 from countries that are described in sec-
21 tion 507(2)(B); and

22 (vi) make specific recommendations to
23 implement the strategy under this section
24 and improve the security and resiliency of
25 manufacturing capacity and supply chains

1 for critical industries (including critical in-
2 dustries for emerging technologies) by—
3 (I) developing long-term strate-
4 gies;
5 (II) increasing visibility into the
6 networks and capabilities of domestic
7 manufacturers and suppliers of do-
8 mestic manufacturers;
9 (III) identifying and mitigating
10 risks, including—
11 (aa) significant
12 vulnerabilities to supply chain
13 shocks; and
14 (bb) exposure to gaps and
15 vulnerabilities in domestic capac-
16 ity or capabilities and sources of
17 imports needed to sustain critical
18 industries (including critical in-
19 dustries for emerging tech-
20 nologies) or critical supply
21 chains;
22 (IV) identifying opportunities to
23 reuse and recycle critical goods, in-
24 cluding raw materials, to increase re-
25 silient critical supply chains;

1 (V) consulting with countries
2 that are allies or key international
3 partner nations on—

4 (aa) sourcing critical goods,
5 production equipment, and man-
6 ufacturing technology; and

7 (bb) developing, sustaining,
8 and expanding production and
9 availability of critical goods, pro-
10 duction equipment, and manufac-
11 turing technology during a supply
12 chain shock; and

13 (VI) providing guidance to other
14 relevant agencies with respect to crit-
15 ical goods, supply chains, and critical
16 industries (including critical industries
17 for emerging technologies) that should
18 be prioritized to support United
19 States leadership in the deployment of
20 such technologies.

21 (2) PROHIBITION.—The report submitted pur-
22 suant to paragraph (1) may not include—

23 (A) critical supply chain information that
24 is not aggregated;

1 (B) confidential business information of a
2 private sector entity; or

3 (C) classified information.

4 (3) FORM.—The report submitted pursuant to
5 paragraph (1), and any update submitted thereafter,
6 shall be submitted to the relevant committees of
7 Congress in unclassified form and may include a
8 classified annex.

9 (4) PUBLIC COMMENT.—The Assistant Sec-
10 retary shall provide for a period of public comment
11 and review in developing the report submitted pursu-
12 ant to paragraph (1).

13 (g) CONSULTATION.—Not later than 1 year after the
14 date of the enactment of this Act, the Assistant Secretary
15 shall enter into an agreement with the head of any rel-
16 evant agency to obtain any information, data, or assist-
17 ance that the Assistant Secretary determines necessary to
18 conduct the activities described in subsection (b).

19 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion may be construed to require any private entity—

21 (1) to share information with the Secretary or
22 Assistant Secretary;

23 (2) to request assistance from the Secretary or
24 Assistant Secretary; or

1 (3) to implement any measure or recommenda-
2 tion suggested by the Secretary or Assistant Sec-
3 retary in response to a request by the private entity.

4 (i) PROTECTION OF VOLUNTARILY SHARED CRIT-
5 ICAL SUPPLY CHAIN INFORMATION.—

6 (1) PROTECTION.—

7 (A) IN GENERAL.—Notwithstanding any
8 other provision of law, critical supply chain in-
9 formation (including the identity of the submit-
10 ting person or entity) that is voluntarily sub-
11 mitted under this section to the Department of
12 Commerce for use by the Department for pur-
13 poses of this section, when accompanied by an
14 express statement described in subparagraph
15 (B)—

16 (i) shall be exempt from disclosure
17 under section 552(b)(3) of title 5, United
18 States Code (commonly referred to as the
19 “Freedom of Information Act”);

20 (ii) is not subject to any agency rules
21 or judicial doctrine regarding ex parte
22 communications with a decision-making of-
23 ficial;

24 (iii) may not, without the written con-
25 sent of the person or entity submitting

1 such information, be used directly by the
2 Department of Commerce, any other Fed-
3 eral, State, or local authority, or any third
4 party, in any civil action arising under
5 Federal or State law if such information is
6 submitted in good faith;

7 (iv) may not, without the written con-
8 sent of the person or entity submitting
9 such information, be used or disclosed by
10 any officer or employee of the United
11 States for purposes other than the pur-
12 poses of this section, except—

13 (I) in furtherance of an investiga-
14 tion or the prosecution of a criminal
15 act; or

16 (II) when disclosure of the infor-
17 mation would be—

18 (aa) to either House of Con-
19 gress, or to the extent of matter
20 within its jurisdiction, any com-
21 mittee or subcommittee thereof,
22 any joint committee thereof, or
23 any subcommittee of any such
24 joint committee; or

1 (bb) to the Comptroller Gen-
2 eral of the United States, or any
3 authorized representative of the
4 Comptroller General, in the
5 course of the performance of the
6 duties of the Government Ac-
7 countability Office;

8 (v) may not, if provided to a State or
9 local government or government agency—

10 (I) be made available pursuant to
11 any State or local law requiring dis-
12 closure of information or records;

13 (II) otherwise be disclosed or dis-
14 tributed to any party by such State or
15 local government or government agen-
16 cy without the written consent of the
17 person or entity submitting such in-
18 formation; or

19 (III) be used other than for the
20 purpose of carrying out this section,
21 or in furtherance of an investigation
22 or the prosecution of a criminal act;
23 and

24 (vi) does not constitute a waiver of
25 any applicable privilege or protection pro-

1 vided under law, such as trade secret pro-
2 tection.

3 (B) EXPRESS STATEMENT.—The express
4 statement described in this subparagraph, with
5 respect to information or records, is—

6 (i) in the case of written information
7 or records, a written marking on the infor-
8 mation or records substantially similar to
9 the following: “This information is volun-
10 tarily submitted to the Federal Govern-
11 ment in expectation of protection from dis-
12 closure as provided by the provisions of the
13 Promoting Resilient Supply Chains Act of
14 2024.”; or

15 (ii) in the case of oral information, a
16 written statement similar to the statement
17 described in clause (i) submitted within a
18 reasonable period following the oral com-
19 munication.

20 (2) LIMITATION.—No communication of critical
21 supply chain information to the Department of Com-
22 merce made pursuant to this section may be consid-
23 ered to be an action subject to the requirements of
24 chapter 10 of title 5, United States Code.

1 (3) INDEPENDENTLY OBTAINED INFORMA-
2 TION.—Nothing in this subsection may be construed
3 to limit or otherwise affect the ability of a State,
4 local, or Federal Government entity, agency, or au-
5 thority, or any third party, under applicable law to
6 obtain critical supply chain information in a manner
7 not covered by paragraph (1), including any infor-
8 mation lawfully and properly disclosed generally or
9 broadly to the public and to use such information in
10 any manner permitted by law. For purposes of this
11 subsection, a permissible use of independently ob-
12 tained information includes the disclosure of such in-
13 formation under section 2302(b)(8) of title 5,
14 United States Code.

15 (4) TREATMENT OF VOLUNTARY SUBMITTAL OF
16 INFORMATION.—The voluntary submittal to the De-
17 partment of Commerce of information or records
18 that are protected from disclosure by this section
19 may not be construed to constitute compliance with
20 any requirement to submit such information to an
21 agency under any other provision of law.

22 (5) INAPPLICABILITY TO SEMICONDUCTOR IN-
23 CENTIVE PROGRAM.—This subsection does not apply
24 to the voluntary submission of critical supply chain
25 information in an application for Federal financial

1 assistance under section 9902 of the William M.
2 (Mac) Thornberry National Defense Authorization
3 Act for Fiscal Year 2021 (Public Law 116–283).

4 **SEC. 504. DEPARTMENT OF COMMERCE CAPABILITY AS-**
5 **SESSMENT.**

6 (a) **REPORT REQUIRED.**—The Secretary shall
7 produce a report—

8 (1) identifying the duties, responsibilities, re-
9 sources, programs, and expertise within the offices
10 and bureaus of the Department of Commerce rel-
11 evant to critical supply chain resilience and manu-
12 facturing innovation;

13 (2) identifying and assessing the purpose, legal
14 authority, effectiveness, efficiency, and limitations of
15 each office or bureau identified under paragraph (1);
16 and

17 (3) providing recommendations to enhance the
18 activities related to critical supply chain resilience
19 and manufacturing innovation of the Department of
20 Commerce, including—

21 (A) improving the effectiveness, efficiency,
22 and impact of the offices and bureaus identified
23 under paragraph (1);

24 (B) coordinating across offices and bu-
25 reaus identified under paragraph (1); and

1 (C) consulting with agencies implementing
2 similar activities related to critical supply chain
3 resilience and manufacturing innovation.

4 (b) SUBMISSION OF REPORT.—Not later than 2 years
5 after the date of the enactment of this Act, the Secretary
6 shall submit to the relevant committees of Congress the
7 report required by subsection (a), along with a strategy
8 to implement, as appropriate and as determined by the
9 Secretary, the recommendations contained in the report.

10 **SEC. 505. NO ADDITIONAL FUNDS.**

11 No additional funds are authorized to be appro-
12 priated to carry out this title.

13 **SEC. 506. SUNSET.**

14 This title and all requirements, responsibilities, and
15 obligations under this title shall terminate on the date that
16 is 10 years after the date of the enactment of this Act.

17 **SEC. 507. DEFINITIONS.**

18 In this title:

19 (1) AGENCY.—The term “agency” has the
20 meaning given that term in section 551 of title 5,
21 United States Code.

22 (2) ALLY OR KEY INTERNATIONAL PARTNER
23 NATION.—The term “ally or key international part-
24 ner nation”—

1 (A) means a country that is critical to ad-
2 dressing critical supply chain weaknesses and
3 vulnerabilities; and

4 (B) does not include—

5 (i) a country that poses a significant
6 risk to the national security or economic
7 security of the United States; or

8 (ii) a country that is described in sec-
9 tion 503(b) of the RANSOMWARE Act
10 (title V of division BB of the Consolidated
11 Appropriations Act, 2023; Public Law
12 117–328; 136 Stat. 5564).

13 (3) ASSISTANT SECRETARY.—The term “Assist-
14 ant Secretary” means the Assistant Secretary of
15 Commerce assigned by the Secretary to direct the
16 office of Industry and Analysis.

17 (4) COVERED NONGOVERNMENTAL REPRESENT-
18 ATIVE.—The term “covered nongovernmental rep-
19 resentative” means a representative as specified in
20 the second sentence of section 135(b)(1) of the
21 Trade Act of 1974 (19 U.S.C. 2155(b)(1)), except
22 that such term does not include a representative of
23 a non-Federal government.

24 (5) CRITICAL GOOD.—The term “critical good”
25 means any raw, in process, or manufactured mate-

1 rial (including any mineral, metal, or advanced pro-
2 essed material), article, commodity, supply, product,
3 or item for which an absence of supply would have
4 a debilitating impact on—

5 (A) the national security or economic secu-
6 rity of the United States; and

7 (B) either—

8 (i) critical infrastructure; or

9 (ii) an emerging technology.

10 (6) **CRITICAL INDUSTRY.**—The term “critical
11 industry” means an industry that—

12 (A) is critical for the national security or
13 economic security of the United States; and

14 (B) produces or procures a critical good.

15 (7) **CRITICAL INFRASTRUCTURE.**—The term
16 “critical infrastructure” has the meaning given that
17 term in section 1016 of the Critical Infrastructures
18 Protection Act of 2001 (42 U.S.C. 5195e).

19 (8) **CRITICAL SUPPLY CHAIN.**—The term “crit-
20 ical supply chain” means a supply chain for a crit-
21 ical good.

22 (9) **CRITICAL SUPPLY CHAIN INFORMATION.**—
23 The term “critical supply chain information” means
24 information that is not customarily in the public do-
25 main and relates to—

1 (A) sustaining and adapting a critical sup-
2 ply chain during a supply chain shock;

3 (B) critical supply chain risk mitigation
4 and recovery planning with respect to a supply
5 chain shock, including any planned or past as-
6 sessment, projection, or estimate of a vulner-
7 ability within the critical supply chain, includ-
8 ing testing, supplier network assessments, pro-
9 duction flexibility, supply chain risk evaluations,
10 supply chain risk management planning, or risk
11 audits; or

12 (C) operational best practices, planning,
13 and supplier partnerships that enable enhanced
14 resilience of a critical supply chain during a
15 supply chain shock, including response, repair,
16 recovery, reconstruction, insurance, or con-
17 tinuity.

18 (10) DOMESTIC ENTERPRISE.—The term “do-
19 mestic enterprise” means an enterprise that con-
20 ducts business in the United States and procures a
21 critical good.

22 (11) DOMESTIC MANUFACTURER.—The term
23 “domestic manufacturer” means a business that
24 conducts in the United States the research and de-

1 velopment, engineering, or production activities nec-
2 essary for manufacturing a critical good.

3 (12) EMERGING TECHNOLOGY.—The term
4 “emerging technology” means a technology that is
5 critical for the national security or economic security
6 of the United States, including the following:

7 (A) Technologies included in the American
8 COMPETE Act (title XV of division FF of the
9 Consolidated Appropriations Act, 2021; Public
10 Law 116–260; 134 Stat. 3276).

11 (B) The following technologies:

12 (i) Artificial intelligence.

13 (ii) Automated vehicles and unmanned
14 delivery systems.

15 (iii) Blockchain and other distributed
16 ledger, data storage, data management,
17 and cybersecurity technologies.

18 (iv) Quantum computing and quan-
19 tum sensing.

20 (v) Additive manufacturing.

21 (vi) Advanced manufacturing and the
22 Internet of Things.

23 (vii) Nano technology.

24 (viii) Robotics.

1 (ix) Microelectronics, optical fiber ray,
2 and high performance and advanced com-
3 puter hardware and software.

4 (x) Semiconductors.

5 (xi) Advanced materials science, in-
6 cluding composition 2D, other next genera-
7 tion materials, and related manufacturing
8 technologies.

9 (13) INSTITUTION OF HIGHER EDUCATION.—

10 The term “institution of higher education” has the
11 meaning given that term in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001).

13 (14) MANUFACTURE.—The term “manufac-
14 ture”—

15 (A) means any activity that is necessary
16 for the development, production, processing,
17 distribution, or delivery of any raw, in process,
18 or manufactured material (including any min-
19 eral, metal, and advanced processed material),
20 article, commodity, supply, product, critical
21 good, or item of supply; and

22 (B) does not include software unrelated to
23 the manufacturing process.

24 (15) MANUFACTURING TECHNOLOGY.—The
25 term “manufacturing technology” means a tech-

1 nology that is necessary for the manufacturing of a
2 critical good.

3 (16) PRODUCTION EQUIPMENT.—The term
4 “production equipment” means any component, sub-
5 system, system, equipment, tooling, accessory, part,
6 or assembly necessary for the manufacturing of a
7 critical good.

8 (17) RELEVANT COMMITTEES OF CONGRESS.—
9 The term “relevant committees of Congress” means
10 the following:

11 (A) The Committee on Commerce, Science,
12 and Transportation of the Senate.

13 (B) The Committee on Energy and Com-
14 merce of the House of Representatives.

15 (18) RESILIENT CRITICAL SUPPLY CHAIN.—The
16 term “resilient critical supply chain” means a crit-
17 ical supply chain that—

18 (A) ensures that the United States can
19 sustain critical industry, including emerging
20 technologies, production, critical supply chains,
21 services, and access to critical goods, production
22 equipment, and manufacturing technology dur-
23 ing a supply chain shock; and

24 (B) has key components of resilience that
25 include—

- 1 (i) effective private sector risk man-
2 agement and mitigation planning to sus-
3 tain critical supply chains and supplier
4 networks during a supply chain shock; and
5 (ii) minimized or managed exposure to
6 a supply chain shock.

7 (19) SECRETARY.—The term “Secretary”
8 means the Secretary of Commerce.

9 (20) STATE.—The term “State” means each of
10 the several States, the District of Columbia, each
11 commonwealth, territory, or possession of the United
12 States, and each federally recognized Indian Tribe.

13 (21) SUPPLY CHAIN SHOCK.—The term “supply
14 chain shock”—

15 (A) means an event causing severe or seri-
16 ous disruption to normal operations or capacity
17 in a supply chain; and

18 (B) includes—

- 19 (i) a natural disaster;
20 (ii) a pandemic;
21 (iii) a biological threat;
22 (iv) a cyber attack;
23 (v) a geopolitical conflict;
24 (vi) a terrorist or geopolitical attack;
25 (vii) a trade disruption caused by—

1 (I) a country described in para-
2 graph (2)(B); or

3 (II) an entity or an individual
4 subject to the jurisdiction of such a
5 country; and

6 (viii) an event for which the President
7 declares a major disaster or an emergency
8 under section 401 or 501, respectively, of
9 the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C.
11 5170; 42 U.S.C. 5191).

12 **TITLE VI—DEPLOYING**
13 **AMERICAN BLOCKCHAINS**

14 **SEC. 601. SHORT TITLE.**

15 This title may be cited as the “Deploying American
16 Blockchains Act of 2024”.

17 **SEC. 602. DEFINITIONS.**

18 In this title:

19 (1) **ADVISORY COMMITTEE.**—The term “Advi-
20 sory Committee” means the National Blockchain
21 Deployment Advisory Committee established pursu-
22 ant to section 603(c).

23 (2) **BLOCKCHAIN TECHNOLOGY OR OTHER DIS-**
24 **TRIBUTED LEDGER TECHNOLOGY.**—The term
25 “blockchain technology or other distributed ledger

1 technology” means a distributed digital database
2 where data is—

3 (A) shared across a network of computers
4 to create a ledger of verified information among
5 network participants;

6 (B) linked using cryptography to maintain
7 the integrity of the ledger and to execute other
8 functions; and

9 (C) distributed among network partici-
10 pants in an automated fashion to concurrently
11 update network participants on the state of the
12 ledger and other functions.

13 (3) COVERED NONGOVERNMENTAL REPRESENT-
14 ATIVE.—The term “covered nongovernmental rep-
15 resentative” means a representative as specified in
16 the second sentence of section 135(b)(1) of the
17 Trade Act of 1974 (19 U.S.C. 2155(b)(1)), except
18 that such term does not include a representative of
19 a non-Federal government.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Commerce.

22 (5) STATE.—The term “State” means each of
23 the several States, the District of Columbia, each
24 commonwealth, territory, or possession of the United
25 States, and each federally recognized Indian Tribe.

1 (6) **TOKEN.**—The term “token” means a trans-
2 ferable, digital representation of information re-
3 corded on blockchain technology or other distributed
4 ledger technology.

5 (7) **TOKENIZATION.**—The term “tokenization”
6 means the process of creating a token.

7 **SEC. 603. DEPARTMENT OF COMMERCE LEADERSHIP ON**
8 **BLOCKCHAIN.**

9 (a) **FUNCTION OF SECRETARY.**—The Secretary shall
10 serve as a principal advisor to the President for policy per-
11 taining to the deployment, use, application, and competi-
12 tiveness of blockchain technology or other distributed ledg-
13 er technology, applications built on blockchain technology
14 or other distributed ledger technology, tokens, and
15 tokenization.

16 (b) **ACTIVITIES.**—The Secretary shall support the
17 leadership of the United States with respect to the deploy-
18 ment, use, application, and competitiveness of blockchain
19 technology or other distributed ledger technology, applica-
20 tions built on blockchain technology or other distributed
21 ledger technology, tokens, and tokenization by organizing
22 the Advisory Committee—

23 (1) to examine and to provide recommendations
24 on issues and risks relating to the deployment, use,
25 application, and competitiveness of blockchain tech-

1 nology or other distributed ledger technology, appli-
2 cations built on blockchain technology or other dis-
3 tributed ledger technology, tokens, and tokenization,
4 including the issues of decentralized identity, cyber-
5 security, key storage and security systems, artificial
6 intelligence, fraud reduction, regulatory compliance,
7 e-commerce, health care applications, and supply
8 chain resiliency;

9 (2) to support and to promote the improvement
10 and security of blockchain technology or other dis-
11 tributed ledger technology, applications built on
12 blockchain technology or other distributed ledger
13 technology, tokens, and tokenization;

14 (3) to help to promote the leadership of the
15 United States with respect to the deployment, use,
16 application, and competitiveness of blockchain tech-
17 nology or other distributed ledger technology, appli-
18 cations built on blockchain technology or other dis-
19 tributed ledger technology, tokens, and tokenization;

20 (4) to promote the national security of the
21 United States with respect to blockchain technology
22 or other distributed ledger technology, applications
23 built on blockchain technology or other distributed
24 ledger technology, tokens, and tokenization;

1 (5) to support engagement with the public to
2 develop a compendium of proposals for practices as
3 part of the work described in subsection (d);

4 (6) to consider policies to encourage coordina-
5 tion among Federal agencies with respect to the de-
6 ployment of blockchain technology or other distrib-
7 uted ledger technology, applications built on
8 blockchain technology or other distributed ledger
9 technology, tokens, and tokenization;

10 (7) to examine—

11 (A) how Federal agencies can benefit from
12 utilizing blockchain technology or other distrib-
13 uted ledger technology, applications built on
14 blockchain technology or other distributed ledg-
15 er technology, tokens, and tokenization;

16 (B) the current use by Federal agencies of
17 blockchain technology or other distributed ledg-
18 er technology, applications built on blockchain
19 technology or other distributed ledger tech-
20 nology, tokens, and tokenization;

21 (C) the current and future preparedness
22 and ability of Federal agencies to adopt
23 blockchain technology or other distributed ledg-
24 er technology, applications built on blockchain

1 technology or other distributed ledger tech-
2 nology, tokens, and tokenization; and

3 (D) additional security measures Federal
4 agencies may need to take—

5 (i) to securely use blockchain tech-
6 nology or other distributed ledger tech-
7 nology, applications built on blockchain
8 technology or other distributed ledger tech-
9 nology, tokens, and tokenization, including
10 to support the security of critical infra-
11 structure; and

12 (ii) to enhance the resiliency of Fed-
13 eral systems against cyber threats to
14 blockchain technology or other distributed
15 ledger technology, applications built on
16 blockchain technology or other distributed
17 ledger technology, tokens, and
18 tokenization; and

19 (8) to support coordination of the activities of
20 the Federal Government relating to the security of
21 blockchain technology and other distributed ledger
22 technology, applications built on blockchain tech-
23 nology or other distributed ledger technology, to-
24 kens, and tokenization.

1 (c) ESTABLISHMENT OF NATIONAL BLOCKCHAIN
2 DEPLOYMENT ADVISORY COMMITTEE.—

3 (1) ESTABLISHMENT.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of the enactment of this
6 Act, the Secretary shall, in consultation with
7 the heads of relevant Federal agencies, establish
8 an advisory committee to support the adoption
9 of blockchain technology or other distributed
10 ledger technology, applications built on
11 blockchain technology or other distributed ledg-
12 er technology, tokens, and tokenization.

13 (B) DESIGNATION.—The advisory com-
14 mittee established pursuant to subparagraph
15 (A) shall be known as the “National Blockchain
16 Deployment Advisory Committee”.

17 (2) MEMBERSHIP COMPOSITION.—The Advisory
18 Committee shall consist of members appointed by
19 the Secretary, which shall include—

20 (A) the Secretary;

21 (B) representatives of Federal agencies (as
22 determined necessary by the Secretary); and

23 (C) covered nongovernmental representa-
24 tives with expertise related to blockchain tech-
25 nology or other distributed ledger technology

1 (as determined necessary by the Secretary),
2 which may include—

3 (i) blockchain technology or other dis-
4 tributed ledger technology infrastructure
5 operators, suppliers, service providers, and
6 vendors;

7 (ii) application developers building on
8 blockchain technology or other distributed
9 ledger technology;

10 (iii) developers and organizations sup-
11 porting the advancement and deployment
12 of public blockchain technology or other
13 distributed ledger technology;

14 (iv) subject matter experts rep-
15 resenting industrial sectors that can ben-
16 efit from blockchain technology or other
17 distributed ledger technology;

18 (v) small, medium, and large busi-
19 nesses;

20 (vi) think tanks and academia;

21 (vii) nonprofit organizations and con-
22 sumer groups;

23 (viii) cybersecurity experts;

24 (ix) rural stakeholders;

1 (x) covered nongovernmental rep-
2 resentatives; and

3 (xi) artists and the content creator
4 community.

5 (3) TERMINATION OF ADVISORY COMMITTEE.—

6 The Advisory Committee shall terminate on the date
7 that is 7 years after the date of the enactment of
8 this Act.

9 (d) BEST PRACTICES.—The Secretary shall, on an
10 ongoing basis, facilitate and support the development of
11 a compendium of identified or recommended guidelines or
12 best practices for the deployment of blockchain technology
13 or other distributed ledger technology, applications built
14 on blockchain technology or other distributed ledger tech-
15 nology, tokens, and tokenization that—

16 (1) support the deployment of technologies
17 needed to advance the capabilities of blockchain
18 technology or other distributed ledger technology,
19 applications built on blockchain technology or other
20 distributed ledger technology, tokens, and
21 tokenization;

22 (2) support the interoperability of blockchain
23 technology or other distributed ledger technology,
24 applications built on blockchain technology or other

1 distributed ledger technology, tokens, and
2 tokenization;

3 (3) support operations, including hashing and
4 key storage and security systems, that form the
5 foundation of blockchain technology or other distrib-
6 uted ledger technology, applications built on
7 blockchain technology or other distributed ledger
8 technology, tokens, and tokenization;

9 (4) reduce cybersecurity risks that may com-
10 promise blockchain technology or other distributed
11 ledger technology, applications built on blockchain
12 technology or other distributed ledger technology, to-
13 kens, and tokenization; and

14 (5) quantify the value and potential cost sav-
15 ings associated with adoption of blockchain tech-
16 nology or other distributed ledger technology, appli-
17 cations built on blockchain technology or other dis-
18 tributed ledger technology, tokens, and tokenization,
19 including through comparative analyses of competing
20 and existing technologies within specific industry ap-
21 plications.

22 (e) **ADDITIONAL REQUIREMENTS.**—In carrying out
23 this section, the Secretary shall—

1 (1) consult closely and regularly with stake-
2 holders, including private sector individuals and enti-
3 ties, and incorporate industry expertise;

4 (2) collaborate with private sector stakeholders
5 to identify prioritized, flexible, repeatable, perform-
6 ance-based, and cost-effective approaches to the de-
7 ployment of blockchain technology or other distrib-
8 uted ledger technology, applications built on
9 blockchain technology or other distributed ledger
10 technology, tokens, and tokenization;

11 (3) make public research and information per-
12 taining to the use of, and marketplace for,
13 blockchain technology or other distributed ledger
14 technology, applications built on blockchain tech-
15 nology or other distributed ledger technology, to-
16 kens, and tokenization;

17 (4) develop standardized terminology for, and
18 promote common understanding of, blockchain tech-
19 nology or other distributed ledger technology, appli-
20 cations built on blockchain technology or other dis-
21 tributed ledger technology, tokens, and tokenization;

22 (5) align the recommendations of the compen-
23 dium described in subsection (d) with the goal of fa-
24 cilitating the ease of use of blockchain technology or
25 other distributed ledger technology, applications

1 built on blockchain technology or other distributed
2 ledger technology, tokens, and tokenization;

3 (6) support open-source infrastructure, data
4 management, and authentication activities with re-
5 spect to blockchain technology or other distributed
6 ledger technology, applications built on blockchain
7 technology or other distributed ledger technology, to-
8 kens, and tokenization; and

9 (7) consider the needs and interests of both the
10 private and public sector, including small businesses
11 and Federal, State, and local governments.

12 (f) RULES OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed—

14 (1) to require a private entity to share informa-
15 tion with the Secretary;

16 (2) to require a private entity to request assist-
17 ance from the Secretary;

18 (3) to require a private entity to implement any
19 measure or recommendation suggested by the Sec-
20 retary in response to a request by the private entity;
21 or

22 (4) to require the adoption of the best practices
23 described in subsection (d).

1 (g) CONSULTATION.—In implementing this section,
2 the Secretary may, as appropriate, consult with the heads
3 of relevant Federal agencies.

4 **SEC. 604. REPORTS TO CONGRESS.**

5 (a) INTERIM REPORTS.—Not later than 2 years after
6 the date of the enactment of this Act, and annually there-
7 after, the Secretary shall make public on the website of
8 the Department of Commerce and submit to the Com-
9 mittee on Commerce, Science, and Transportation of the
10 Senate and the Committee on Energy and Commerce of
11 the House of Representatives a report that includes—

12 (1) a description of the activities of the Sec-
13 retary under this title during the preceding year;

14 (2) any recommendations by the Secretary for
15 additional legislation to strengthen the competitive-
16 ness of the United States with respect to blockchain
17 technology or other distributed ledger technology,
18 applications built on blockchain technology or other
19 distributed ledger technology, tokens, and
20 tokenization; and

21 (3) a description of any emerging risks and
22 long-term trends with respect to blockchain tech-
23 nology or other distributed ledger technology, appli-
24 cations built on blockchain technology or other dis-
25 tributed ledger technology, tokens, and tokenization.

1 (b) FINAL REPORT.—Not later than 18 months be-
2 fore the termination of the Advisory Committee pursuant
3 to section 603(c)(3), the Secretary shall make available
4 to the public on the website of the Department of Com-
5 merce and submit to the President, the Committee on
6 Commerce, Science, and Transportation of the Senate,
7 and the Committee on Energy and Commerce of the
8 House of Representatives a final report containing the
9 findings, conclusions, and recommendations of the Advi-
10 sory Committee.

11 **TITLE VII—FUTURE NETWORKS**
12 **ACT**

13 **SEC. 801. SHORT TITLE.**

14 This title may be cited as the “Future Uses of Tech-
15 nology Upholding Reliable and Enhanced Networks Act”
16 or the “FUTURE Networks Act”.

17 **SEC. 802. 6G TASK FORCE.**

18 (a) ESTABLISHMENT.—Not later than 120 days after
19 the date of the enactment of this Act, the Commission
20 shall establish a task force to be known as the “6G Task
21 Force”.

22 (b) MEMBERSHIP.—

23 (1) APPOINTMENT.—The members of the Task
24 Force shall be appointed by the Chair.

1 (2) COMPOSITION.—To the extent practicable,
2 the membership of the Task Force shall be com-
3 posed of the following:

4 (A) Representatives of companies in the
5 communications industry, except companies
6 that are determined by the Chair to be not
7 trusted.

8 (B) Representatives of public interest orga-
9 nizations or academic institutions, except public
10 interest organizations or academic institutions
11 that are determined by the Chair to be not
12 trusted.

13 (C) Representatives of the Federal Govern-
14 ment, State governments, local governments, or
15 Tribal Governments, with at least one member
16 representing each such type of government.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date on which the Task Force is established
20 under subsection (a), the Task Force shall publish
21 in the Federal Register and on the website of the
22 Commission, and submit to the Committee on En-
23 ergy and Commerce of the House of Representatives
24 and the Committee on Commerce, Science, and

1 Transportation of the Senate, a report on sixth-gen-
2 eration wireless technology, including—

3 (A) the status of industry-led standards-
4 setting bodies in setting standards for such
5 technology;

6 (B) possible uses of such technology identi-
7 fied by industry-led standards-setting bodies
8 that are setting standards for such technology;

9 (C) any limitations of such technology (in-
10 cluding any supply chain or cybersecurity limi-
11 tations) identified by industry-led standards-set-
12 ting bodies that are setting standards for such
13 technology;

14 (D) workforce needs to build, maintain,
15 and utilize 6G and advanced wireless commu-
16 nications technologies and networks, and strate-
17 gies to conduct the necessary workforce train-
18 ing;

19 (E) possible uses of emerging technologies
20 and Open RAN networks to bolster 6G and ad-
21 vanced wireless networks; and

22 (F) how to best work with entities across
23 the Federal Government, State governments,
24 local governments, and Tribal Governments to

1 leverage such technology, including with regard
2 to siting, deployment, and adoption.

3 (2) DRAFT REPORT; PUBLIC COMMENT.—The
4 Task Force shall—

5 (A) not later than 180 days after the date
6 on which the Task Force is established under
7 subsection (a), publish in the Federal Register
8 and on the website of the Commission a draft
9 of the report required by paragraph (1); and

10 (B) accept public comments on such draft
11 and take such comments into consideration in
12 preparing the final version of such report.

13 (d) DEFINITIONS.—In this section:

14 (1) CHAIR.—The term “Chair” means the
15 Chair of the Commission.

16 (2) COMMISSION.—The term “Commission”
17 means the Federal Communications Commission.

18 (3) NOT TRUSTED.—

19 (A) IN GENERAL.—The term “not trusted”
20 means, with respect to an entity, that—

21 (i) the Chair has made a public deter-
22 mination that such entity is owned by, con-
23 trolled by, or subject to the influence of a
24 foreign adversary; or

1 (ii) the Chair otherwise determines
2 that such entity poses a threat to the na-
3 tional security of the United States.

4 (B) CRITERIA FOR DETERMINATION.—In
5 making a determination under subparagraph
6 (A)(ii), the Chair shall use the criteria de-
7 scribed in paragraphs (1) through (4) of section
8 2(c) of the Secure and Trusted Communica-
9 tions Networks Act of 2019 (47 U.S.C.
10 1601(c)), as appropriate.

11 (4) STATE.—The term “State” has the mean-
12 ing given such term in section 3 of the Communica-
13 tions Act of 1934 (47 U.S.C. 153).

14 (5) TASK FORCE.—The term “Task Force”
15 means the 6G Task Force established under sub-
16 section (a).

17 **SEC. 803. TERMINATION OF TASK FORCE.**

18 The Task Force shall be terminated 30 days after
19 the date on which the Task Force submits the report re-
20 quired under section 2(c) of this Act.

21 **TITLE VIII—SECURE SPACE ACT**
22 **OF 2024**

23 **SEC. 901. SHORT TITLE.**

24 This title may be cited as the “Secure Space Act of
25 2024”.

1 **SEC. 902. PROHIBITION ON GRANT OF CERTAIN SATELLITE**
2 **LICENSES, UNITED STATES MARKET ACCESS,**
3 **OR EARTH STATION AUTHORIZATIONS.**

4 (a) IN GENERAL.—The Secure and Trusted Commu-
5 nications Networks Act of 2019 (47 U.S.C. 1601 et seq.)
6 is amended—

7 (1) by redesignating sections 10 and 11 as sec-
8 tions 11 and 12, respectively; and

9 (2) by inserting after section 9 the following:

10 **“SEC. 10. PROHIBITION ON GRANT OF CERTAIN SATELLITE**
11 **LICENSES, UNITED STATES MARKET ACCESS,**
12 **OR EARTH STATION AUTHORIZATIONS.**

13 “(a) IN GENERAL.—The Commission may not grant
14 a license for, or a petition for a declaratory ruling to ac-
15 cess the United States market using, a geostationary orbit
16 satellite system or a nongeostationary orbit satellite sys-
17 tem, or an authorization to use an individually licensed
18 earth station or a blanket-licensed earth station, if such
19 license, grant of market access, or authorization would be
20 held or controlled by—

21 “(1) an entity that produces or provides any
22 covered communications equipment or service; or

23 “(2) an affiliate (as defined in section 3 of the
24 Communications Act of 1934 (47 U.S.C. 153)) of an
25 entity described in paragraph (1).

26 “(b) DEFINITIONS.—In this section:

1 “(1) BLANKET-LICENSED EARTH STATION.—

2 The term ‘blanket-licensed earth station’ means an
3 earth station that is licensed with a geostationary
4 orbit satellite system or a nongeostationary orbit
5 satellite system.

6 “(2) GATEWAY STATION.—The term ‘gateway
7 station’ means an earth station or a group of earth
8 stations that—

9 “(A) supports the routing and switching
10 functions of a geostationary orbit satellite sys-
11 tem or a nongeostationary orbit satellite sys-
12 tem;

13 “(B) may also be used for telemetry, track-
14 ing, and command transmissions;

15 “(C) does not originate or terminate com-
16 munication traffic; and

17 “(D) is not for the exclusive use of any
18 customer.

19 “(3) INDIVIDUALLY LICENSED EARTH STA-
20 TION.—The term ‘individually licensed earth station’
21 means—

22 “(A) an earth station (other than a blan-
23 ket-licensed earth station) that sends a signal
24 to, and receives a signal from, a geostationary

1 orbit satellite system or a nongeostationary
2 orbit satellite system; or

3 “(B) a gateway station.”.

4 (b) APPLICABILITY.—Section 10 of the Secure and
5 Trusted Communications Networks Act of 2019, as added
6 by subsection (a), shall apply with respect to the grant
7 of a license, petition, or authorization on or after the date
8 of the enactment of this Act.

9 (c) RULES.—Not later than 1 year after the date of
10 the enactment of this Act, the Federal Communications
11 Commission shall issue rules to implement section 10 of
12 the Secure and Trusted Communications Networks Act of
13 2019, as added by subsection (a).

14 **TITLE IX—TAKE IT DOWN ACT**

15 **SEC. 1001. SHORT TITLE.**

16 This title may be cited as the “Tools to Address
17 Known Exploitation by Immobilizing Technological
18 Deepfakes on Websites and Networks Act” or the “TAKE
19 IT DOWN Act”.

20 **SEC. 1002. CRIMINAL PROHIBITION ON INTENTIONAL DIS-** 21 **CLOSURE OF NONCONSENSUAL INTIMATE** 22 **VISUAL DEPICTIONS.**

23 (a) IN GENERAL.—Section 223 of the Communica-
24 tions Act of 1934 (47 U.S.C. 223) is amended—

1 (1) by redesignating subsection (h) as sub-
2 section (i); and

3 (2) by inserting after subsection (g) the fol-
4 lowing:

5 “(h) INTENTIONAL DISCLOSURE OF NONCONSEN-
6 SUAL INTIMATE VISUAL DEPICTIONS.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) CONSENT.—The term ‘consent’
9 means an affirmative, conscious, and voluntary
10 authorization made by an individual free from
11 force, fraud, duress, misrepresentation, or coer-
12 cion.

13 “(B) DIGITAL FORGERY.—The term ‘dig-
14 ital forgery’ means any intimate visual depic-
15 tion of an identifiable individual created
16 through the use of software, machine learning,
17 artificial intelligence, or any other computer-
18 generated or technological means, including by
19 adapting, modifying, manipulating, or altering
20 an authentic visual depiction, that, when viewed
21 as a whole by a reasonable person, is indistin-
22 guishable from an authentic visual depiction of
23 the individual.

1 “(C) IDENTIFIABLE INDIVIDUAL.—The
2 term ‘identifiable individual’ means an indi-
3 vidual—

4 “(i) who appears in whole or in part
5 in an intimate visual depiction; and

6 “(ii) whose face, likeness, or other dis-
7 tinguishing characteristic (including a
8 unique birthmark or other recognizable
9 feature) is displayed in connection with
10 such intimate visual depiction.

11 “(D) INTERACTIVE COMPUTER SERVICE.—
12 The term ‘interactive computer service’ has the
13 meaning given the term in section 230.

14 “(E) INTIMATE VISUAL DEPICTION.—The
15 term ‘intimate visual depiction’ has the mean-
16 ing given such term in section 1309 of the Con-
17 solidated Appropriations Act, 2022 (15 U.S.C.
18 6851).

19 “(F) MINOR.—The term ‘minor’ means
20 any individual under the age of 18 years.

21 “(2) OFFENSE INVOLVING AUTHENTIC INTI-
22 MATE VISUAL DEPICTIONS.—

23 “(A) INVOLVING ADULTS.—Except as pro-
24 vided in subparagraph (C), it shall be unlawful
25 for any person, in interstate or foreign com-

1 merce, to use an interactive computer service to
2 knowingly publish an intimate visual depiction
3 of an identifiable individual who is not a minor
4 if—

5 “(i) the intimate visual depiction was
6 obtained or created under circumstances in
7 which the person knew or reasonably
8 should have known the identifiable indi-
9 vidual had a reasonable expectation of pri-
10 vacy;

11 “(ii) what is depicted was not volun-
12 tarily exposed by the identifiable individual
13 in a public or commercial setting;

14 “(iii) what is depicted is not a matter
15 of public concern; and

16 “(iv) publication of the intimate visual
17 depiction—

18 “(I) is intended to cause harm;

19 or

20 “(II) causes harm, including psy-
21 chological, financial, or reputational
22 harm, to the identifiable individual.

23 “(B) INVOLVING MINORS.—Except as pro-
24 vided in subparagraph (C), it shall be unlawful
25 for any person, in interstate or foreign com-

1 merce, to use an interactive computer service to
2 knowingly publish an intimate visual depiction
3 of an identifiable individual who is a minor with
4 intent to—

5 “(i) abuse, humiliate, harass, or de-
6 grade the minor; or

7 “(ii) arouse or gratify the sexual de-
8 sire of any person.

9 “(C) EXCEPTIONS.—Subparagraphs (A)
10 and (B) shall not apply to—

11 “(i) a lawfully authorized investiga-
12 tive, protective, or intelligence activity of—

13 “(I) a law enforcement agency of
14 the United States, a State, or a polit-
15 ical subdivision of a State; or

16 “(II) an intelligence agency of
17 the United States;

18 “(ii) a disclosure made reasonably and
19 in good faith—

20 “(I) to a law enforcement officer
21 or agency;

22 “(II) as part of a document pro-
23 duction or filing associated with a
24 legal proceeding;

1 “(III) as part of medical edu-
2 cation, diagnosis, or treatment or for
3 a legitimate medical, scientific, or
4 education purpose;

5 “(IV) in the reporting of unlaw-
6 ful content or unsolicited or unwel-
7 come conduct or in pursuance of a
8 legal, professional, or other lawful ob-
9 ligation; or

10 “(V) to seek support or help with
11 respect to the receipt of an unsolicited
12 intimate visual depiction;

13 “(iii) a disclosure reasonably intended
14 to assist the identifiable individual; or

15 “(iv) a person who possesses or pub-
16 lishes an intimate visual depiction of him-
17 self or herself engaged in nudity or sexu-
18 ally explicit conduct (as that term is de-
19 fined in section 2256(2)(A) of title 18,
20 United States Code).

21 “(3) OFFENSE INVOLVING DIGITAL FOR-
22 GERIES.—

23 “(A) INVOLVING ADULTS.—Except as pro-
24 vided in subparagraph (C), it shall be unlawful
25 for any person, in interstate or foreign com-

1 merce, to use an interactive computer service to
2 knowingly publish a digital forgery of an identi-
3 fiable individual who is not a minor if—

4 “(i) the digital forgery was published
5 without the consent of the identifiable indi-
6 vidual;

7 “(ii) what is depicted was not volun-
8 tarily exposed by the identifiable individual
9 in a public or commercial setting;

10 “(iii) what is depicted is not a matter
11 of public concern; and

12 “(iv) publication of the digital for-
13 gery—

14 “(I) is intended to cause harm;

15 or

16 “(II) causes harm, including psy-
17 chological, financial, or reputational
18 harm, to the identifiable individual.

19 “(B) INVOLVING MINORS.—Except as pro-
20 vided in subparagraph (C), it shall be unlawful
21 for any person, in interstate or foreign com-
22 merce, to use an interactive computer service to
23 knowingly publish a digital forgery of an identi-
24 fiable individual who is a minor with intent
25 to—

1 “(i) abuse, humiliate, harass, or de-
2 grade the minor; or

3 “(ii) arouse or gratify the sexual de-
4 sire of any person.

5 “(C) EXCEPTIONS.—Subparagraphs (A)
6 and (B) shall not apply to—

7 “(i) a lawfully authorized investiga-
8 tive, protective, or intelligence activity of—

9 “(I) a law enforcement agency of
10 the United States, a State, or a polit-
11 ical subdivision of a State; or

12 “(II) an intelligence agency of
13 the United States;

14 “(ii) a disclosure made reasonably and
15 in good faith—

16 “(I) to a law enforcement officer
17 or agency;

18 “(II) as part of a document pro-
19 duction or filing associated with a
20 legal proceeding;

21 “(III) as part of medical edu-
22 cation, diagnosis, or treatment or for
23 a legitimate medical, scientific, or
24 education purpose;

1 “(IV) in the reporting of unlaw-
2 ful content or unsolicited or unwel-
3 come conduct or in pursuance of a
4 legal, professional, or other lawful ob-
5 ligation; or

6 “(V) to seek support or help with
7 respect to the receipt of an unsolicited
8 intimate visual depiction;

9 “(iii) a disclosure reasonably intended
10 to assist the identifiable individual; or

11 “(iv) a person who possesses or pub-
12 lishes a digital forgery of himself or herself
13 engaged in nudity or sexually explicit con-
14 duct (as that term is defined in section
15 2256(2)(A) of title 18, United States
16 Code).

17 “(4) PENALTIES.—

18 “(A) OFFENSES INVOLVING ADULTS.—Any
19 person who violates paragraph (2)(A) or (3)(A)
20 shall be fined under title 18, United States
21 Code, imprisoned not more than 2 years, or
22 both.

23 “(B) OFFENSES INVOLVING MINORS.—Any
24 person who violates paragraph (2)(B) or (3)(B)
25 shall be fined under title 18, United States

1 Code, imprisoned not more than 3 years, or
2 both.

3 “(5) RULES OF CONSTRUCTION.—For purposes
4 of paragraphs (2) and (3)—

5 “(A) the fact that the identifiable indi-
6 vidual provided consent for the creation of the
7 intimate visual depiction shall not establish that
8 the individual provided consent for the publica-
9 tion of the intimate visual depiction; and

10 “(B) the fact that the identifiable indi-
11 vidual disclosed the intimate visual depiction to
12 another individual shall not establish that the
13 identifiable individual provided consent for the
14 publication of the intimate visual depiction by
15 the person alleged to have violated paragraph
16 (2) or (3), respectively.

17 “(6) THREATS.—

18 “(A) THREATS INVOLVING AUTHENTIC IN-
19 TIMATE VISUAL DEPICTIONS.—Any person who
20 intentionally threatens to commit an offense
21 under paragraph (2) for the purpose of intimi-
22 dation, coercion, extortion, or to create mental
23 distress shall be punished as provided in para-
24 graph (4).

1 “(B) THREATS INVOLVING DIGITAL FOR-
2 GERIES.—

3 “(i) THREATS INVOLVING ADULTS.—
4 Any person who intentionally threatens to
5 commit an offense under paragraph (3)(A)
6 for the purpose of intimidation, coercion,
7 extortion, or to create mental distress shall
8 be fined under title 18, United States
9 Code, imprisoned not more than 18
10 months, or both.

11 “(ii) THREATS INVOLVING MINORS.—
12 Any person who intentionally threatens to
13 commit an offense under paragraph (3)(B)
14 for the purpose of intimidation, coercion,
15 extortion, or to create mental distress shall
16 be fined under title 18, United States
17 Code, imprisoned not more than 30
18 months, or both.

19 “(7) FORFEITURE.—

20 “(A) IN GENERAL.—The court, in impos-
21 ing a sentence on any person convicted of a vio-
22 lation of paragraph (2) or (3), shall order, in
23 addition to any other sentence imposed and ir-
24 respective of any provision of State law, that
25 the person forfeit to the United States—

1 “(i) any material distributed in viola-
2 tion of that paragraph;

3 “(ii) the person’s interest in property,
4 real or personal, constituting or derived
5 from any gross proceeds of the violation, or
6 any property traceable to such property,
7 obtained or retained directly or indirectly
8 as a result of the violation; and

9 “(iii) any personal property of the
10 person used, or intended to be used, in any
11 manner or part, to commit or to facilitate
12 the commission of the violation.

13 “(B) PROCEDURES.—Section 413 of the
14 Controlled Substances Act (21 U.S.C. 853),
15 with the exception of subsections (a) and (d),
16 shall apply to the criminal forfeiture of property
17 under subparagraph (A).

18 “(8) RESTITUTION.—The court shall order res-
19 titution for an offense under paragraph (2) or (3) in
20 the same manner as under section 2264 of title 18,
21 United States Code.

22 “(9) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to limit the appli-
24 cation of any other relevant law, including section
25 2252 of title 18, United States Code.”.

1 (b) DEFENSES.—Section 223(e)(1) of the Commu-
2 nications Act of 1934 (47 U.S.C. 223(e)(1)) is amended
3 by striking “or (d)” and inserting “, (d), or (h)”.

4 (c) TECHNICAL AND CONFORMING AMENDMENT.—
5 Subsection (i) of section 223 of the Communications Act
6 of 1934 (47 U.S.C. 223), as so redesignated by subsection
7 (a), is amended by inserting “DEFINITIONS.—” before
8 “For purposes of this section”.

9 **SEC. 1003. NOTICE AND REMOVAL OF NONCONSENSUAL IN-**
10 **TIMATE VISUAL DEPICTIONS.**

11 (a) IN GENERAL.—

12 (1) NOTICE AND REMOVAL PROCESS.—

13 (A) ESTABLISHMENT.—Not later than 1
14 year after the date of enactment of this Act, a
15 covered platform shall establish a process
16 whereby an identifiable individual (or an au-
17 thorized person acting on behalf of such indi-
18 vidual) may—

19 (i) notify the covered platform of an
20 intimate visual depiction published on the
21 covered platform that—

22 (I) includes a depiction of the
23 identifiable individual; and

1 (II) was published without the
2 consent of the identifiable individual;
3 and

4 (ii) submit a request for the covered
5 platform to remove such intimate visual
6 depiction.

7 (B) REQUIREMENTS.—A notification and
8 request for removal of an intimate visual depic-
9 tion submitted under the process established
10 under subparagraph (A) shall include, in writ-
11 ing—

12 (i) a physical or electronic signature
13 of the identifiable individual (or an author-
14 ized person acting on behalf of such indi-
15 vidual);

16 (ii) an identification of, and informa-
17 tion reasonably sufficient for the covered
18 platform to locate, the intimate visual de-
19 pication of the identifiable individual;

20 (iii) a brief statement that the identi-
21 fiable individual has a good faith belief
22 that any intimate visual depiction identi-
23 fied under clause (ii) is not consensual, in-
24 cluding any relevant information for the
25 covered platform to determine the intimate

1 visual depiction was published without the
2 consent of the identifiable individual; and

3 (iv) information sufficient to enable
4 the covered platform to contact the identi-
5 fiable individual (or an authorized person
6 acting on behalf of such individual).

7 (2) NOTICE OF PROCESS.—A covered platform
8 shall provide on the platform a clear and con-
9 spicuous notice, which may be provided through a
10 clear and conspicuous link to another web page or
11 disclosure, of the notice and removal process estab-
12 lished under paragraph (1)(A) that—

13 (A) is easy to read and in plain language;
14 and

15 (B) provides information regarding the re-
16 sponsibilities of the covered platform under this
17 section, including a description of how an indi-
18 vidual can submit a notification and request for
19 removal.

20 (3) REMOVAL OF NONCONSENSUAL INTIMATE
21 VISUAL DEPICTIONS.—Upon receiving a valid re-
22 moval request from an identifiable individual (or an
23 authorized person acting on behalf of such indi-
24 vidual) using the process described in paragraph
25 (1)(A)(ii), a covered platform shall, as soon as pos-

1 sible, but not later than 48 hours after receiving
2 such request—

3 (A) remove the intimate visual depiction;
4 and

5 (B) make reasonable efforts to identify and
6 remove any known identical copies of such de-
7 piction.

8 (4) LIMITATION ON LIABILITY.—A covered plat-
9 form shall not be liable for any claim based on the
10 covered platform’s good faith disabling of access to,
11 or removal of, material claimed to be a nonconsen-
12 sual intimate visual depiction based on facts or cir-
13 cumstances from which the unlawful publishing of
14 an intimate visual depiction is apparent, regardless
15 of whether the intimate visual depiction is ultimately
16 determined to be unlawful or not.

17 (b) ENFORCEMENT BY THE COMMISSION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
19 TICES.—A failure to reasonably comply with the no-
20 tice and takedown obligations under subsection (a)
21 shall be treated as a violation of a rule defining an
22 unfair or a deceptive act or practice under section
23 18(a)(1)(B) of the Federal Trade Commission Act
24 (15 U.S.C. 57a(a)(1)(B)).

25 (2) POWERS OF THE COMMISSION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (D), the Commission shall en-
3 force this section in the same manner, by the
4 same means, and with the same jurisdiction,
5 powers, and duties as though all applicable
6 terms and provisions of the Federal Trade
7 Commission Act (15 U.S.C. 41 et seq.) were in-
8 corporated into and made a part of this section.

9 (B) PRIVILEGES AND IMMUNITIES.—Any
10 person who violates this section shall be subject
11 to the penalties and entitled to the privileges
12 and immunities provided in the Federal Trade
13 Commission Act (15 U.S.C. 41 et seq.).

14 (C) AUTHORITY PRESERVED.—Nothing in
15 this title shall be construed to limit the author-
16 ity of the Federal Trade Commission under any
17 other provision of law.

18 (D) SCOPE OF JURISDICTION.—Notwith-
19 standing sections 4, 5(a)(2), or 6 of the Federal
20 Trade Commission Act (15 U.S.C. 44, 45(a)(2),
21 46), or any jurisdictional limitation of the Com-
22 mission, the Commission shall also enforce this
23 section in the same manner provided in sub-
24 paragraph (A), with respect to organizations

1 that are not organized to carry on business for
2 their own profit or that of their members.

3 **SEC. 1004. DEFINITIONS.**

4 In this title:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (2) CONSENT; DIGITAL FORGERY; IDENTIFI-
8 ABLE INDIVIDUAL; INTIMATE VISUAL DEPICTION.—
9 The terms “consent”, “digital forgery”, “identifiable
10 individual”, “intimate visual depiction”, and
11 “minor” have the meaning given such terms in sec-
12 tion 223(h) of the Communications Act of 1934 (47
13 U.S.C. 223), as added by section 1002.

14 (3) COVERED PLATFORM.—

15 (A) IN GENERAL.—The term “covered
16 platform” means a website, online service, on-
17 line application, or mobile application—

18 (i) that serves the public; and

19 (ii)(I) that primarily provides a forum
20 for user-generated content, including mes-
21 sages, videos, images, games, and audio
22 files; or

23 (II) for which it is in the regular
24 course of trade or business of the website,
25 online service, online application, or mobile

1 application to publish, curate, host, or
2 make available content of nonconsensual
3 intimate visual depictions.

4 (B) EXCLUSIONS.—The term “covered
5 platform” shall not include the following:

6 (i) A provider of broadband internet
7 access service (as described in section
8 8.1(b) of title 47, Code of Federal Regula-
9 tions, or successor regulation).

10 (ii) Electronic mail.

11 (iii) Except as provided in subpara-
12 graph (A)(ii)(II), an online service, appli-
13 cation, or website—

14 (I) that consists primarily of con-
15 tent that is not user generated but is
16 preselected by the provider of such on-
17 line service, application, or website;
18 and

19 (II) for which any chat, com-
20 ment, or interactive functionality is
21 incidental to, directly related to, or
22 dependent on the provision of the con-
23 tent described in subclause (I).

1 **SEC. 1005. SEVERABILITY.**

2 If any provision of this title, or an amendment made
3 by this title, is determined to be unenforceable or invalid,
4 the remaining provisions of this title and the amendments
5 made by this title shall not be affected.

6 **TITLE X—RURAL BROADBAND**
7 **PROTECTION ACT OF 2024**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Rural Broadband Pro-
10 tection Act of 2024”.

11 **SEC. 1102. VETTING PROCESS FOR PROSPECTIVE HIGH-**
12 **COST UNIVERSAL SERVICE FUND APPLI-**
13 **CANTS.**

14 Section 254 of the Communications Act of 1934 (47
15 U.S.C. 254) is amended by adding at the end the fol-
16 lowing:

17 “(m) VETTING OF HIGH-COST FUND RECIPIENTS.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘covered funding’ means any
20 new offer of high-cost universal service program
21 funding, including funding provided through a
22 reverse competitive bidding mechanism provided
23 under this section, for the deployment of a
24 broadband-capable network and the provision of
25 supported services over the network; and

1 “(B) the term ‘new covered funding award’
2 means an award of covered funding that is
3 made based on an application submitted to the
4 Commission on or after the date on which rules
5 are promulgated under paragraph (2).

6 “(2) COMMISSION RULEMAKING.—Not later
7 than 180 days after the date of enactment of this
8 subsection, the Commission shall initiate a rule-
9 making proceeding to establish a vetting process for
10 applicants for, and other recipients of, a new covered
11 funding award.

12 “(3) CONTENTS.—

13 “(A) IN GENERAL.—In promulgating rules
14 under paragraph (2), the Commission shall pro-
15 vide that, consistent with principles of tech-
16 nology neutrality, the Commission will only
17 award covered funding to applicants that can
18 demonstrate that they meet the qualifications in
19 subparagraph (B).

20 “(B) QUALIFICATIONS DESCRIBED.—An
21 applicant for a new covered funding award shall
22 include in the initial application a proposal con-
23 taining sufficient detail and documentation for
24 the Commission to ascertain that the applicant
25 possesses the technical, financial, and oper-

1 ational capabilities, and has a reasonable busi-
2 ness plan, to deploy the proposed network and
3 deliver services with the relevant performance
4 characteristics and requirements defined by the
5 Commission and as pledged by the applicant.

6 “(C) EVALUATION OF PROPOSAL.—The
7 Commission shall evaluate a proposal described
8 in subparagraph (B) against—

9 “(i) reasonable and well-established
10 technical, financial, and operational stand-
11 ards, including the technical standards
12 adopted by the Commission in orders of
13 the Commission relating to Establishing
14 the Digital Opportunity Data Collection
15 (WC Docket No. 19–195) (or orders of the
16 Commission relating to modernizing any
17 successor collection) for purposes of enti-
18 ties that must report broadband avail-
19 ability coverage; and

20 “(ii) the applicant’s history of com-
21 plying with requirements in Commission
22 and other government broadband deploy-
23 ment funding programs.

24 “(D) PENALTIES FOR PRE-AUTHORIZATION
25 DEFAULTS.—In adopting rules for any new cov-

1 ered funding award, the Commission shall set a
2 penalty for pre-authorization defaults of at least
3 \$9,000 per violation and may not limit the base
4 forfeiture to an amount less than 30 percent of
5 the applicant’s total support, unless the Com-
6 mission demonstrates the need for lower pen-
7 alties in a particular instance.”.

8 **TITLE XI—AMERICAN MUSIC** 9 **TOURISM**

10 **SEC. 1201. SHORT TITLE.**

11 This title may be cited as the “American Music Tour-
12 ism Act of 2024”.

13 **SEC. 1202. RESPONSIBILITIES OF THE ASSISTANT SEC-** 14 **RETARY OF COMMERCE FOR TRAVEL AND** 15 **TOURISM.**

16 (a) DOMESTIC TRAVEL AND TOURISM.—Section
17 605(b) of the Visit America Act (15 U.S.C. 9803(b)) is
18 amended—

19 (1) in paragraph (2), by striking “; and” and
20 inserting a semicolon;

21 (2) in paragraph (3), by striking the period at
22 the end and inserting “; and”; and

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

24 “(4) identify locations and events in the United
25 States that are important to music tourism and fa-

1 facilitate and promote domestic travel and tourism to
2 those locations and events.”.

3 (b) FACILITATION OF INTERNATIONAL BUSINESS
4 AND LEISURE TRAVEL.—Section 605 of the Visit America
5 Act (15 U.S.C. 9803) is amended by striking subsection
6 (d) and inserting the following:

7 “(d) FACILITATION OF INTERNATIONAL BUSINESS
8 AND LEISURE TRAVEL.—The Assistant Secretary, in co-
9 ordination with relevant Federal agencies, shall strive to
10 increase and facilitate international business and leisure
11 travel to the United States and ensure competitiveness
12 by—

13 “(1) facilitating large meetings, incentives, con-
14 ferences, and exhibitions in the United States;

15 “(2) emphasizing rural and other destinations
16 in the United States that are rich in cultural herit-
17 age or ecological tourism, among other uniquely
18 American destinations, as locations for hosting inter-
19 national meetings, incentives, conferences, and exhi-
20 bitions;

21 “(3) facilitating and promoting international
22 travel and tourism to sports and recreation events
23 and activities in the United States; and

24 “(4) identifying locations and events in the
25 United States that are important to music tourism

1 and facilitating and promoting international travel
2 and tourism to those locations and events.”.

3 (c) REPORTING REQUIREMENTS.—Section 605(f) of
4 the Visit America Act (15 U.S.C. 9803(f)) is amended by
5 adding at the end the following:

6 “(4) REPORT ON GOALS RELATING TO DOMES-
7 TIC AND INTERNATIONAL TRAVEL.—Not later than
8 1 year after the date of enactment of the American
9 Music Tourism Act of 2024, and every 2 years
10 thereafter, the Assistant Secretary shall submit to
11 the Subcommittee on Tourism, Trade, and Export
12 Promotion of the Committee on Commerce, Science,
13 and Transportation of the Senate and the Sub-
14 committee on Innovation, Data, and Commerce of
15 the Committee on Energy and Commerce of the
16 House of Representatives a report of activities, find-
17 ings, achievements, and vulnerabilities relating to
18 the goals described in subsections (a) through (d).”.

19 (d) DEFINITION.—Section 600 of title VI of division
20 BB of the Consolidated Appropriations Act, 2023 (15
21 U.S.C. 9801) is amended—

22 (1) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively, and adjust-
24 ing the margins accordingly; and

1 (2) by striking “In this title, the term ‘COVID-
2 19 public health emergency’—” and inserting the
3 following:

4 “In this title:

5 “(1) COVID-19 PUBLIC HEALTH EMER-
6 GENCY.—The term ‘COVID-19 public health emer-
7 gency’—”; and

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

9 “(2) MUSIC TOURISM.—The term ‘music tour-
10 ism’ means—

11 “(A) the act of traveling to a State or lo-
12 cality to visit historic or modern day music-re-
13 lated attractions, including museums, studios,
14 venues of all sizes, and other sites related to
15 music; or

16 “(B) the act of traveling to a State or lo-
17 cality to attend a music festival, a concert, or
18 other live musical performance or music-related
19 special event.”.

20 **TITLE XII—INFORMING CON-**
21 **SUMERS ABOUT SMART DE-**
22 **VICES**

23 **SEC. 1301. SHORT TITLE.**

24 This title may be cited as the “Informing Consumers
25 about Smart Devices Act”.

1 **SEC. 1302. REQUIRED DISCLOSURE OF A CAMERA OR RE-**
2 **CORDING CAPABILITY IN CERTAIN INTER-**
3 **NET-CONNECTED DEVICES.**

4 Each manufacturer of a covered device shall disclose,
5 clearly and conspicuously and prior to purchase, whether
6 the covered device manufactured by the manufacturer con-
7 tains a camera or microphone as a component of the cov-
8 ered device.

9 **SEC. 1303. ENFORCEMENT BY THE FEDERAL TRADE COM-**
10 **MISSION.**

11 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
12 A violation of section 1302 shall be treated as a violation
13 of a rule defining an unfair or deceptive act or practice
14 prescribed under section 18(a)(1)(B) of the Federal Trade
15 Commission Act (15 U.S.C. 57a(a)(1)(B)).

16 (b) ACTIONS BY THE COMMISSION.—

17 (1) IN GENERAL.—The Federal Trade Commis-
18 sion (in this title referred to as the “Commission”)
19 shall enforce this title in the same manner, by the
20 same means, and with the same jurisdiction, powers,
21 and duties as though all applicable terms and provi-
22 sions of the Federal Trade Commission Act (15
23 U.S.C. 41 et seq.) were incorporated into and made
24 a part of this title.

25 (2) PENALTIES AND PRIVILEGES.—Any person
26 who violates this title or a regulation promulgated

1 under this title shall be subject to the penalties and
2 entitled to the privileges and immunities provided in
3 the Federal Trade Commission Act (15 U.S.C. 41 et
4 seq.).

5 (3) SAVINGS CLAUSE.—Nothing in this title
6 shall be construed to limit the authority of the Com-
7 mission under any other provision of law.

8 (c) COMMISSION GUIDANCE.—Not later than 180
9 days after the date of enactment of this title, the Commis-
10 sion, through outreach to relevant private entities, shall
11 issue guidance to assist manufacturers in complying with
12 the requirements of this title, including guidance about
13 best practices for making the disclosure required by sec-
14 tion 1302 as clear and conspicuous and age appropriate
15 as practicable and about best practices for the use of a
16 pictorial (as defined in section 2(a) of the Consumer Re-
17 view Fairness Act of 2016 (15 U.S.C. 45b(a))) visual rep-
18 resentation of the information to be disclosed.

19 (d) TAILORED GUIDANCE.—A manufacturer of a cov-
20 ered device may petition the Commission for tailored guid-
21 ance as to how to meet the requirements of section 1302
22 consistent with existing rules of practice or any successor
23 rules.

24 (e) LIMITATION ON COMMISSION GUIDANCE.—No
25 guidance issued by the Commission with respect to this

1 title shall confer any rights on any person, State, or local-
2 ity, nor shall operate to bind the Commission or any per-
3 son to the approach recommended in such guidance. In
4 any enforcement action brought pursuant to this title, the
5 Commission shall allege a specific violation of a provision
6 of this title. The Commission may not base an enforce-
7 ment action on, or execute a consent order based on, prac-
8 tices that are alleged to be inconsistent with any such
9 guidelines, unless the practices allegedly violate section
10 1302.

11 **SEC. 1304. DEFINITION OF COVERED DEVICE.**

12 As used in this title, the term “covered device”—

13 (1) means a consumer product, as defined by
14 section 3(a) of the Consumer Product Safety Act
15 (15 U.S.C. 2052(a)) that is capable of connecting to
16 the internet, a component of which is a camera or
17 microphone; and

18 (2) does not include—

19 (A) a telephone (including a mobile phone),
20 a laptop, tablet, or any device that a consumer
21 would reasonably expect to have a microphone
22 or camera;

23 (B) any device that is specifically marketed
24 as a camera, telecommunications device, or
25 microphone; or

1 (C) any device or apparatus described in
2 sections 255, 716, and 718, and subsections
3 (aa) and (bb) of section 303 of the Communica-
4 tions Act of 1934 (47 U.S.C. 255; 617; 619;
5 and 303(aa) and (bb)), and any regulations
6 promulgated thereunder.

7 **SEC. 1305. EFFECTIVE DATE.**

8 This title shall apply to all covered devices manufac-
9 tured after the date that is 180 days after the date on
10 which guidance is issued by the Commission under section
11 1303(c), and shall not apply to covered devices manufac-
12 tured or sold before such date, or otherwise introduced
13 into interstate commerce before such date.

14 **TITLE XIII—SECURING SEMI-**
15 **CONDUCTOR SUPPLY CHAINS**
16 **ACT OF 2024**

17 **SEC. 1401. SHORT TITLE.**

18 This title may be cited as the “Securing Semicon-
19 ductor Supply Chains Act of 2024”.

20 **SEC. 1402. SELECTUSA DEFINED.**

21 In this title, the term “SelectUSA” means the
22 SelectUSA program of the Department of Commerce es-
23 tablished by Executive Order 13577 (76 Fed. Reg.
24 35,715).

1 **SEC. 1403. FINDINGS.**

2 Congress makes the following findings:

3 (1) Semiconductors underpin the United States
4 and global economies, including manufacturing sec-
5 tors. Semiconductors are also essential to the na-
6 tional security of the United States.

7 (2) A shortage of semiconductors, brought
8 about by the COVID–19 pandemic and other com-
9 plex factors impacting the overall supply chain, has
10 threatened the economic recovery of the United
11 States and industries that employ millions of United
12 States citizens.

13 (3) Addressing current challenges and building
14 resilience against future risks requires ensuring a se-
15 cure and stable supply chain for semiconductors that
16 will support the economic and national security
17 needs of the United States and its allies.

18 (4) The supply chain for semiconductors is
19 complex and global. While the United States plays
20 a leading role in certain segments of the semicon-
21 ductor industry, securing the supply chain requires
22 onshoring, reshoring, or diversifying vulnerable seg-
23 ments, such as for—

24 (A) fabrication;

25 (B) advanced packaging; and

1 (C) materials and equipment used to man-
2 ufacture semiconductor products.

3 (5) The Federal Government can leverage for-
4 eign direct investment and private dollars to grow
5 the domestic manufacturing and production capacity
6 of the United States for vulnerable segments of the
7 semiconductor supply chain.

8 (6) The SelectUSA program of the Department
9 of Commerce, in coordination with other Federal
10 agencies and State-level economic development orga-
11 nizations, is positioned to boost foreign direct invest-
12 ment in domestic manufacturing and to help secure
13 the semiconductor supply chain of the United States.

14 **SEC. 1404. COORDINATION WITH STATE-LEVEL ECONOMIC**
15 **DEVELOPMENT ORGANIZATIONS.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Executive Director of SelectUSA
18 shall solicit comments from State-level economic develop-
19 ment organizations—

20 (1) to review—

21 (A) what efforts the Federal Government
22 can take to support increased foreign direct in-
23 vestment in any segment of semiconductor-re-
24 lated production;

1 (B) what barriers to such investment may
2 exist and how to amplify State efforts to attract
3 such investment;

4 (C) public opportunities those organiza-
5 tions have identified to attract foreign direct in-
6 vestment to help increase investment described
7 in subparagraph (A); and

8 (D) resource gaps or other challenges that
9 prevent those organizations from increasing
10 such investment; and

11 (2) to develop recommendations for—

12 (A) how SelectUSA can increase such in-
13 vestment independently or through partnership
14 with those organizations; and

15 (B) working with countries that are allies
16 or partners of the United States to ensure that
17 foreign adversaries (as defined in section
18 8(c)(2) of the Secure and Trusted Communica-
19 tions Networks Act of 2019 (47 U.S.C.
20 1607(c)(2))) do not benefit from United States
21 efforts to increase such investment.

1 **SEC. 1405. REPORT ON INCREASING FOREIGN DIRECT IN-**
2 **VESTMENT IN SEMICONDUCTOR-RELATED**
3 **MANUFACTURING AND PRODUCTION.**

4 Not later than 2 years after the date of the enact-
5 ment of this Act, the Executive Director of SelectUSA,
6 in coordination with the Federal Interagency Investment
7 Working Group established by Executive Order 13577 (76
8 Fed. Reg. 35,715; relating to establishment of the
9 SelectUSA Initiative), shall submit to the Committee on
10 Commerce, Science, and Transportation of the Senate and
11 the Committee on Energy and Commerce of the House
12 of Representatives a report that includes—

13 (1) a review of the comments SelectUSA re-
14 ceived from State-level economic development organi-
15 zations under section 4;

16 (2) a description of activities SelectUSA is en-
17 gaged in to increase foreign direct investment in
18 semiconductor-related manufacturing and produc-
19 tion; and

20 (3) an assessment of strategies SelectUSA may
21 implement to achieve an increase in such investment
22 and to help secure the United States supply chain
23 for semiconductors, including by—

24 (A) working with other relevant Federal
25 agencies; and

1 (B) working with State-level economic de-
2 velopment organizations and implementing any
3 strategies or recommendations SelectUSA re-
4 ceived from those organizations.

5 **SEC. 1406. NO ADDITIONAL FUNDS.**

6 No additional funds are authorized to be appro-
7 priated for the purpose of carrying out this title. The Ex-
8 ecutive Director of SelectUSA shall carry out this title
9 using amounts otherwise available to the Executive Direc-
10 tor for such purposes.

11 **TITLE XIV—HOTEL FEES**
12 **TRANSPARENCY ACT**

13 **SEC. 1601. SHORT TITLE.**

14 This title may be cited as the “Hotel Fees Trans-
15 parency Act of 2024”.

16 **SEC. 1602. PROHIBITION ON UNFAIR AND DECEPTIVE AD-**
17 **VERTISING OF HOTEL ROOMS AND OTHER**
18 **SHORT-TERM RENTAL PRICES.**

19 (a) PROHIBITION.—

20 (1) IN GENERAL.—It shall be unlawful for a
21 covered entity to display, advertise, market, or offer
22 in interstate commerce, including through direct of-
23 ferings, third-party distribution, or metasearch refer-
24 rals, a price for covered services that does not clear-
25 ly, conspicuously, and prominently—

1 (A) display the total services price, if a
2 price is displayed, in any advertisement, mar-
3 keting, or price list wherever the covered serv-
4 ices are displayed, advertised, marketed, or of-
5 fered for sale;

6 (B) disclose to any individual who seeks to
7 purchase covered services the total services
8 price at the time the covered services are first
9 displayed to the individual and anytime there-
10 after throughout the covered services pur-
11 chasing process; and

12 (C) disclose, prior to the final purchase,
13 any tax, fee, or assessment imposed by any gov-
14 ernment entity, quasi-government entity, or
15 government-created special district or program
16 on the sale of covered services.

17 (2) INDIVIDUAL COMPONENTS.—Provided that
18 such displays are less prominent than the total serv-
19 ice price required in paragraph (1), nothing in this
20 Act shall be construed to prohibit the display of—

21 (A) individual components of the total
22 price; or

23 (B) details of other items not required by
24 paragraph (1).

1 (3) INDEMNIFICATION PROVISIONS.—Nothing
2 in this section shall be construed to prohibit any cov-
3 ered entity from entering into a contract with any
4 other covered entity that contains an indemnification
5 provision with respect to price or fee information
6 disclosed, exchanged, or shared between the covered
7 entities that are parties to the contract.

8 (b) ENFORCEMENT.—

9 (1) ENFORCEMENT BY THE COMMISSION.—

10 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
11 TICES.—A violation of subsection (a) shall be
12 treated as a violation of a rule defining an un-
13 fair or deceptive act or practice prescribed
14 under section 18(a)(1)(B) of the Federal Trade
15 Commission Act (15 U.S.C. 57a(a)(1)(B)).

16 (B) POWERS OF THE COMMISSION.—

17 (i) IN GENERAL.—The Commission
18 shall enforce this section in the same man-
19 ner, by the same means, and with the
20 same jurisdiction, powers, and duties as
21 though all applicable terms and provisions
22 of the Federal Trade Commission Act (15
23 U.S.C. 41 et seq.) were incorporated into
24 and made a part of this Act.

1 (ii) PRIVILEGES AND IMMUNITIES.—

2 Any person who violates this section shall
3 be subject to the penalties and entitled to
4 the privileges and immunities provided in
5 the Federal Trade Commission Act (15
6 U.S.C. 41 et seq.).

7 (iii) AUTHORITY PRESERVED.—Noth-
8 ing in this section shall be construed to
9 limit the authority of the Commission
10 under any other provision of law.

11 (2) ENFORCEMENT BY STATES.—

12 (A) IN GENERAL.—If the attorney general
13 of a State has reason to believe that an interest
14 of the residents of the State has been or is
15 being threatened or adversely affected by a
16 practice that violates subsection (a), the attor-
17 ney general of the State may, as *parens patriae*,
18 bring a civil action on behalf of the residents of
19 the State in an appropriate district court of the
20 United States to obtain appropriate relief.

21 (B) RIGHTS OF THE COMMISSION.—

22 (i) NOTICE TO THE COMMISSION.—

23 (I) IN GENERAL.—Except as pro-
24 vided in subclause (III), the attorney
25 general of a State, before initiating a

1 civil action under subparagraph (A)
2 shall notify the Commission in writing
3 that the attorney general intends to
4 bring such civil action.

5 (II) CONTENTS.—The notifica-
6 tion required by subclause (I) shall in-
7 clude a copy of the complaint to be
8 filed to initiate the civil action.

9 (III) EXCEPTION.—If it is not
10 feasible for the attorney general of a
11 State to provide the notification re-
12 quired by subclause (I) before initi-
13 ating a civil action under subpara-
14 graph (A), the attorney general shall
15 notify the Commission immediately
16 upon instituting the civil action.

17 (ii) INTERVENTION BY THE COMMIS-
18 SION.—The Commission may—

19 (I) intervene in any civil action
20 brought by the attorney general of a
21 State under subparagraph (A); and

22 (II) upon intervening—

23 (aa) be heard on all matters
24 arising in the civil action; and

25 (bb) file petitions for appeal.

1 (C) INVESTIGATORY POWERS.—Nothing in
2 this paragraph may be construed to prevent the
3 attorney general of a State from exercising the
4 powers conferred on the attorney general by the
5 laws of the State to conduct investigations, to
6 administer oaths or affirmations, or to compel
7 the attendance of witnesses or the production of
8 documentary or other evidence.

9 (D) ACTION BY THE COMMISSION.—When-
10 ever a civil action has been instituted by or on
11 behalf of the Commission for violation of sub-
12 section (a), no attorney general of a State may,
13 during the pendency of that action, institute an
14 action under subparagraph (A) against any de-
15 fendant named in the complaint in that action
16 for a violation of subsection (a) alleged in such
17 complaint.

18 (E) VENUE; SERVICE OF PROCESS.—

19 (i) VENUE.—Any action brought
20 under subparagraph (A) may be brought
21 in—

22 (I) the district court of the
23 United States that meets applicable
24 requirements relating to venue under

1 section 1391 of title 28, United States
2 Code; or

3 (II) another court of competent
4 jurisdiction.

5 (ii) SERVICE OF PROCESS.—In an ac-
6 tion brought under subparagraph (A),
7 process may be served in any district in
8 which—

9 (I) the defendant is an inhab-
10 itant, may be found, or transacts
11 business; or

12 (II) venue is proper under section
13 1391 of title 28, United States Code.

14 (F) ACTIONS BY OTHER STATE OFFI-
15 CIALS.—

16 (i) IN GENERAL.—In addition to civil
17 actions brought by an attorney general
18 under subparagraph (A), any other officer
19 of a State who is authorized by the State
20 to do so may bring a civil action under
21 subparagraph (A), subject to the same re-
22 quirements and limitations that apply
23 under this paragraph to civil actions
24 brought by attorneys general.

1 (ii) SAVINGS PROVISION.—Nothing in
2 this paragraph may be construed to pro-
3 hibit an authorized official of a State from
4 initiating or continuing any proceeding in
5 a court of the State for a violation of any
6 civil or criminal law of the State.

7 (3) AFFIRMATIVE DEFENSE.—In any action
8 pursuant to paragraph (1) or (2), an intermediary
9 or third-party online seller may assert an affirmative
10 defense if such intermediary or third-party online
11 seller—

12 (A) established procedures to receive up-to-
13 date price information from hotels or short-
14 term rentals, or agents acting on behalf of a
15 hotel or short-term rental;

16 (B) relied in good faith on information
17 provided to the intermediary or third-party on-
18 line seller by a hotel or short-term rental, or
19 agent acting on behalf of such hotel or short-
20 term rental, and such information was inae-
21 curate at the time it was provided to the inter-
22 mediary or third-party online seller; and

23 (C) took prompt action to remove or cor-
24 rect any false or inaccurate information about

1 the total services price after receiving notice
2 that such information was false or inaccurate.

3 (c) PREEMPTION.—

4 (1) IN GENERAL.—A State, or political subdivi-
5 sion of a State, may not maintain, enforce, pre-
6 scribe, or continue in effect any law, rule, regulation,
7 requirement, standard, or other provision having the
8 force and effect of law of the State, or political sub-
9 division of the State, that prohibits a covered entity
10 from advertising, displaying, marketing, or otherwise
11 offering, or otherwise affects the manner in which a
12 covered entity may advertise, display, market, or
13 otherwise offer, for sale in interstate commerce, in-
14 cluding through a direct offering, third-party dis-
15 tribution, or metasearch referral, a price of a res-
16 ervation for a covered service, and that requires fee
17 disclosure, unless the law requires the total services
18 price to include each service fee, as defined in sub-
19 section (d)(8), and in accordance with subsection
20 (a)(1).

21 (2) RULE OF CONSTRUCTION.—This section
22 may not be construed to—

23 (A) preempt any law of a State or political
24 subdivision of a State relating to contracts or
25 torts; or

1 (B) preempt any law of a State or political
2 subdivision of a State to the extent that such
3 law relates to an act of fraud, unauthorized ac-
4 cess to personal information, or notification of
5 unauthorized access to personal information.

6 (d) DEFINITIONS.—In this Act:

7 (1) BASE SERVICES PRICE.—The term “base
8 services price” —

9 (A) means, with respect to the covered
10 services provided by a hotel or short-term rent-
11 al, the price in order to obtain the covered serv-
12 ices of the hotel or short-term rental; and

13 (B) does not include—

14 (i) any service fee;

15 (ii) any taxes or fees imposed by a
16 government or quasi-government entity;

17 (iii) assessment fees of a government-
18 created special district or program; or

19 (iv) any charges or fees for an op-
20 tional product or service associated with
21 the covered services that may be selected
22 by a purchaser of covered services.

23 (2) COMMISSION.—The term “Commission”
24 means the Federal Trade Commission.

1 (3) COVERED ENTITY.—The term “covered en-
2 tity” means a person, partnership, or corporation
3 with respect to whom the Commission has jurisdic-
4 tion under section 5(a)(2) of the Federal Trade
5 Commission Act (15 U.S.C. 45(a)(2)), including—

6 (A) a hotel or short-term rental;

7 (B) a third-party online seller; or

8 (C) an intermediary.

9 (4) COVERED SERVICES.—The term “covered
10 services”—

11 (A) means the temporary provision of a
12 room, building, or other lodging facility; and

13 (B) does not include the provision of a
14 meeting room, banquet services, or catering
15 services.

16 (5) HOTEL.—The term “hotel” means an es-
17 tablishment that is—

18 (A) primarily engaged in providing a cov-
19 ered service to the general public; and

20 (B) promoted, advertised, or marketed in
21 interstate commerce or for which such estab-
22 lishment’s services are sold in interstate com-
23 merce.

24 (6) INTERMEDIARY.—The term “intermediary”
25 means an entity that operates either as a business-

1 to-business platform, consumer-facing platform, or
2 both, that displays, including through direct offer-
3 ings, third-party distribution, or metasearch referral,
4 a price for covered services or price comparison tools
5 for consumers seeking covered services.

6 (7) OPTIONAL PRODUCT OR SERVICE.—The
7 term “optional product or service” means a product
8 or service that an individual does not need to pur-
9 chase to use or obtain covered services

10 (8) SERVICE FEE.—The term “service fee”—

11 (A) means a charge imposed by a covered
12 entity that must be paid in order to obtain cov-
13 ered services; and

14 (B) does not include—

15 (i) any taxes or fees imposed by a
16 government or quasi-government entity;

17 (ii) any assessment fees of a govern-
18 ment-created special district or program;

19 or

20 (iii) any charges or fees for an op-
21 tional product or service associated with
22 the covered services that may be selected
23 by a purchaser of covered services.

24 (9) SHORT-TERM RENTAL.—The term “short-
25 term rental” means a property, including a single-

1 family dwelling or a unit in a condominium, coopera-
2 tive, or time-share, that provides covered services
3 (either with respect to the entire property or a part
4 of the property) to the general public—

5 (A) in exchange for a fee;

6 (B) for periods shorter than 30 consecutive
7 days; and

8 (C) is promoted, advertised, or marketed in
9 interstate commerce or for which such prop-
10 erty's services are sold in interstate commerce.

11 (10) STATE.—The term “State” means each of
12 the 50 States, the District of Columbia, and any ter-
13 ritory or possession of the United States.

14 (11) THIRD-PARTY ONLINE SELLER.—The term
15 “third-party online seller” means any person other
16 than a hotel or short-term rental that sells covered
17 services or offers for sale covered services with re-
18 spect to a hotel or short-term rental in a transaction
19 facilitated on the internet.

20 (12) TOTAL SERVICES PRICE.—The term “total
21 services”—

22 (A) means, with respect to covered serv-
23 ices, the total cost of the covered services, in-
24 cluding the base services price and any service
25 fees; and

- 1 (B) does not include—
- 2 (i) any taxes or fees imposed by a
- 3 government or quasi-government entity;
- 4 (ii) any assessment fees of a govern-
- 5 ment-created special district or program;
- 6 or
- 7 (iii) any charges or fees for an op-
- 8 tional product or service associated with
- 9 the covered services that may be selected
- 10 by a purchaser of covered services.

11 (e) EFFECTIVE DATE.—The prohibition under sub-

12 section (a) shall take effect 450 days after the date of

13 the enactment of this Act and shall apply to advertise-

14 ments, displays, marketing, and offers of covered services

15 of a covered entity made on or after such date.

16 **TITLE XV—TRANSPARENCY IN**

17 **CHARGES FOR KEY EVENTS**

18 **TICKETING**

19 **SEC. 1701. SHORT TITLE.**

20 This title may be cited as the “Transparency In

21 Charges for Key Events Ticketing Act” or the “TICKET

22 Act”.

23 **SEC. 1702. ALL INCLUSIVE TICKET PRICE DISCLOSURE.**

24 Beginning 180 days after the date of the enactment

25 of this Act, it shall be unlawful for a ticket issuer, sec-

1 onday market ticket issuer, or secondary market ticket
2 exchange to offer for sale an event ticket unless the ticket
3 issuer, secondary market ticket issuer, or secondary mar-
4 ket ticket exchange—

5 (1) clearly and conspicuously displays the total
6 event ticket price, if a price is displayed, in any ad-
7 vertisement, marketing, or price list wherever the
8 ticket is offered for sale;

9 (2) clearly and conspicuously discloses to any
10 individual who seeks to purchase an event ticket the
11 total event ticket price at the time the ticket is first
12 displayed to the individual and anytime thereafter
13 throughout the ticket purchasing process; and

14 (3) provides an itemized list of the base event
15 ticket price and each event ticket fee prior to the
16 completion of the ticket purchasing process.

17 **SEC. 1703. SPECULATIVE TICKETING BAN.**

18 (a) PROHIBITION.—Beginning 180 days after the
19 date of the enactment of this Act, a ticket issuer, sec-
20 onday market ticket issuer, or secondary market ticket
21 exchange that does not have actual or constructive posses-
22 sion of an event ticket shall not sell, offer for sale, or ad-
23 vertise for sale such event ticket.

24 (b) SERVICES PERMITTED.—Notwithstanding sub-
25 section (a), a secondary market ticket issuer or secondary

1 market ticket exchange may sell, offer for sale, or adver-
2 tise for sale a service to an individual to obtain an event
3 ticket on behalf of such individual if the secondary market
4 ticket issuer or secondary market ticket exchange complies
5 with the following:

6 (1) Does not market or list the service as an
7 event ticket.

8 (2) Maintains a clear, distinct, and easily dis-
9 cernible separation between the service and event
10 tickets that persists throughout the entire service se-
11 lection and purchasing process.

12 (3) Clearly and conspicuously discloses before
13 selection of the service that the service is not an
14 event ticket and that the purchase of the service
15 does not guarantee an event ticket.

16 **SEC. 1704. DISCLOSURES.**

17 A ticket issuer, secondary market ticket issuer, or
18 secondary market ticket exchange—

19 (1) if offering an event ticket for resale, shall
20 provide a clear and conspicuous statement, before a
21 consumer purchases the event ticket from the ticket
22 issuer, secondary market ticket issuer, or secondary
23 market ticket exchange, that the issuer or exchange
24 is engaged in the secondary sale of event tickets; and

1 (2) shall not state that the ticket issuer, sec-
2 ondary market ticket issuer, or secondary market
3 ticket exchange is affiliated with or endorsed by a
4 venue, team, or artist, as applicable, including by
5 using words like “official” in promotional materials,
6 social media promotions, or paid advertising, unless
7 a partnership agreement has been executed or the
8 issuer or exchange has the express written consent
9 of the venue, team, or artist, as applicable.

10 **SEC. 1705. REFUND REQUIREMENTS.**

11 (a) CANCELLATION.—Beginning 180 days after the
12 date of the enactment of this Act, if an event is canceled
13 or postponed (except for a case in which an event is can-
14 celed or postponed due to a cause beyond the reasonable
15 control of the issuer, including a natural disaster, civil dis-
16 turbance, or otherwise unforeseeable impediment), a ticket
17 issuer, secondary market ticket issuer, or secondary mar-
18 ket ticket exchange shall provide the purchaser of an event
19 ticket from the issuer or exchange for the canceled or post-
20 poned event, at a minimum—

21 (1) if the event is cancelled, a full refund for
22 the total event ticket price;

23 (2) subject to availability, if the event is post-
24 poned for not more than 6 months and the original
25 event ticket is no longer valid for entry to the re-

1 scheduled event, a replacement event ticket for the
2 rescheduled event in the same or a comparable loca-
3 tion once the event has been rescheduled; or

4 (3) if the event is postponed for more than 6
5 months, at the option of the purchaser—

6 (A) a full refund for the total event ticket
7 price; or

8 (B) if the original event ticket is no longer
9 valid for entry to the rescheduled event, a re-
10 placement event ticket for the rescheduled event
11 in the same or a comparable location once the
12 event has been rescheduled.

13 (b) DISCLOSURE OF GUARANTEE AND REFUND POL-
14 ICY REQUIRED.—Beginning 180 days after the date of the
15 enactment of this Act, a ticket issuer, secondary market
16 ticket issuer, or secondary market ticket exchange shall
17 disclose clearly and conspicuously to a purchaser before
18 the completion of an event ticket sale the guarantee or
19 refund policy of such ticket issuer, secondary market tick-
20 et issuer, or secondary market ticket exchange, including
21 under what circumstances any refund issued will include
22 a refund of any event ticket fee.

23 (c) DISCLOSURE OF HOW TO OBTAIN A REFUND RE-
24 QUIRED.—Beginning 180 days after the date of the enact-
25 ment of this Act, a ticket issuer, secondary market ticket

1 issuer, or secondary market ticket exchange shall provide
2 a clear and conspicuous explanation of how to obtain a
3 refund of the total event ticket price.

4 **SEC. 1706. REPORT BY THE FEDERAL TRADE COMMISSION**
5 **ON BOTS ACT OF 2016 ENFORCEMENT.**

6 Not later than 6 months after the date of the enact-
7 ment of this Act, the Commission shall submit to Congress
8 a report on enforcement of the Better Online Ticket Sales
9 Act of 2016 (Public Law 114–274; 15 U.S.C. 45c), includ-
10 ing any enforcement action taken, challenges with enforce-
11 ment and coordination with State Attorneys General, and
12 recommendations on how to improve enforcement and in-
13 dustry compliance.

14 **SEC. 1707. ENFORCEMENT.**

15 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
16 violation of this title shall be treated as a violation of a
17 rule defining an unfair or deceptive act or practice under
18 section 18(a)(1)(B) of the Federal Trade Commission Act
19 (15 U.S.C. 57a(a)(1)(B)).

20 (b) POWERS OF COMMISSION.—

21 (1) IN GENERAL.—The Commission shall en-
22 force this title in the same manner, by the same
23 means, and with the same jurisdiction, powers, and
24 duties as though all applicable terms and provisions
25 of the Federal Trade Commission Act (15 U.S.C. 41

1 et seq.) were incorporated into and made a part of
2 this title.

3 (2) PRIVILEGES AND IMMUNITIES.—Any person
4 who violates this title shall be subject to the pen-
5 alties and entitled to the privileges and immunities
6 provided in the Federal Trade Commission Act (15
7 U.S.C. 41 et seq.).

8 (3) AUTHORITY PRESERVED.—Nothing in this
9 title shall be construed to limit the authority of the
10 Commission under any other provision of law.

11 **SEC. 1708. DEFINITIONS.**

12 In this title:

13 (1) ARTIST.—The term “artist” means any per-
14 former, musician, comedian, producer, ensemble or
15 production entity of a theatrical production, sports
16 team owner, or similar person.

17 (2) BASE EVENT TICKET PRICE.—The term
18 “base event ticket price” means, with respect to an
19 event ticket, the price of the event ticket excluding
20 the cost of any event ticket fees.

21 (3) COMMISSION.—The term “Commission”
22 means the Federal Trade Commission.

23 (4) EVENT.—The term “event” means any live
24 concert, theatrical performance, sporting event,
25 show, or similarly scheduled live activity, that is—

1 (A) taking place in a venue with a seating
2 or attendance capacity exceeding 200 persons;

3 (B) open to the general public; and

4 (C) promoted, advertised, or marketed in
5 interstate commerce, or for which event tickets
6 are generally sold or distributed in interstate
7 commerce.

8 (5) EVENT TICKET; TICKET ISSUER.—The
9 terms “event ticket” and “ticket issuer” have the
10 meaning given those terms in the Better Online
11 Ticket Sales Act of 2016 (Public Law 114–274).

12 (6) EVENT TICKET FEE.—The term “event
13 ticket fee”—

14 (A) means a charge for an event ticket
15 that must be paid in addition to the base event
16 ticket price in order to obtain an event ticket
17 from a ticket issuer, secondary market ticket
18 issuer, or secondary market ticket exchange, in-
19 cluding any service fee, charge and order proc-
20 essing fee, delivery fee, facility charge fee, tax,
21 and any other charge; and

22 (B) does not include any charge or fee for
23 an optional product or service associated with
24 the event that may be selected by a purchaser
25 of an event ticket.

1 (7) OPTIONAL PRODUCT OR SERVICE.—The
2 term “optional product or service” means a product
3 or service that an individual does not need to pur-
4 chase to use or take possession of an event ticket.

5 (8) RESALE; SECONDARY SALE.—The terms
6 “resale” and “secondary sale” mean any sale of an
7 event ticket that occurs after the initial sale of the
8 event ticket by a ticket issuer.

9 (9) SECONDARY MARKET TICKET EXCHANGE.—
10 The term “secondary market ticket exchange”
11 means any person that in the regular course of trade
12 or business of that person operates a platform or ex-
13 change for advertising, listing, or selling resale tick-
14 ets, on behalf of itself, vendors, or a secondary mar-
15 ket ticket issuer.

16 (10) SECONDARY MARKET TICKET ISSUER.—
17 The term “secondary market ticket issuer” means
18 any person, including a ticket issuer, that resells or
19 makes a secondary sale of an event ticket to the gen-
20 eral public in the regular course of the trade or busi-
21 ness of the person.

22 (11) TOTAL EVENT TICKET PRICE.—The term
23 “total event ticket price” means, with respect to an
24 event ticket, the total cost of the event ticket, includ-

1 ing the base event ticket price and any event ticket
2 fee.

3 (12) VENUE.—The term “venue” means a
4 physical space at which an event takes place.

5 **TITLE XVI—ROUTERS ACT**

6 **SEC. 1801. SHORT TITLE.**

7 This title may be cited as the “Removing Our Unse-
8 cure Technologies to Ensure Reliability and Security Act”
9 or the “ROUTERS Act”.

10 **SEC. 1802. STUDY OF NATIONAL SECURITY RISKS POSED BY** 11 **CERTAIN ROUTERS AND MODEMS.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 study of the national security risks posed by consumer
14 routers, modems, and devices that combine a modem and
15 router that are designed, developed, manufactured, or sup-
16 plied by persons owned by, controlled by, or subject to the
17 influence of a covered country.

18 (b) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of the enactment of this Act, the Secretary
20 shall submit to the Committee on Energy and Commerce
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate a
23 report on the results of the study conducted under sub-
24 section (a).

25 (c) DEFINITIONS.—In this section:

1 (1) COVERED COUNTRY.—The term “covered
2 country” means a country specified in section
3 4872(d)(2) of title 10, United States Code.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Commerce, in consultation with the
6 Assistant Secretary of Commerce for Communica-
7 tions and Information.

8 **TITLE XVII—NTIA**
9 **REAUTHORIZATION**

10 **SEC. 1901. SHORT TITLE.**

11 This title may be cited as the “National Tele-
12 communications and Information Administration Reau-
13 thorization Act of 2024” or the “NTIA Reauthorization
14 Act of 2024”.

15 **SEC. 1902. DEFINITIONS.**

16 In this title:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (2) NTIA.—The term “NTIA” means the Na-
20 tional Telecommunications and Information Admin-
21 istration.

22 (3) UNDER SECRETARY.—The term “Under
23 Secretary” means the Under Secretary of Commerce
24 for Communications and Information.

1 **Subtitle A—Reauthorization**

2 **SEC. 1911. REAUTHORIZATION OF THE NATIONAL TELE-** 3 **COMMUNICATIONS AND INFORMATION AD-** 4 **MINISTRATION ORGANIZATION ACT.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
6 151 of the National Telecommunications and Information
7 Administration Organization Act is amended by striking
8 “\$17,600,000 for fiscal year 1992 and \$17,900,000 for
9 fiscal year 1993” and inserting “\$57,000,000 for fiscal
10 year 2025 and \$57,000,000 for fiscal year 2026”.

11 (b) **UNDER SECRETARY OF COMMERCE FOR COMMU-**
12 **NICATIONS AND INFORMATION.**—

13 (1) **UNDER SECRETARY; DEPUTY UNDER SEC-**
14 **RETARY.**—

15 (A) **UNDER SECRETARY.**—The National
16 Telecommunications and Information Adminis-
17 tration Organization Act (47 U.S.C. 901 et seq)
18 is amended by striking “Assistant Secretary”
19 each place it appears and inserting “Under Sec-
20 retary”.

21 (B) **DEPUTY UNDER SECRETARY.**—Section
22 103(a) of the National Telecommunications and
23 Information Administration Organization Act
24 (47 U.S.C. 902(a)), as amended by this section,
25 is amended by adding at the end the following:

1 “(3) DEPUTY UNDER SECRETARY.—The Dep-
2 uty Under Secretary of Commerce for Communica-
3 tions and Information shall—

4 “(A) be the principal policy advisor of the
5 Under Secretary;

6 “(B) perform such other functions as the
7 Under Secretary shall from time to time assign
8 or delegate; and

9 “(C) act as Under Secretary during the
10 absence or disability of the Under Secretary or
11 in the event of a vacancy in the office of the
12 Under Secretary.”.

13 (2) CONTINUATION OF CIVIL ACTIONS.—This
14 subsection, and the amendments made by this sub-
15 section, shall not abate any civil action commenced
16 by or against the Assistant Secretary of Commerce
17 for Communications and Information before the date
18 of the enactment of this Act, except that the Under
19 Secretary shall be substituted as a party to the ac-
20 tion on and after such date.

21 (3) CONTINUATION IN OFFICE.—The individual
22 serving as the Assistant Secretary of Commerce for
23 Communications and Information and the individual
24 serving as the Deputy Assistant Secretary of Com-
25 merce for Communications and Information on the

1 day before the date of the enactment of this Act may
2 serve as the Under Secretary and the Deputy Under
3 Secretary of Commerce for Communications and In-
4 formation, respectively, on and after that date with-
5 out the need for renomination or reappointment.

6 (4) REFERENCES.—Any reference in a law, reg-
7 ulation, document, paper, or other record of the
8 United States to the Assistant Secretary of Com-
9 merce for Communications and Information shall, on
10 and after the date of the enactment of this Act, be
11 deemed to be a reference to the Under Secretary.

12 (5) EXECUTIVE SCHEDULE.—

13 (A) IN GENERAL.—Subchapter II of chap-
14 ter 53 of title 5, United States Code, is amend-
15 ed—

16 (i) in section 5314, by adding at the
17 end the following:

18 “Under Secretary of Commerce for Commu-
19 nications and Information.”; and

20 (ii) in section 5315, in the item relat-
21 ing to the Assistant Secretaries of Com-
22 merce, by striking “(11)” and inserting
23 “(10)”.

24 (B) EFFECTIVE DATE.—The amendment
25 made by subparagraph (A) (establishing the an-

1 nual rate of the basic pay of the Under Sec-
2 retary) shall take effect on the first day of the
3 first pay period beginning after the date of the
4 enactment of this Act.

5 (c) AUTHORITIES AND RESPONSIBILITIES.—

6 (1) COORDINATION OF EXECUTIVE BRANCH
7 VIEWS ON MATTERS BEFORE THE FEDERAL COMMU-
8 NICATIONS COMMISSION.—Section 105(a)(1) of the
9 National Telecommunications and Information Ad-
10 ministration Organization Act (47 U.S.C. 904(a)(1))
11 is amended—

12 (A) by striking “to ensure that the con-
13 duct” and inserting the following: “to ensure
14 that—

15 “(A) the conduct”;

16 (B) in subparagraph (A), as so designated,
17 by striking the period at the end and inserting
18 “; and”; and

19 (C) by adding at the end the following:

20 “(B) the views of the executive branch on
21 matters presented to the Commission are, con-
22 sistent with section 103(b)(2)(J)—

23 “(i) appropriately coordinated; and

24 “(ii) reflective of executive branch pol-
25 icy.”.

1 (2) ASSIGNED FUNCTIONS.—Section 103(b)(2)
2 of the National Telecommunications and Informa-
3 tion Administration Organization Act (47 U.S.C.
4 902(b)(2)) is amended—

5 (A) in the matter preceding subparagraph
6 (A), by inserting “, some of which were” before
7 “transferred to the Secretary”; and

8 (B) in subparagraph (M), by inserting “,
9 publish reports,” after “studies”.

10 (3) RULE OF CONSTRUCTION.—Nothing in the
11 amendments made by paragraphs (1) and (2) may
12 be construed to expand or contract the authority of
13 the Commission.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) PUBLIC TELECOMMUNICATIONS FINANCING
16 ACT OF 1978.—Section 106(c) of the Public Tele-
17 communications Financing Act of 1978 (5 U.S.C.
18 5316 note; Public Law 95–567) is amended by strik-
19 ing “The position of Deputy Assistant Secretary of
20 Commerce for Communications and Information, es-
21 tablished in Department of Commerce Organization
22 Order Numbered 10–10 (effective March 26,
23 1978),” and inserting “The position of Deputy
24 Under Secretary of Commerce for Communications
25 and Information, established under section 103(a) of

1 the National Telecommunications and Information
2 Administration Organization Act (47 U.S.C.
3 902(a)),”.

4 (2) COMMUNICATIONS ACT OF 1934.—Section
5 344(d)(2) of the Communications Act of 1934 (47
6 U.S.C. 344(d)(2)) is amended by striking “Assistant
7 Secretary” and inserting “Under Secretary”.

8 (3) HOMELAND SECURITY ACT OF 2002.—Sec-
9 tion 1805(d)(2) of the Homeland Security Act of
10 2002 (6 U.S.C. 575(d)(2)) is amended by striking
11 “Assistant Secretary for Communications and Infor-
12 mation of the Department of Commerce” and insert-
13 ing “Under Secretary of Commerce for Communica-
14 tions and Information”.

15 (4) AGRICULTURE IMPROVEMENT ACT OF
16 2018.—Section 6212 of the Agriculture Improvement
17 Act of 2018 (7 U.S.C. 950bb–6) is amended—

18 (A) in subsection (d)(1), in the heading, by
19 striking “ASSISTANT SECRETARY” and inserting
20 “UNDER SECRETARY”; and

21 (B) by striking “Assistant Secretary” each
22 place the term appears and inserting “Under
23 Secretary”.

24 (5) TITLE 17, UNITED STATES CODE.—Section
25 1201(a)(1)(C) of title 17, United States Code, is

1 amended by striking “Assistant Secretary for Com-
2 munications and Information of the Department of
3 Commerce” and inserting “Under Secretary of Com-
4 merce for Communications and Information”.

5 (6) UNLOCKING CONSUMER CHOICE AND WIRE-
6 LESS COMPETITION ACT.—Section 2(b) of the
7 Unlocking Consumer Choice and Wireless Competi-
8 tion Act (17 U.S.C. 1201 note; Public Law 113–
9 144) is amended by striking “Assistant Secretary
10 for Communications and Information of the Depart-
11 ment of Commerce” and inserting “Under Secretary
12 of Commerce for Communications and Information”.

13 (7) COMMUNICATIONS SATELLITE ACT OF
14 1962.—Section 625(a)(1) of the Communications
15 Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is
16 amended, in the matter preceding subparagraph (A),
17 by striking “Assistant Secretary” and inserting
18 “Under Secretary of Commerce”.

19 (8) SPECTRUM PIPELINE ACT OF 2015.—The
20 Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note;
21 title X of Public Law 114–74) is amended—

22 (A) in section 1002(1), in the heading, by
23 striking “ASSISTANT SECRETARY” and inserting
24 “UNDER SECRETARY”; and

1 (B) by striking “Assistant Secretary” each
2 place the term appears and inserting “Under
3 Secretary”.

4 (9) WARNING, ALERT, AND RESPONSE NET-
5 WORK ACT.—Section 606 of the Warning, Alert, and
6 Response Network Act (47 U.S.C. 1205) is amend-
7 ed—

8 (A) by striking “Assistant Secretary” each
9 place the term appears and inserting “Under
10 Secretary”; and

11 (B) in subsection (b), in the first sentence,
12 by striking “for7Communications” and insert-
13 ing “for Communications”.

14 (10) AMERICAN RECOVERY AND REINVESTMENT
15 ACT OF 2009.—Section 6001 of the American Recov-
16 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)
17 is amended by striking “Assistant Secretary” each
18 place the term appears and inserting “Under Sec-
19 retary”.

20 (11) MIDDLE CLASS TAX RELIEF AND JOB CRE-
21 ATION ACT OF 2012.—Title VI of the Middle Class
22 Tax Relief and Job Creation Act of 2012 (47 U.S.C.
23 1401 et seq.) is amended—

24 (A) in section 6001 (47 U.S.C. 1401)—

25 (i) by striking paragraph (4);

1 (ii) by redesignating paragraphs (5)
2 through (32) as paragraphs (4) through
3 (31), respectively; and

4 (iii) by inserting after paragraph (31),
5 as so redesignated, the following:

6 “(32) UNDER SECRETARY.—The term ‘Under
7 Secretary’ means the Under Secretary of Commerce
8 for Communications and Information.”; and

9 (B) by striking “Assistant Secretary” each
10 place the term appears and inserting “Under
11 Secretary”.

12 (12) RAY BAUM’S ACT OF 2018.—The RAY
13 BAUM’S Act of 2018 (division P of Public Law
14 115–141; 132 Stat. 348) is amended by striking
15 “Assistant Secretary” each place the term appears
16 and inserting “Under Secretary”.

17 (13) SECURE AND TRUSTED COMMUNICATIONS
18 NETWORKS ACT OF 2019.—Section 8 of the Secure
19 and Trusted Communications Networks Act of 2019
20 (47 U.S.C. 1607) is amended—

21 (A) in subsection (c)(1), in the heading, by
22 striking “ASSISTANT SECRETARY” and inserting
23 “UNDER SECRETARY”; and

1 (B) by striking “Assistant Secretary” each
2 place the term appears and inserting “Under
3 Secretary”.

4 (14) TITLE 51, UNITED STATES CODE.—Section
5 50112(3) of title 51, United States Code, is amend-
6 ed, in the matter preceding subparagraph (A), by
7 striking “Assistant Secretary” each place the term
8 appears and inserting “Under Secretary”.

9 (15) CONSOLIDATED APPROPRIATIONS ACT,
10 2021.—The Consolidated Appropriations Act, 2021
11 (Public Law 116–260) is amended—

12 (A) in title IX of division N—

13 (i) in section 902(a)(2), in the head-
14 ing, by striking “ASSISTANT SECRETARY”
15 and inserting “UNDER SECRETARY”;

16 (ii) in section 905—

17 (I) in subsection (a)(1), in the
18 heading, by striking “ASSISTANT SEC-
19 RETARY” and inserting “UNDER SEC-
20 RETARY”;

21 (II) in subsection (c)(3)(B), in
22 the heading, by striking “ASSISTANT
23 SECRETARY” and inserting “UNDER
24 SECRETARY”; and

1 (III) in subsection (d)(2)(B), in
2 the heading, by striking “ASSISTANT
3 SECRETARY” and inserting “UNDER
4 SECRETARY”; and

5 (iii) by striking “Assistant Secretary”
6 each place the term appears and inserting
7 “Under Secretary”; and

8 (B) in title IX of division FF—

9 (i) in section 903(g)(2), in the head-
10 ing, by striking “ASSISTANT SECRETARY”
11 and inserting “UNDER SECRETARY”; and

12 (ii) by striking “Assistant Secretary”
13 each place the term appears and inserting
14 “Under Secretary”.

15 (16) INFRASTRUCTURE INVESTMENT AND JOBS
16 ACT.—The Infrastructure Investment and Jobs Act
17 (Public Law 117–58) is amended—

18 (A) in section 27003, by striking “Assist-
19 ant Secretary” each place the term appears and
20 inserting “Under Secretary”;

21 (B) in division F—

22 (i) in section 60102—

23 (I) in subsection (a)(2)(A), by
24 striking “ASSISTANT SECRETARY”
25 and inserting “UNDER SECRETARY”;

- 1 (II) in subsection (d)(1), by
2 striking “ASSISTANT SECRETARY”
3 and inserting “UNDER SECRETARY”;
4 and
- 5 (III) in subsection (h)—
- 6 (aa) in paragraph (1)(B), by
7 striking “ASSISTANT SEC-
8 RETARY” and inserting “UNDER
9 SECRETARY”; and
- 10 (bb) in paragraph
11 (5)(B)(iii), by striking “ASSIST-
12 ANT SECRETARY” and inserting
13 “UNDER SECRETARY”;
- 14 (ii) in title III—
- 15 (I) in section 60302(5), by strik-
16 ing “ASSISTANT SECRETARY” and in-
17 serting “UNDER SECRETARY”; and
- 18 (II) in section
19 60305(d)(2)(B)(ii), by striking “AS-
20 SISTANT SECRETARY” and inserting
21 “UNDER SECRETARY”;
- 22 (iii) in section 60401(a)(2), by strik-
23 ing “ASSISTANT SECRETARY” and insert-
24 ing “UNDER SECRETARY”; and

1 (iv) by striking “Assistant Secretary”
2 each place the term appears and inserting
3 “Under Secretary”; and

4 (C) in division J, in title I, in the matter
5 under the heading “distance learning, telemedi-
6 cine, and broadband program” under the head-
7 ing “Rural Utilities Service” under the heading
8 “RURAL DEVELOPMENT PROGRAMS”, by
9 striking “Assistant Secretary” and inserting
10 “Under Secretary”.

11 **SEC. 1912. NTIA CONSOLIDATED REPORTING ACT.**

12 (a) ELIMINATION OF CERTAIN OUTDATED OR COM-
13 PLETED REPORTING REQUIREMENTS.—

14 (1) BTOP QUARTERLY REPORT.—Section
15 6001(d) of the American Recovery and Reinvestment
16 Act of 2009 (47 U.S.C. 1305(d)) is amended—

17 (A) in paragraph (2), by striking the semi-
18 colon at the end and inserting “; and”;

19 (B) in paragraph (3), by striking “; and”
20 and inserting a period; and

21 (C) by striking paragraph (4).

22 (2) CERTAIN REPORTS REQUIRED BY NATIONAL
23 TELECOMMUNICATIONS AND INFORMATION ADMINIS-
24 TRATION ORGANIZATION ACT.—Sections 154, 155,
25 and 156 of the National Telecommunications and

1 Information Administration Organization Act are re-
2 pealed.

3 (3) INITIAL REPORT REQUIRED BY SECTION
4 9202(a)(1)(G) OF THE NDAA FOR FISCAL YEAR
5 2021.—Section 9202(a)(1)(G) of the William M.
6 (Mac) Thornberry National Defense Authorization
7 Act for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(G))
8 is amended—

9 (A) in clause (ii), by redesignating sub-
10 clauses (I), (II), and (III) as clauses (i), (ii),
11 and (iii), respectively, and conforming the mar-
12 gins of such clauses accordingly; and

13 (B) by striking “REPORTS TO CONGRESS”
14 and all that follows through “For each fiscal
15 year” and inserting “ANNUAL REPORT TO CON-
16 GRESS.—For each fiscal year”.

17 (4) REPORT TO PRESIDENT.—Section 105(a) of
18 the National Telecommunications and Information
19 Administration Organization Act (47 U.S.C. 904(a))
20 is amended—

21 (A) by striking paragraph (2); and

22 (B) by redesignating paragraph (3) as
23 paragraph (2).

24 (5) EFFECT ON AUTHORITY.—Nothing in this
25 subsection or the amendments made by this sub-

1 section may be construed to expand or contract the
2 authority of the Secretary, the Under Secretary, the
3 NTIA, or the Commission.

4 (6) OTHER REPORTS.—Nothing in this sub-
5 section or the amendments made by this subsection
6 may be construed to prohibit or otherwise prevent
7 the Secretary, the Under Secretary, the NTIA, or
8 the Commission from producing any additional re-
9 ports otherwise within the authority of the Sec-
10 retary, the Under Secretary, the NTIA, or the Com-
11 mission, respectively.

12 (b) CONSOLIDATED ANNUAL REPORT.—

13 (1) IN GENERAL.—In the first quarter of each
14 calendar year, the Under Secretary shall publish on
15 the website of the NTIA and submit to the Com-
16 mittee on Energy and Commerce of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report
19 that contains the reports described in paragraph (2)
20 for the fiscal year ending most recently before the
21 beginning of such quarter.

22 (2) REPORTS DESCRIBED.—The reports de-
23 scribed in this paragraph are the following:

24 (A) The report required by section
25 903(c)(2)(C) of division FF of the Consolidated

1 Appropriations Act, 2021 (47 U.S.C.
2 1307(c)(2)(C)).

3 (B) If amounts in the Public Wireless Sup-
4 ply Chain Innovation Fund established by sec-
5 tion 9202(a)(1)(A)(i) of the William M. (Mac)
6 Thornberry National Defense Authorization Act
7 for Fiscal Year 2021 (47 U.S.C.
8 906(a)(1)(A)(i)) were available for the fiscal
9 year described in paragraph (1) of this sub-
10 section, the report required by section
11 9202(a)(1)(G) of such Act (47 U.S.C.
12 906(a)(1)(G)).

13 (C) If the Under Secretary awarded grants
14 under section 60304(d)(1) of the Infrastructure
15 Investment and Jobs Act (47 U.S.C.
16 1723(d)(1)) in the fiscal year described in para-
17 graph (1) of this subsection, the report required
18 by section 60306(a)(1)(A) of such Act (47
19 U.S.C. 1725(a)(1)(A)).

20 (3) TIMING OF UNDERLYING REPORTING RE-
21 QUIREMENTS.—

22 (A) REPORT OF OFFICE OF INTERNET
23 CONNECTIVITY AND GROWTH.—Section
24 903(c)(2)(C) of division FF of the Consolidated

1 Appropriations Act, 2021 (47 U.S.C.
2 1307(c)(2)(C)) is amended—

3 (i) in the matter preceding clause
4 (i)—

5 (I) by striking “Not later than 1
6 year after the date of the enactment
7 of this Act, and every year there-
8 after,” and inserting “In the first
9 quarter of each calendar year,”; and

10 (II) by inserting “, for the fiscal
11 year ending most recently before the
12 beginning of such quarter,” after “a
13 report”; and

14 (ii) in clause (i), by striking “for the
15 previous year”.

16 (B) REPORT ON DIGITAL EQUITY GRANT
17 PROGRAMS.—Section 60306(a)(1) of the Infra-
18 structure Investment and Jobs Act (47 U.S.C.
19 1725(a)(1)) is amended—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “Not later than 1
22 year” and all that follows through “shall—
23 ” and inserting the following: “For the
24 first fiscal year in which the Under Sec-
25 retary awards grants under section

1 60304(d)(1), and each fiscal year there-
2 after in which the Under Secretary awards
3 grants under such section, the Under Sec-
4 retary shall—”; and

5 (ii) in subparagraph (A)—

6 (I) by inserting “in the first
7 quarter of the first calendar year that
8 begins after the end of such fiscal
9 year,” before “submit”; and

10 (II) by striking “, for the year
11 covered by the report”.

12 (4) SATISFACTION OF UNDERLYING REPORTING
13 REQUIREMENTS.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the publication and submis-
16 sion of a report as required by paragraph (1)
17 in the first quarter of a calendar year shall be
18 treated as satisfying any requirement to publish
19 or otherwise make publicly available or to sub-
20 mit to Congress or to a committee of Congress
21 a report described in paragraph (2) for the fis-
22 cal year ending most recently before the begin-
23 ning of such quarter.

24 (B) CERTAIN SUBMISSION REQUIRE-
25 MENTS.—At the time when the Under Secretary

1 submits a report required by paragraph (1) to
2 the committees described in such paragraph,
3 the Under Secretary shall submit any portion of
4 such report that relates to a report described in
5 paragraph (2)(C) to each committee of Con-
6 gress not described in paragraph (1) to which
7 such report would (without regard to subpara-
8 graph (A) of this paragraph) be required to be
9 submitted.

10 (5) APPLICABILITY.—Paragraph (1), and the
11 amendments made by paragraph (3), shall apply be-
12 ginning on January 1 of the first calendar year that
13 begins after the date of the enactment of this Act.

14 (c) EXTENSION OF CERTAIN AUDIT AND REPORTING
15 REQUIREMENTS.—Section 902(c)(4)(A) of division N of
16 the Consolidated Appropriations Act, 2021 (47 U.S.C.
17 1306(c)(4)(A)) is amended by striking “fiscal years 2021
18 and 2022” and inserting “fiscal years 2021, 2022, 2023,
19 and 2024”.

20 (d) DEFINITION.—In this section, the term “Sec-
21 retary” means the Secretary of Commerce.

1 **Subtitle B—Office of Spectrum**
2 **Management**

3 **SEC. 1921. OFFICE OF SPECTRUM MANAGEMENT.**

4 Part A of the National Telecommunications and In-
5 formation Administration Organization Act (47 U.S.C.
6 901 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 106. OFFICE OF SPECTRUM MANAGEMENT.**

9 “(a) **ESTABLISHMENT.**—There is established within
10 the NTIA an Office of Spectrum Management (in this sec-
11 tion referred to as the ‘Office’).

12 “(b) **HEAD OF OFFICE.**—

13 “(1) **IN GENERAL.**—The head of the Office
14 shall be an Associate Administrator for Spectrum
15 Management (in this section referred to as the ‘As-
16 sociate Administrator’).

17 “(2) **REQUIREMENT TO REPORT.**—The Asso-
18 ciate Administrator shall report to the Under Sec-
19 retary (or a designee of the Under Secretary).

20 “(c) **DUTIES.**—The Associate Administrator shall, at
21 the direction of the Under Secretary—

22 “(1) carry out responsibilities under section
23 103(b)(2)(A) (relating to frequency assignments for
24 radio stations belonging to and operated by the
25 United States), make frequency allocations for fre-

1 quencies that will be used by such stations, and de-
2 velop and maintain techniques, databases, measure-
3 ments, files, and procedures necessary for such allo-
4 cations;

5 “(2) carry out responsibilities under section
6 103(b)(2)(K) (relating to establishing policies con-
7 cerning spectrum assignments and use by radio sta-
8 tions belonging to and operated by the United
9 States) and provide Federal agencies with guidance
10 to ensure that the conduct of telecommunications ac-
11 tivities by such agencies is consistent with such poli-
12 cies;

13 “(3) represent the interests of Federal agencies
14 in the process through which the Commission and
15 the NTIA jointly determine the National Table of
16 Frequency Allocations, and coordinate with the
17 Commission in the development of a comprehensive
18 long-range plan for improved management of all
19 electromagnetic spectrum resources;

20 “(4) appoint the chairpersons of and provide
21 secretariat functions for the Interdepartmental
22 Radio Advisory Committee and the Interagency
23 Spectrum Advisory Council;

24 “(5) carry out responsibilities under section
25 103(b)(2)(B) (relating to authorizing a foreign gov-

1 ernment to construct and operate a radio station at
2 the seat of Government of the United States) and
3 assign frequencies for use by such stations;

4 “(6) provide advice and assistance to the Under
5 Secretary and coordinate with the Associate Admin-
6 istrator for International Affairs in carrying out
7 spectrum management aspects of the international
8 policy responsibilities of the NTLA, including spec-
9 trum-related responsibilities under section
10 103(b)(2)(G);

11 “(7) carry out spectrum-related responsibilities
12 under section 103(b)(2)(H) (relating to coordination
13 of the telecommunications activities of the executive
14 branch and assistance in the formulation of policies
15 and standards for such activities);

16 “(8) carry out spectrum-related responsibilities
17 under section 103(b)(2)(Q) (relating to certain ac-
18 tivities with respect to telecommunications re-
19 sources); and

20 “(9) carry out any other duties of the NTLA
21 with respect to spectrum policy that the Under Sec-
22 retary may designate.”.

1 **Subtitle C—Office of International**
2 **Affairs**

3 **SEC. 1931. OFFICE OF INTERNATIONAL AFFAIRS.**

4 Part A of the National Telecommunications and In-
5 formation Administration Organization Act (47 U.S.C.
6 901 et seq.), as amended by the preceding provisions of
7 this title, is further amended by adding at the end the
8 following:

9 **“SEC. 107. OFFICE OF INTERNATIONAL AFFAIRS.**

10 “(a) **ESTABLISHMENT.**—There is established within
11 the NTIA an Office of International Affairs (in this sec-
12 tion referred to as the ‘Office’).

13 “(b) **HEAD OF OFFICE.**—

14 “(1) **IN GENERAL.**—The head of the Office
15 shall be an Associate Administrator for International
16 Affairs (in this section referred to as the ‘Associate
17 Administrator’).

18 “(2) **REQUIREMENT TO REPORT.**—The Asso-
19 ciate Administrator shall report to the Under Sec-
20 retary (or a designee of the Under Secretary).

21 “(c) **DUTIES.**—The Associate Administrator shall, at
22 the direction of the Under Secretary—

23 “(1) in coordination with the Secretary of
24 State, conduct analysis of, review, and formulate

1 international telecommunications and information
2 policy;

3 “(2) present on international telecommuni-
4 cations and information policy—

5 “(A) before the Commission, Congress,
6 and others; and

7 “(B) in coordination with the Secretary of
8 State, before international telecommunications
9 bodies, including the International Tele-
10 communication Union;

11 “(3) conduct or obtain analysis on economic
12 and other aspects of international telecommuni-
13 cations and information policy;

14 “(4) formulate, and recommend to the Under
15 Secretary, polices and plans with respect to prepara-
16 tion for and participation in international tele-
17 communications and information policy activities;

18 “(5) in coordination with the Secretary of
19 State, coordinate NTIA and interdepartmental eco-
20 nomic, technical, operational, and other preparations
21 related to participation by the United States in
22 international telecommunications and information
23 policy conferences and negotiations;

24 “(6) ensure NTIA representation with respect
25 to international telecommunications and information

1 policy meetings and the activities related to prepara-
2 tion for such meetings;

3 “(7) in coordination with the Secretary of
4 State, coordinate with Federal agencies and private
5 organizations engaged in activities involving inter-
6 national telecommunications and information policy
7 matters and maintain cognizance of the activities of
8 United States signatories with respect to related
9 treaties, agreements, and other instruments;

10 “(8) provide advice and assistance related to
11 international telecommunications and information
12 policy to other Federal agencies charged with re-
13 sponsibility for international negotiations, to
14 strengthen the position and serve the best interests
15 of the United States in the conduct of negotiations
16 with foreign nations;

17 “(9) provide advice and assistance to the Under
18 Secretary with respect to evaluating the inter-
19 national impact of matters pending before the Com-
20 mission, other Federal agencies, and Congress;

21 “(10) carry out, at the request of the Secretary,
22 the responsibilities of the Secretary under the Com-
23 munications Satellite Act of 1962 (47 U.S.C. 701 et
24 seq.) and other Federal laws related to international
25 telecommunications and information policy; and

1 “(11) carry out any other duties of the NTIA
2 with respect to international telecommunications and
3 information policy that the Under Secretary may
4 designate.”.

5 **DIVISION E—HEALTH**

6 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) **SHORT TITLE.**—This division may be cited as the
8 “Health Improvements, Extenders, and Reauthorizations
9 Act”.

10 (b) **TABLE OF CONTENTS.**—The table of contents for
11 this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICAID

- Sec. 101. Streamlined enrollment process for eligible out-of-state providers under Medicaid and CHIP.
- Sec. 102. Making certain adjustments to coverage of home or community-based services under Medicaid.
- Sec. 103. Removing certain age restrictions on Medicaid eligibility for working adults with disabilities.
- Sec. 104. Medicaid State plan requirement for determining residency and coverage for military families.
- Sec. 105. Ensuring the reliability of address information provided under the Medicaid program.
- Sec. 106. Codifying certain Medicaid provider screening requirements related to deceased providers.
- Sec. 107. Modifying certain State requirements for ensuring deceased individuals do not remain enrolled.
- Sec. 108. One-year delay of Medicaid and CHIP requirements for health screenings, referrals, and case management services for eligible juveniles in public institutions; State interim work plans.
- Sec. 109. State studies and HHS report on costs of providing maternity, labor, and delivery services.
- Sec. 110. Modifying certain disproportionate share hospital allotments.
- Sec. 111. Modifying certain limitations on disproportionate share hospital payment adjustments under the Medicaid program.
- Sec. 112. Ensuring accurate payments to pharmacies under Medicaid.
- Sec. 113. Preventing the use of abusive spread pricing in Medicaid.

TITLE II—MEDICARE

- Sec. 201. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.
- Sec. 202. Extension of the Medicare-dependent hospital (MDH) program.
- Sec. 203. Extension of add-on payments for ambulance services.
- Sec. 204. Extending incentive payments for participation in eligible alternative payment models.
- Sec. 205. Temporary payment increase under the Medicare physician fee schedule to account for exceptional circumstances.
- Sec. 206. Extension of funding for quality measure endorsement, input, and selection.
- Sec. 207. Extension of funding outreach and assistance for low-income programs.
- Sec. 208. Extension of the work geographic index floor.
- Sec. 209. Extension of certain telehealth flexibilities.
- Sec. 210. Requiring modifier for use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care.
- Sec. 211. Extending acute hospital care at home waiver flexibilities.
- Sec. 212. Enhancing certain program integrity requirements for DME under Medicare.
- Sec. 213. Guidance on furnishing services via telehealth to individuals with limited English proficiency.
- Sec. 214. In-home cardiopulmonary rehabilitation flexibilities.
- Sec. 215. Inclusion of virtual diabetes prevention program suppliers in MDPP Expanded Model.
- Sec. 216. Medication-induced movement disorder outreach and education.
- Sec. 217. Report on wearable medical devices.
- Sec. 218. Extension of temporary inclusion of authorized oral antiviral drugs as covered part D drugs.
- Sec. 219. Extension of adjustment to calculation of hospice cap amount.
- Sec. 220. Multiyear contracting authority for MedPAC and MACPAC.
- Sec. 221. Contracting parity for MedPAC and MACPAC.
- Sec. 222. Adjustments to Medicare part D cost-sharing reductions for low-income individuals.
- Sec. 223. Requiring Enhanced and Accurate Lists of (REAL) Health Providers Act.
- Sec. 224. Medicare coverage of multi-cancer early detection screening tests.
- Sec. 225. Medicare coverage of external infusion pumps and non-self-administrable home infusion drugs.
- Sec. 226. Assuring pharmacy access and choice for Medicare beneficiaries.
- Sec. 227. Modernizing and Ensuring PBM Accountability.
- Sec. 228. Requiring a separate identification number and an attestation for each off-campus outpatient department of a provider.
- Sec. 229. Medicare sequestration.
- Sec. 230. Medicare improvement fund.

TITLE III—HUMAN SERVICES

Subtitle A—Reauthorize Child Welfare Services and Strengthen State and Tribal Child Support Program

- Sec. 301. Short title.

PART 1—CHILD WELFARE REAUTHORIZATION AND MODERNIZATION

- Sec. 311. Short title; references.
- Sec. 312. Reauthorization of child welfare programs.

- Sec. 313. Enhancements to the court improvement program.
- Sec. 314. Expanding regional partnership grants to address parental substance use disorder as cause of child removal.
- Sec. 315. Modernization; reducing administrative burden.
- Sec. 316. Streamlining funding for Indian tribes.
- Sec. 317. Accelerating access to Family First prevention services.
- Sec. 318. Strengthening support for youth aging out of foster care.
- Sec. 319. Recognizing the importance of relative and kinship caregivers.
- Sec. 320. Avoiding neglect by addressing poverty.
- Sec. 321. Strengthening support for caseworkers.
- Sec. 322. Demonstration projects for improving relationships between incarcerated parents and children in foster care.
- Sec. 323. Guidance to States on improving data collection and reporting for youth in residential treatment programs.
- Sec. 324. Streamlining research, training, and technical assistance funding.
- Sec. 325. Report on post adoption and subsidized guardianship services.
- Sec. 326. Effective date.

PART 2—STRENGTHENING STATE AND TRIBAL CHILD SUPPORT

- Sec. 331. Short title.
- Sec. 332. Improving the effectiveness of tribal child support enforcement agencies.

Subtitle B—Other Matters

- Sec. 341. Sexual risk avoidance education extension.
- Sec. 342. Personal responsibility education extension.
- Sec. 343. Extension of funding for family-to-family health information centers.

TITLE IV—PUBLIC HEALTH EXTENDERS

Subtitle A—Extensions

- Sec. 401. Extension for community health centers, National Health Service Corps, and teaching health centers that operate GME programs.
- Sec. 402. Extension of special diabetes programs.

Subtitle B—World Trade Center Health Program

- Sec. 411. 9/11 responder and survivor health funding corrections.

TITLE V—SUPPORT ACT REAUTHORIZATION

- Sec. 501. Short title.

Subtitle A—Prevention

- Sec. 511. Prenatal and postnatal health.
- Sec. 512. Monitoring and education regarding infections associated with illicit drug use and other risk factors.
- Sec. 513. Preventing overdoses of controlled substances.
- Sec. 514. Support for individuals and families impacted by fetal alcohol spectrum disorder.
- Sec. 515. Promoting state choice in PDMP systems.
- Sec. 516. First responder training program.
- Sec. 517. Donald J. Cohen National Child Traumatic Stress Initiative.

- Sec. 518. Protecting suicide prevention lifeline from cybersecurity incidents.
- Sec. 519. Bruce's law.
- Sec. 520. Guidance on at-home drug disposal systems.
- Sec. 521. Assessment of opioid drugs and actions.
- Sec. 522. Grant program for State and Tribal response to opioid use disorders.

Subtitle B—Treatment

- Sec. 531. Residential treatment program for pregnant and postpartum women.
- Sec. 532. Improving access to addiction medicine providers.
- Sec. 533. Mental and behavioral health education and training grants.
- Sec. 534. Loan repayment program for substance use disorder treatment workforce.
- Sec. 535. Development and dissemination of model training programs for substance use disorder patient records.
- Sec. 536. Task force on best practices for trauma-informed identification, referral, and support.
- Sec. 537. Grants to enhance access to substance use disorder treatment.
- Sec. 538. State guidance related to individuals with serious mental illness and children with serious emotional disturbance.
- Sec. 539. Reviewing the scheduling of approved products containing a combination of buprenorphine and naloxone.

Subtitle C—Recovery

- Sec. 541. Building communities of recovery.
- Sec. 542. Peer support technical assistance center.
- Sec. 543. Comprehensive opioid recovery centers.
- Sec. 544. Youth prevention and recovery.
- Sec. 545. CAREER Act.
- Sec. 546. Addressing economic and workforce impacts of the opioid crisis.

Subtitle D—Miscellaneous Matters

- Sec. 551. Delivery of a controlled substance by a pharmacy to a prescribing practitioner.
- Sec. 552. Technical correction on controlled substances dispensing.
- Sec. 553. Required training for prescribers of controlled substances.
- Sec. 554. Extension of temporary order for fentanyl-related substances.

TITLE VI—PANDEMIC AND ALL-HAZARDS PREPAREDNESS AND RESPONSE

- Sec. 601. Short title.

Subtitle A—State and Local Readiness and Response

- Sec. 611. Temporary reassignment of State and local personnel during a public health emergency.
- Sec. 612. Public Health Emergency Preparedness program.
- Sec. 613. Hospital Preparedness Program.
- Sec. 614. Facilities and capacities of the Centers for Disease Control and Prevention to combat public health security threats.
- Sec. 615. Pilot program to support State medical stockpiles.
- Sec. 616. Enhancing domestic wastewater surveillance for pathogen detection.
- Sec. 617. Reauthorization of Mosquito Abatement for Safety and Health program.

Subtitle B—Federal Planning and Coordination

- Sec. 621. All-Hazards Emergency Preparedness and Response.
- Sec. 622. National Health Security Strategy.
- Sec. 623. Improving development and distribution of diagnostic tests.
- Sec. 624. Combating antimicrobial resistance.
- Sec. 625. Strategic National Stockpile and material threats.
- Sec. 626. Medical countermeasures for viral threats with pandemic potential.
- Sec. 627. Public Health Emergency Medical Countermeasures Enterprise.
- Sec. 628. Fellowship and training programs.
- Sec. 629. Regional biocontainment research laboratories.
- Sec. 629A. Limitation related to countries of concern conducting certain research.

Subtitle C—Addressing the Needs of All Individuals

- Sec. 631. Improving access to certain programs.
- Sec. 632. Supporting at-risk individuals during emergency responses.
- Sec. 633. National advisory committees.
- Sec. 634. National Academies study on prizes.

Subtitle D—Additional Reauthorizations

- Sec. 641. Medical countermeasure priority review voucher.
- Sec. 642. Epidemic Intelligence Service.
- Sec. 643. Monitoring and distribution of certain medical countermeasures.
- Sec. 644. Regional health care emergency preparedness and response systems.
- Sec. 645. Emergency system for advance registration of volunteer health professionals.
- Sec. 646. Ensuring collaboration and coordination in medical countermeasure development.
- Sec. 647. Military and civilian partnership for trauma readiness.
- Sec. 648. National Disaster Medical System.
- Sec. 649. Volunteer Medical Reserve Corps.
- Sec. 649A. Epidemiology-laboratory capacity.

TITLE VII—PUBLIC HEALTH PROGRAMS

- Sec. 701. Action for dental health.
- Sec. 702. PREEMIE.
- Sec. 703. Preventing maternal deaths.
- Sec. 704. Sickle cell disease prevention and treatment.
- Sec. 705. Traumatic brain injuries.
- Sec. 706. Lifespan respite care.
- Sec. 707. Dr. Lorna Breen health care provider protection.
- Sec. 708. Gabriella Miller kids first research.
- Sec. 709. SCREENS for Cancer.
- Sec. 710. DeOndra Dixon INCLUDE Project.
- Sec. 711. IMPROVE Initiative.
- Sec. 712. Organ Procurement and Transplantation Network.
- Sec. 713. Honor Our Living Donors.
- Sec. 714. Program for pediatric studies of drugs.

TITLE VIII—FOOD AND DRUG ADMINISTRATION

Subtitle A—Give Kids a Chance

1 such plan) to furnish items and services to,
2 or order, prescribe, refer, or certify eligi-
3 bility for items and services for, qualifying
4 individuals without the imposition of
5 screening or enrollment requirements by
6 such State that exceed the minimum nec-
7 essary for such State to provide payment
8 to an eligible out-of-State provider under
9 such State plan (or a waiver of such plan),
10 such as the provider’s name and National
11 Provider Identifier (and such other infor-
12 mation specified by the Secretary); and

13 “(ii) provides that an eligible out-of-
14 State provider that enrolls as a partici-
15 pating provider in the State plan (or a
16 waiver of such plan) through such process
17 shall be so enrolled for a 5-year period, un-
18 less the provider is terminated or excluded
19 from participation during such period.

20 “(B) DEFINITIONS.—In this paragraph:

21 “(i) ELIGIBLE OUT-OF-STATE PRO-
22 VIDER.—The term ‘eligible out-of-State
23 provider’ means, with respect to a State, a
24 provider—

1 “(I) that is located in any other
2 State;

3 “(II) that—

4 “(aa) was determined by the
5 Secretary to have a limited risk
6 of fraud, waste, and abuse for
7 purposes of determining the level
8 of screening to be conducted
9 under section 1866(j)(2), has
10 been so screened under such sec-
11 tion 1866(j)(2), and is enrolled in
12 the Medicare program under title
13 XVIII; or

14 “(bb) was determined by the
15 State agency administering or su-
16 pervising the administration of
17 the State plan (or a waiver of
18 such plan) of such other State to
19 have a limited risk of fraud,
20 waste, and abuse for purposes of
21 determining the level of screening
22 to be conducted under paragraph
23 (1) of this subsection, has been
24 so screened under such para-
25 graph (1), and is enrolled under

1 such State plan (or a waiver of
2 such plan); and

3 “(III) that has not been—

4 “(aa) excluded from partici-
5 pation in any Federal health care
6 program pursuant to section
7 1128 or 1128A;

8 “(bb) excluded from partici-
9 pation in the State plan (or a
10 waiver of such plan) pursuant to
11 part 1002 of title 42, Code of
12 Federal Regulations (or any suc-
13 cessor regulation), or State law;
14 or

15 “(cc) terminated from par-
16 ticipating in a Federal health
17 care program or the State plan
18 (or a waiver of such plan) for a
19 reason described in paragraph
20 (8)(A).

21 “(ii) QUALIFYING INDIVIDUAL.—The
22 term ‘qualifying individual’ means an indi-
23 vidual under 21 years of age who is en-
24 rolled under the State plan (or waiver of
25 such plan).

1 “(iii) STATE.—The term ‘State’
2 means 1 of the 50 States or the District
3 of Columbia.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 1902(a)(77) of the Social Security
6 Act (42 U.S.C. 1396a(a)(77)) is amended by insert-
7 ing “enrollment,” after “screening,”.

8 (2) The subsection heading for section
9 1902(kk) of such Act (42 U.S.C. 1396a(kk)) is
10 amended by inserting “enrollment,” after “screen-
11 ing,”.

12 (3) Section 2107(e)(1)(G) of such Act (42
13 U.S.C. 1397gg(e)(1)(G)) is amended by inserting
14 “enrollment,” after “screening,”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date that is 3 years
17 after the date of enactment of this Act.

18 **SEC. 102. MAKING CERTAIN ADJUSTMENTS TO COVERAGE**
19 **OF HOME OR COMMUNITY-BASED SERVICES**
20 **UNDER MEDICAID.**

21 (a) INCREASING TRANSPARENCY OF HCBS COV-
22 ERAGE UNDER MEDICAID.—

23 (1) IN GENERAL.—Section 1915(c) of the So-
24 cial Security Act (42 U.S.C. 1396n(c)) is amend-
25 ed—

1 (A) in paragraph (2)—

2 (i) in subparagraph (E)—

3 (I) by inserting “, not less fre-
4 quently than” before “annually”; and

5 (II) by inserting “(including,
6 with respect to such information pro-
7 vided on or after July 9, 2027, the in-
8 formation specified in paragraph
9 (11))” before the period at the end;
10 and

11 (ii) by adding at the end the following
12 flush sentence:

13 “The Secretary shall make all information provided
14 under subparagraph (E) on or after the date of the
15 enactment of this sentence publicly available on the
16 website of the Centers for Medicare & Medicaid
17 Services.”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(11) For purposes of paragraph (2)(E), the
21 information specified in this paragraph is the fol-
22 lowing:

23 “(A) In the case of a State that limits the
24 number of individuals who may be provided
25 home or community-based services under a

1 waiver granted under this subsection and main-
2 tains a list of individuals waiting to enroll in
3 such waiver, a description of how the State
4 maintains such list, including—

5 “(i) information on whether the State
6 screens individuals on such list to deter-
7 mine whether such individuals are eligible
8 to receive such services under such waiver;

9 “(ii) information on whether (and, if
10 applicable, how often) the State periodi-
11 cally re-screens individuals on such list for
12 eligibility;

13 “(iii) the number of people on such
14 list of individuals waiting to enroll in such
15 waiver; and

16 “(iv) the average amount of time that
17 individuals newly enrolled in such waiver
18 within the past 12 months were on such
19 list of individuals waiting to enroll in such
20 waiver.

21 “(B) With respect to homemaker services,
22 home health aide services, personal care serv-
23 ices, and habilitation services furnished under
24 waivers under this subsection, by each such
25 service type—

1 “(i) for individuals newly receiving
2 such services within the past 12 months,
3 the average amount of time (which may be
4 determined using statistically valid random
5 sampling of such individuals) from when
6 such services are initially approved for
7 such an individual to when such individual
8 begins receiving such services; and

9 “(ii) the percentage of authorized
10 hours (which may be determined using sta-
11 tistically valid random sampling of individ-
12 uals authorized to receive such services)
13 that are provided within the past 12
14 months.”.

15 (2) CONFORMING AMENDMENTS.—Section 1915
16 of the Social Security Act (42 U.S.C. 1396n) is
17 amended—

18 (A) in subsection (i) by adding at the end
19 the following new paragraph:

20 “(8) REPORTING REQUIREMENT.—With respect
21 to homemaker services, home health aide services,
22 personal care services, and habilitation services pro-
23 vided under this subsection on or after July 9, 2027,
24 the State, not less frequently than annually, shall
25 provide to the Secretary the same information re-

1 regarding such services as the State is required to pro-
2 vide under subsection (c)(11)(B).”;

3 (B) in subsection (j)(2)(E), by inserting
4 after the second sentence the following: “With
5 respect to any homemaker services, home health
6 aide services, personal care services, and habili-
7 tation services provided under this subsection
8 on or after July 9, 2027, the State, not less fre-
9 quently than annually, shall provide to the Sec-
10 retary the same information regarding such
11 services as the State is required to provide
12 under subsection (c)(11)(B).”; and

13 (C) in subsection (k)(3)(E)—

14 (i) by striking “and” after “the cost
15 of such services and supports,”; and

16 (ii) by inserting before the period, the
17 following: “, and with respect to home-
18 maker services, home health aide services,
19 personal care services, and habilitation
20 services provided under this subsection on
21 or after July 9, 2027, not less frequently
22 than annually, the same information re-
23 garding such services as the State is re-
24 quired to provide under subsection
25 (c)(11)(B)”.

1 (b) DEMONSTRATION PROGRAM TO EXPAND HCBS
2 COVERAGE UNDER SECTION 1915(C) WAIVERS.—Section
3 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)),
4 as amended by subsection (a), is further amended—

5 (1) in paragraph (2)(E), by inserting “, and the
6 information specified in paragraph (12)(C)(v), when
7 applicable” after “paragraph (11)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(12) DEMONSTRATION PROGRAM TO EXPAND
11 COVERAGE FOR HOME OR COMMUNITY-BASED SERV-
12 ICES.—

13 “(A) IN GENERAL.—

14 “(i) APPROVAL.—Not later than 24
15 months after the date on which the plan-
16 ning grants under subparagraph (B) are
17 awarded, notwithstanding paragraph (1),
18 the Secretary may approve a waiver that is
19 standalone from any other waiver approved
20 under this subsection for not more than 5
21 States, selected in accordance with clause
22 (ii), to include as medical assistance under
23 the State plan of such State, for the 3-year
24 period beginning on the date of such ap-
25 proval, payment for part or all of the cost

1 of home or community-based services
2 (other than room and board (as described
3 in paragraph (1))) approved by the Sec-
4 retary which are provided pursuant to a
5 written plan of care to individuals de-
6 scribed in subparagraph (C)(iii).

7 “(ii) SELECTION CRITERIA.—In se-
8 lecting States for purposes of clause (i),
9 the Secretary shall—

10 “(I) only select States that re-
11 ceived a planning grant under sub-
12 paragraph (B);

13 “(II) only select States that meet
14 the requirements specified in subpara-
15 graph (C) and such other require-
16 ments as the Secretary may determine
17 appropriate;

18 “(III) select States in a manner
19 that ensures geographic diversity;

20 “(IV) give preference to States
21 with a higher percentage (relative to
22 other States that apply to be selected
23 for purposes of clause (i)) of the total
24 State population residing in rural

1 areas (as determined by the Sec-
2 retary);

3 “(V) give preference to States
4 that have demonstrated more progress
5 in rebalancing long-term services and
6 supports systems under this title, as
7 determined based on the relative share
8 of individuals who use home or com-
9 munity-based services (as defined by
10 the Secretary) under this title as a
11 percentage of total individuals who
12 use long-term services and supports
13 (as defined by the Secretary) under
14 this title (in the most recent year for
15 which such data is available); and

16 “(VI) give preference to States
17 that pursue a waiver under this para-
18 graph that incorporates the provision
19 of mental health services for adults
20 with serious mental illness, children
21 with serious emotional disturbances,
22 or individuals with substance use dis-
23 order.

24 “(B) PLANNING GRANTS.—

25 “(i) IN GENERAL.—

1 “(I) APPROVAL.—Not later than
2 18 months after the date of the enact-
3 ment of this paragraph, the Secretary
4 shall award planning grants of not
5 more than \$5,000,000 each to not
6 more than 10 States for purposes of
7 preparing to submit a request for a
8 waiver under this subsection (includ-
9 ing for costs to implement the waiver
10 or other activities to expand the provi-
11 sion of home or community-based
12 services under this section) to provide
13 home or community-based services to
14 individuals described in subparagraph
15 (C)(iii).

16 “(II) SELECTION CRITERIA.—In
17 awarding planning grants under sub-
18 clause (I), the Secretary shall use the
19 selection criteria specified in sub-
20 clauses (III) through (VI) of subpara-
21 graph (A)(ii).

22 “(ii) CONSULTATION.—A State that is
23 awarded a planning grant under clause (i)
24 shall, in preparing to submit a request for

1 a waiver described in such clause, consult
2 with—

3 “(I) individuals in need of (and
4 not receiving) home or community-
5 based services, individuals receiving
6 home or community-based services,
7 and the caregivers of such individuals;

8 “(II) providers furnishing home
9 or community-based services; and

10 “(III) such other stakeholders, as
11 the Secretary may specify.

12 “(C) STATE REQUIREMENTS.—In addition
13 to the requirements specified under this sub-
14 section (except for the requirements described
15 in subparagraphs (C) and (D) of paragraph (2)
16 and any other requirement the Secretary deter-
17 mines to be inapplicable in the context of a
18 waiver relation to individuals who do not re-
19 quire the level of care described in paragraph
20 (1)), the requirements specified in this para-
21 graph are, with respect to a State, the fol-
22 lowing:

23 “(i) As of the date that such State re-
24 quests a waiver under this subsection to
25 provide home or community-based services

1 to individuals described in clause (iii), all
2 other waivers (if any) granted under this
3 subsection to such State meet the require-
4 ments of this subsection.

5 “(ii) The State demonstrates to the
6 Secretary that approval of a waiver under
7 this subsection with respect to individuals
8 described in clause (iii) will not result in a
9 material increase of the average amount of
10 time that individuals with respect to whom
11 a determination described in paragraph (1)
12 has been made will need to wait to receive
13 home or community-based services under
14 any waiver granted under this subsection,
15 as determined by the Secretary.

16 “(iii) The State establishes needs-
17 based criteria, subject to the approval of
18 the Secretary, to identify individuals for
19 whom a determination described in para-
20 graph (1) is not applicable, who will be eli-
21 gible for home or community-based serv-
22 ices under a waiver approved under this
23 paragraph, and specifies the home or com-
24 munity-based services such individuals so
25 eligible will receive.

1 “(iv) The State established needs-
2 based criteria for determining whether an
3 individual described in clause (iii) requires
4 the level of care provided in a hospital,
5 nursing facility, or an intermediate care fa-
6 cility for individuals with developmental
7 disabilities under the State plan or under
8 any waiver of such plan that are more
9 stringent than the needs-based criteria es-
10 tablished under clause (iii) for determining
11 eligibility for home or community-based
12 services.

13 “(v) The State attests that the State’s
14 average per capita expenditure for medical
15 assistance under the State plan (or waiver
16 of such plan) provided with respect to such
17 individuals enrolled in a waiver under this
18 paragraph will not exceed the State’s aver-
19 age per capita expenditures for medical as-
20 sistance for individuals receiving institu-
21 tional care under the State plan (or waiver
22 of such plan) for the duration that the
23 waiver under this paragraph is in effect.

24 “(vi) The State provides to the Sec-
25 retary data (in such form and manner as

1 the Secretary may specify) regarding the
2 number of individuals described in clause
3 (i) with respect to a State seeking approval
4 of a waiver under this subsection, to whom
5 the State will make such services available
6 under such waiver.

7 “(vii) The State agrees to provide to
8 the Secretary, not less frequently than an-
9 nually, data for purposes of paragraph
10 (2)(E) (in such form and manner as the
11 Secretary may specify) regarding, with re-
12 spect to each preceding year in which a
13 waiver under this subsection to provide
14 home and community-based services to in-
15 dividuals described in clause (iii) was in ef-
16 fect—

17 “(I) the cost (as such term is de-
18 fined by the Secretary) of such serv-
19 ices furnished to individuals described
20 in clause (iii), broken down by type of
21 service;

22 “(II) with respect to each type of
23 home and community-based service
24 provided under the waiver, the length

1 of time that such individuals have re-
2 ceived such service;

3 “(III) a comparison between the
4 data described in subclause (I) and
5 any comparable data available with
6 respect to individuals with respect to
7 whom a determination described in
8 paragraph (1) has been made and
9 with respect to individuals receiving
10 institutional care under this title; and

11 “(IV) the number of individuals
12 who have received home and commu-
13 nity-based services under the waiver
14 during the preceding year.”.

15 (c) NON-APPLICATION OF THE PAPERWORK REDUC-
16 TION ACT.—Chapter 35 of title 44, United States Code
17 (commonly referred to as the “Paperwork Reduction Act
18 of 1995”), shall not apply to the implementation of the
19 amendments made by subsections (a) and (b).

20 (d) CMS GUIDANCE TO STATES ON INTERIM COV-
21 ERAGE UNDER SECTION 1915 HOME AND COMMUNITY-
22 BASED SERVICES AUTHORITIES.—Not later than January
23 1, 2027, the Secretary of Health and Human Services
24 shall issue guidance to the States to clarify how a State
25 may provide, with respect to an individual who is eligible

1 for home and community-based services under section
2 1915 of the Social Security Act (42 U.S.C. 1396n), cov-
3 erage of such services pursuant to a provisional written
4 plan of care, pending finalization, with respect to such in-
5 dividual.

6 (e) FUNDING.—

7 (1) IN GENERAL.—There are appropriated, out
8 of any funds in the Treasury not otherwise obli-
9 gated, \$71,000,000 for fiscal year 2025, to remain
10 available until expended, to the Secretary of Health
11 and Human Services for purposes of carrying out
12 subsection (d) and the amendments made by sub-
13 section (b).

14 (2) RESERVATION FOR PLANNING GRANTS.—Of
15 the amount appropriated under paragraph (1), the
16 Secretary of Health and Human Services shall re-
17 serve \$50,000,000 of such amount to award plan-
18 ning grants under the demonstration program estab-
19 lished by the amendments made by subsection (b).

20 **SEC. 103. REMOVING CERTAIN AGE RESTRICTIONS ON MED-**
21 **ICAID ELIGIBILITY FOR WORKING ADULTS**
22 **WITH DISABILITIES.**

23 (a) MODIFICATION OF OPTIONAL BUY-IN GROUPS.—

24 (1) IN GENERAL.—Section
25 1902(a)(10)(A)(ii)(XV) of the Social Security Act

1 (42 U.S.C. 1396a(a)(10)(A)(ii)(XV)) is amended by
2 striking “but less than 65,”.

3 (2) DEFINITION MODIFICATION.—Section
4 1905(v)(1)(A) of the Social Security Act (42 U.S.C.
5 1396d(v)(1)(A)) is amended by striking “, but less
6 than 65,”.

7 (b) APPLICATION TO CERTAIN STATES.—A State
8 that, as of the date of enactment of this Act, provides for
9 making medical assistance available to individuals de-
10 scribed in subclause (XV) or (XVI) of section
11 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C.
12 1396a(a)(10)(A)(ii)) shall not be regarded as failing to
13 comply with the requirements of either such subclause (as
14 amended by subsection (a)(1)) or with section
15 1905(v)(1)(A) of the Social Security Act (42 U.S.C.
16 1396d(v)(1)(A)) (as amended by subsection (a)(2)) before
17 January 1, 2027.

18 **SEC. 104. MEDICAID STATE PLAN REQUIREMENT FOR DE-**
19 **TERMINING RESIDENCY AND COVERAGE FOR**
20 **MILITARY FAMILIES.**

21 (a) IN GENERAL.—Section 1902 of the Social Secu-
22 rity Act (42 U.S.C. 1396a) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (86), by striking “and”
25 at the end;

1 (B) in paragraph (87), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by inserting after paragraph (87), the
4 following new paragraph:

5 “(88) beginning January 1, 2028, provide, with
6 respect to an active duty relocated individual (as de-
7 fined in subsection (uu)(1))—

8 “(A) that, for purposes of determining eli-
9 gibility for medical assistance under the State
10 plan (or waiver of such plan), such active duty
11 relocated individual is treated as a resident of
12 the State unless such individual voluntarily
13 elects not to be so treated for such purposes;

14 “(B) that if, at the time of relocation (as
15 described in subsection (uu)(1)), such active
16 duty relocated individual is on a home and com-
17 munity-based services waiting list (as defined in
18 subsection (uu)(2)), such individual remains on
19 such list until—

20 “(i) the State completes an assess-
21 ment and renders a decision with respect
22 to the eligibility of such individual to re-
23 ceive the relevant home and community-
24 based services at the time a slot for such
25 services becomes available and, in the case

1 such decision is a denial of such eligibility,
2 such individual has exhausted the individ-
3 ual's opportunity for a fair hearing; or

4 “(ii) such individual elects to be re-
5 moved from such list; and

6 “(C) payment for medical assistance fur-
7 nished under the State plan (or a waiver of the
8 plan) on behalf of such active duty relocated in-
9 dividual in the military service relocation State
10 (as referred to in subsection (uu)(1)(B)(i)), to
11 the extent that such assistance is available in
12 such military service relocation State in accord-
13 ance with such guidance as the Secretary may
14 issue to ensure access to such assistance.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(uu) ACTIVE DUTY RELOCATED INDIVIDUAL; HOME
18 AND COMMUNITY-BASED SERVICES WAITING LIST.—For
19 purposes of subsection (a)(88) and this subsection:

20 “(1) ACTIVE DUTY RELOCATED INDIVIDUAL.—

21 The term ‘active duty relocated individual’ means an
22 individual—

23 “(A) who—

24 “(i) is enrolled under the State plan
25 (or waiver of such plan); or

1 “(ii) with respect to an individual de-
2 scribed in subparagraph (C)(ii), would be
3 so enrolled pursuant to subsection
4 (a)(10)(A)(ii)(VI) if such individual began
5 receiving home and community-based serv-
6 ices;

7 “(B) who—

8 “(i) is a member of the Armed Forces
9 engaged in active duty service and is relo-
10 cated to another State (in this subsection
11 referred to as the ‘military service reloca-
12 tion State’) by reason of such service;

13 “(ii) would be described in clause (i)
14 except that the individual stopped being
15 engaged in active duty service (including
16 by reason of retirement from such service)
17 and the last day on which the individual
18 was engaged in active duty service oc-
19 curred not more than 12 months ago; or

20 “(iii) is a dependent (as defined by
21 the Secretary) of a member described in
22 clause (i) or (ii) who relocates to the mili-
23 tary service relocation State with such
24 member; and

25 “(C) who—

1 “(i) was receiving home and commu-
2 nity-based services (as defined in section
3 9817(a)(2)(B) of the American Rescue
4 Plan Act of 2021) at the time of such relo-
5 cation; or

6 “(ii) if the State maintains a home
7 and community-based services waiting list,
8 was on such home and community-based
9 services waiting list at the time of such re-
10 location.

11 “(2) HOME AND COMMUNITY-BASED SERVICES
12 WAITING LIST.—The term ‘home and community-
13 based services waiting list’ means, in the case of a
14 State that has a limit on the number of individuals
15 who may receive home and community-based services
16 under section 1115(a), section 1915(c), or section
17 1915(j), a list maintained by such State of individ-
18 uals who are requesting to receive such services
19 under 1 or more such sections but for whom the
20 State has not yet completed an assessment and ren-
21 dered a decision with respect to the eligibility of
22 such individuals to receive the relevant home and
23 community-based services at the time a slot for such
24 services becomes available due to such limit.”.

1 (b) IMPLEMENTATION FUNDING.—There are appro-
2 priated, out of any funds in the Treasury not otherwise
3 obligated, \$1,000,000 for each of fiscal years 2025
4 through 2029, to remain available until expended, to the
5 Secretary of Health and Human Services for purposes of
6 implementing the amendments made by subsection (a).

7 **SEC. 105. ENSURING THE RELIABILITY OF ADDRESS INFOR-**
8 **MATION PROVIDED UNDER THE MEDICAID**
9 **PROGRAM.**

10 (a) IN GENERAL.—Section 1902(a) of the Social Se-
11 curity Act (42 U.S.C. 1396a(a)), as previously amended
12 by this title, is amended—

13 (1) in paragraph (87), by striking “and” at the
14 end;

15 (2) in paragraph (88), by striking the period at
16 the end and inserting “; and”; and

17 (3) by inserting after paragraph (88) the fol-
18 lowing new paragraph:

19 “(89) beginning January 1, 2026, provide for a
20 process to regularly obtain address information for
21 individuals enrolled under such plan (or a waiver of
22 such plan) from reliable data sources (as described
23 in section 435.919(f)(1)(iii) of title 42, Code of Fed-
24 eral Regulations (or a successor regulation)) and act
25 on any changes to such an address based on such in-

1 formation in accordance with such section (or suc-
2 cessor regulation), except that this paragraph shall
3 only apply in the case of the 50 States and the Dis-
4 trict of Columbia.”.

5 (b) APPLICATION TO CHIP.—Section 2107(e)(1) of
6 the Social Security Act (42 U.S.C. 1397gg(e)(1)) is
7 amended—

8 (1) by redesignating subparagraphs (H)
9 through (U) as subparagraphs (I) through (V), re-
10 spectively; and

11 (2) by inserting after subparagraph (G) the fol-
12 lowing new subparagraph:

13 “(H) Section 1902(a)(89) (relating to reg-
14 ularly obtaining address information for enroll-
15 ees).”.

16 (c) ENSURING TRANSMISSION OF ADDRESS INFOR-
17 MATION FROM MANAGED CARE ORGANIZATIONS.—Sec-
18 tion 1932 of the Social Security Act (42 U.S.C. 1396u-
19 2) is amended by adding at the end the following new sub-
20 section:

21 “(j) TRANSMISSION OF ADDRESS INFORMATION.—
22 Beginning January 1, 2026, each contract under a State
23 plan with a managed care entity under section 1903(m)
24 shall provide that the entity transmits to the State any
25 address information for an individual enrolled with the en-

1 tity that is provided to such entity directly from, or
2 verified by such entity directly with, such individual.”.

3 **SEC. 106. CODIFYING CERTAIN MEDICAID PROVIDER**
4 **SCREENING REQUIREMENTS RELATED TO**
5 **DECEASED PROVIDERS.**

6 Section 1902(kk)(1) of the Social Security Act (42
7 U.S.C. 1396a(kk)(1)) is amended—

8 (1) by striking “The State” and inserting:

9 “(A) IN GENERAL.—The State”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(B) ADDITIONAL PROVIDER SCREEN-
13 ING.—Beginning January 1, 2027, as part of
14 the enrollment (or reenrollment or revalidation
15 of enrollment) of a provider or supplier under
16 this title, and not less frequently than quarterly
17 during the period that such provider or supplier
18 is so enrolled, the State conducts a check of the
19 Death Master File (as such term is defined in
20 section 203(d) of the Bipartisan Budget Act of
21 2013) to determine whether such provider or
22 supplier is deceased.”.

1 **SEC. 107. MODIFYING CERTAIN STATE REQUIREMENTS FOR**
2 **ENSURING DECEASED INDIVIDUALS DO NOT**
3 **REMAIN ENROLLED.**

4 Section 1902 of the Social Security Act (42 U.S.C.
5 1396a), as previously amended by this title, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (88), by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (89), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by inserting after paragraph (89) the
12 following new paragraph:

13 “(90) provide that the State shall comply with
14 the eligibility verification requirements under sub-
15 section (vv), except that this paragraph shall apply
16 only in the case of the 50 States and the District
17 of Columbia.”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(vv) VERIFICATION OF CERTAIN ELIGIBILITY CRI-
21 TERIA.—

22 “(1) IN GENERAL.—For purposes of subsection
23 (a)(90), the eligibility verification requirements, be-
24 ginning January 1, 2026, are as follows:

25 “(A) QUARTERLY SCREENING TO VERIFY
26 ENROLLEE STATUS.—The State shall, not less

1 frequently than quarterly, review the Death
2 Master File (as such term is defined in section
3 203(d) of the Bipartisan Budget Act of 2013)
4 to determine whether any individuals enrolled
5 for medical assistance under the State plan (or
6 waiver of such plan) are deceased.

7 “(B) DISENROLLMENT UNDER STATE
8 PLAN.—If the State determines, based on infor-
9 mation obtained from the Death Master File,
10 that an individual enrolled for medical assist-
11 ance under the State plan (or waiver of such
12 plan) is deceased, the State shall—

13 “(i) treat such information as factual
14 information confirming the death of a ben-
15 efiary for purposes of section 431.213(a)
16 of title 42, Code of Federal Regulations (or
17 any successor regulation);

18 “(ii) disenroll such individual from the
19 State plan (or waiver of such plan); and

20 “(iii) discontinue any payments for
21 medical assistance under this title made on
22 behalf of such individual (other than pay-
23 ments for any items or services furnished
24 to such individual prior to the death of
25 such individual).

1 “(C) REINSTATEMENT OF COVERAGE IN
2 THE EVENT OF ERROR.—If a State determines
3 that an individual was misidentified as deceased
4 based on information obtained from the Death
5 Master File, and was erroneously disenrolled
6 from medical assistance under the State plan
7 (or waiver of such plan) based on such
8 misidentification, the State shall immediately
9 reenroll such individual under the State plan
10 (or waiver of such plan), retroactive to the date
11 of such disenrollment.

12 “(2) RULE OF CONSTRUCTION.—Nothing under
13 this subsection shall be construed to preclude the
14 ability of a State to use other electronic data sources
15 to timely identify potentially deceased beneficiaries,
16 so long as the State is also in compliance with the
17 requirements of this subsection (and all other re-
18 quirements under this title relating to Medicaid eli-
19 gibility determination and redetermination).”.

1 **SEC. 108. ONE-YEAR DELAY OF MEDICAID AND CHIP RE-**
2 **QUIREMENTS FOR HEALTH SCREENINGS, RE-**
3 **FERRALS, AND CASE MANAGEMENT SERV-**
4 **ICES FOR ELIGIBLE JUVENILES IN PUBLIC**
5 **INSTITUTIONS; STATE INTERIM WORK PLANS.**

6 (a) IN GENERAL.—Section 5121(d) of subtitle C of
7 title V of division FF of the Consolidated Appropriations
8 Act, 2023 (Public Law 117–328) is amended—

9 (1) by striking “The amendments made by this
10 section” and inserting the following:

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the amendments made by this section”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2) DELAY OF DATE BY WHICH STATES MUST
16 COMPLY WITH CERTAIN JUVENILE JUSTICE-RE-
17 LATED REQUIREMENTS.—A State shall not be re-
18 garded as failing to comply with the requirements of
19 section 1902(a)(84)(D) or 2102(d)(2) of the Social
20 Security Act (42 U.S.C. 1396a(a)(84)(D),
21 1397bb(d)(2)) before January 1, 2026.”.

22 (b) CLARIFYING NONAPPLICATION OF REQUIRE-
23 MENTS TO INDIVIDUALS IN FEDERAL CUSTODY.—

24 (1) MEDICAID.—

25 (A) Subparagraph (D) of section
26 1902(a)(84) of the Social Security Act (42

1 U.S.C. 1396a(a)(84)), as added by section 5121
2 of subtitle C of title V of division FF of the
3 Consolidated Appropriations Act, 2023 (Public
4 Law 117–328), is amended by striking “an in-
5 dividual who is an eligible juvenile” and insert-
6 ing “an individual (other than an individual
7 who is in Federal custody, including as an in-
8 mate in a Federal prison) who is an eligible ju-
9 venile”.

10 (B) Section 5122(a) of subtitle C of title
11 V of division FF of the Consolidated Appropria-
12 tions Act, 2023 (Public Law 117–328) is
13 amended—

14 (i) by striking “paragraph (31)” each
15 place it appears and inserting “the last
16 numbered paragraph”; and

17 (ii) in paragraph (1), by striking “an
18 individual who is an eligible juvenile” and
19 inserting “an individual (other than an in-
20 dividual who is in Federal custody, includ-
21 ing as an inmate in a Federal prison) who
22 is an eligible juvenile”.

23 (2) CHIP.—

24 (A) Subsection (d)(2) of section 2102 of
25 the Social Security Act (42 U.S.C. 1397bb), as

1 added by section 5121 of subtitle C of title V
2 of division FF of the Consolidated Appropria-
3 tions Act, 2023 (Public Law 117–328), is
4 amended by striking “a targeted low-income
5 child who” and inserting “a targeted low in-
6 come child (other than a child who is in Federal
7 custody, including as an inmate in a Federal
8 prison) who”.

9 (B) Section 5122(b)(2) of subtitle C of
10 title V of division FF of the Consolidated Ap-
11 propriations Act, 2023 (Public Law 117–328)
12 is amended by striking “a child who is” and in-
13 serting “a child (other than a child who is in
14 Federal custody, including as an inmate in a
15 Federal prison) who is”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall take effect as if enacted on
18 December 29, 2022.

19 (c) INTERIM WORK PLAN.—Not later than June 30,
20 2025, each State (as such term is defined in section
21 1101(a)(1) of the Social Security Act (42 U.S.C.
22 1301(a)(1)) for purposes of titles XIX and XXI of such
23 Act) shall submit to the Secretary of Health and Human
24 Services an interim work plan, in such form and con-
25 taining such information as the Secretary may specify, de-

1 scribing the State’s progress towards implementing, and
2 its plans to come into compliance with, the requirements
3 imposed by the amendments made by section 5121 of sub-
4 title C of title V of division FF of the Consolidated Appro-
5 priations Act, 2023 (Public Law 117–328), consistent
6 with the guidance issued by the Centers for Medicare &
7 Medicaid Services in State Health Official Letter #24–
8 004 on July 23, 2024.

9 **SEC. 109. STATE STUDIES AND HHS REPORT ON COSTS OF**
10 **PROVIDING MATERNITY, LABOR, AND DELIV-**
11 **ERY SERVICES.**

12 (a) STATE STUDY.—

13 (1) IN GENERAL.—Not later than 24 months
14 after the date of enactment of this Act, and every
15 5 years thereafter, each State (as such term is de-
16 fined in section 1101(a)(1) of the Social Security
17 Act (42 U.S.C. 1301(a)(1)) for purposes of titles
18 XIX and XXI of such Act) shall conduct a study on
19 the costs of providing maternity, labor, and delivery
20 services in applicable hospitals (as defined in para-
21 graph (3)) and submit the results of such study to
22 the Secretary of Health and Human Services (re-
23 ferred to in this section as the “Secretary”).

24 (2) CONTENT OF STUDY.—A State study re-
25 quired under paragraph (1) shall include the fol-

1 lowing information (to the extent practicable) with
2 respect to maternity, labor, and delivery services fur-
3 nished by applicable hospitals located in the State:

4 (A) An estimate of the cost of providing
5 maternity, labor, and delivery services at appli-
6 cable hospitals, based on the expenditures a
7 representative sample of such hospitals incurred
8 for providing such services during the 2 most
9 recent years for which data is available.

10 (B) An estimate of the cost of providing
11 maternity, labor, and delivery services at appli-
12 cable hospitals that ceased providing labor and
13 delivery services within the past 5 years, based
14 on the expenditures a representative sample of
15 such hospitals incurred for providing such serv-
16 ices during the 2 most recent years for which
17 data is available.

18 (C) To the extent data allows, an analysis
19 of the extent to which geographic location, com-
20 munity demographics, and local economic fac-
21 tors (as defined by the Secretary) affect the
22 cost of providing maternity, labor, and delivery
23 services at applicable hospitals, including the
24 cost of services that support the provision of
25 maternity, labor, and delivery services.

1 (D) The amounts applicable hospitals are
2 paid for maternity, labor, and delivery services,
3 by geographic location and hospital size,
4 under—

5 (i) Medicare;

6 (ii) the State Medicaid program, in-
7 cluding payment amounts for such services
8 under fee-for-service payment arrange-
9 ments and under managed care (as appli-
10 cable);

11 (iii) the State CHIP plan, including
12 payment amounts for such services under
13 fee-for-service payment arrangements and
14 under managed care (as applicable); and

15 (iv) private health insurance.

16 (E) A comparative payment rate anal-
17 ysis—

18 (i) comparing payment rates for ma-
19 ternity, labor, and delivery services (inclu-
20 sive of all payments received by applicable
21 hospitals for furnishing maternity, labor,
22 and delivery services) under the State
23 Medicaid fee-for-service program to such
24 payment rates for such services under
25 Medicare (as described in section

1 447.203(b)(3) of title 42, Code of Federal
2 Regulations), other Federally-funded or
3 State-funded programs (including, to the
4 extent data is available, Medicaid managed
5 care rates), and to the payment rates for
6 such services, to the extent data is avail-
7 able, of private health insurers within geo-
8 graphic areas of the State; and

9 (ii) analyzing different payment meth-
10 ods for such services, such as the use of
11 bundled payments, quality incentives, and
12 low-volume adjustments.

13 (F) An evaluation, using such methodology
14 and parameters established by the Secretary, of
15 whether each hospital located in the State that
16 furnishes maternity, labor, and delivery services
17 is expected to experience in the next 3 years
18 significant changes in particular expenditures
19 or types of reimbursement for maternity, labor,
20 and delivery services.

21 (3) APPLICABLE HOSPITAL DEFINED.—For
22 purposes of this subsection, the term “applicable
23 hospital” means any hospital located in a State that
24 meets either of the following criteria:

1 (A) The hospital provides labor and deliv-
2 ery services and more than 50 percent of the
3 hospital's births (in the most recent year for
4 which such data is available) are financed by
5 the Medicaid program or CHIP.

6 (B) The hospital—

7 (i) is located in a rural area (as de-
8 fined by the Federal Office of Rural
9 Health Policy for the purpose of rural
10 health grant programs administered by
11 such Office);

12 (ii) based on the most recent 2 years
13 of data available (as determined by the
14 Secretary), furnished services for less than
15 an average of 300 births per year; and

16 (iii) provides labor and delivery serv-
17 ices.

18 (4) ASSISTANCE TO SMALL HOSPITALS IN COM-
19 PILING COST INFORMATION.—There are appro-
20 priated to the Secretary for fiscal year 2025,
21 \$10,000,000 for the purpose of providing grants and
22 technical assistance to a hospital described in para-
23 graph (3)(B) to enable such hospital to compile de-
24 tailed information for use in the State studies re-

1 required under paragraph (1), to remain available
2 until expended.

3 (5) HHS REPORT ON STATE STUDIES.—For
4 each year in which a State is required to conduct a
5 study under paragraph (1), the Secretary shall issue,
6 not later than 12 months after the date on which
7 the State submits to the Secretary the data de-
8 scribed in such paragraph, a publicly available re-
9 port that compiles and details the results of such
10 study and includes the information described in
11 paragraph (2).

12 (b) HHS REPORT ON NATIONAL DATA COLLECTION
13 FINDINGS.—Not later than 3 years after the date of en-
14 actment of this Act, the Secretary shall submit to Con-
15 gress, and make publicly available, a report analyzing the
16 first studies conducted by States under subsection (a)(1),
17 including recommendations for improving data collection
18 on the cost of providing maternity, labor, and delivery
19 services.

20 (c) IMPLEMENTATION FUNDING.—In addition to the
21 amount appropriated under subsection (a)(4), there are
22 appropriated, out of any funds in the Treasury not other-
23 wise obligated, \$3,000,000 for fiscal year 2025, to remain
24 available until expended, to the Secretary of Health and

1 Human Services for purposes of implementing this sec-
2 tion.

3 **SEC. 110. MODIFYING CERTAIN DISPROPORTIONATE SHARE**
4 **HOSPITAL ALLOTMENTS.**

5 (a) EXTENDING TENNESSEE DSH ALLOTMENTS.—
6 Section 1923(f)(6)(A)(vi) of the Social Security Act (42
7 U.S.C. 1396r-4(f)(6)(A)(vi)) is amended—

8 (1) in the heading, by striking “2025” and in-
9 serting “2026 AND FOR THE 1ST QUARTER OF FISCAL
10 YEAR 2027”;

11 (2) by striking “fiscal year 2025” and inserting
12 “fiscal year 2026”; and

13 (3) by inserting “, and the DSH allotment for
14 Tennessee for the 1st quarter of fiscal year 2027,
15 shall be \$13,275,000” before the period.

16 (b) ELIMINATING AND DELAYING DSH ALLOTMENT
17 REDUCTIONS.—Section 1923(f) of the Social Security Act
18 (42 U.S.C. 1396r-4(f)) is amended—

19 (1) in paragraph (7)(A)—

20 (A) in clause (i), in the matter preceding
21 subclause (I), by striking “January 1, 2025,”
22 and all that follows through “2027” and insert-
23 ing “January 1, 2027, and ending September
24 30, 2027, and for fiscal year 2028”; and

1 (B) in clause (ii), by striking “January 1,
2 2025,” and all that follows through “2027” and
3 inserting “January 1, 2027, and ending Sep-
4 tember 30, 2027, and for fiscal year 2028”;
5 and

6 (2) in paragraph (8), by striking “2027” and
7 inserting “2028”.

8 **SEC. 111. MODIFYING CERTAIN LIMITATIONS ON DIS-**
9 **PROPORTIONATE SHARE HOSPITAL PAY-**
10 **MENT ADJUSTMENTS UNDER THE MEDICAID**
11 **PROGRAM.**

12 (a) IN GENERAL.—Section 1923(g) of the Social Se-
13 curity Act (42 U.S.C. 1396r-4(g)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A)—

16 (i) in the matter preceding clause (i),
17 by striking “(other than a hospital de-
18 scribed in paragraph (2)(B))”;

19 (ii) in clause (i), by inserting “with
20 respect to such hospital and year” after
21 “described in subparagraph (B)”; and

22 (iii) in clause (ii)—

23 (I) in subclause (I), by striking
24 “and” at the end;

1 (II) in subclause (II), by striking
2 the period and inserting “; and”; and
3 (III) by adding at the end the
4 following new subclause:
5 “(III) payments made under title
6 XVIII or by an applicable plan (as de-
7 fined in section 1862(b)(8)(F)) for
8 such services.”; and
9 (B) in subparagraph (B)—
10 (i) in the matter preceding clause (i),
11 by striking “in this clause are” and insert-
12 ing “in this subparagraph are, with respect
13 to a hospital and a year,”; and
14 (ii) by adding at the end the following
15 new clause:
16 “(iii) Individuals who are eligible for
17 medical assistance under the State plan or
18 under a waiver of such plan and for whom
19 the State plan or waiver is a payor for
20 such services after application of benefits
21 under title XVIII or under an applicable
22 plan (as defined in section 1862(b)(8)(F)),
23 but only if the hospital has in the aggre-
24 gate incurred costs exceeding payments
25 under such State plan, waiver, title XVIII,

1 or applicable plan for such services fur-
2 nished to such individuals during such
3 year.”;

4 (2) by striking paragraph (2);

5 (3) by redesignating paragraph (3) as para-
6 graph (2); and

7 (4) in paragraph (2), as so redesignated, by
8 striking “Notwithstanding paragraph (2) of this
9 subsection (as in effect on October 1, 2021), para-
10 graph (2)” and inserting “Paragraph (2)”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendments made by this section
14 shall apply to payment adjustments made under sec-
15 tion 1923 of the Social Security Act (42 U.S.C.
16 1396r–4) for Medicaid State plan rate years begin-
17 ning on or after the date of enactment of this Act.

18 (2) STATE OPTION TO DISTRIBUTE UNSPENT
19 DSH ALLOTMENTS FROM PRIOR YEARS UP TO MODI-
20 FIED CAP.—

21 (A) IN GENERAL.—If, for any Medicaid
22 State plan rate year that begins on or after Oc-
23 tober 1, 2021, and before the date of enactment
24 of this Act, a State did not spend the full
25 amount of its Federal fiscal year allotment

1 under section 1923 of the Social Security Act
2 (42 U.S.C. 1396r-4) applicable to that State
3 plan rate year, the State may use the unspent
4 portion of such allotment to increase the
5 amount of any payment adjustment made to a
6 hospital for such rate year, provided that—

7 (i) such payment adjustment (as so
8 increased) is consistent with subsection (g)
9 of such section (as amended by this sec-
10 tion); and

11 (ii) the total amount of all payment
12 adjustments for the State plan rate year
13 (as so increased) does not exceed the dis-
14 proportionate share hospital allotment for
15 the State and applicable Federal fiscal
16 year under subsection (f) of such section.

17 (B) NO RECOUPMENT OF PAYMENTS AL-
18 READY MADE TO HOSPITALS.—A State shall not
19 recoup any payment adjustment made by the
20 State to a hospital for a Medicaid State plan
21 rate year described in subparagraph (A) if such
22 payment adjustment is consistent with section
23 1923(g) of such Act (42 U.S.C. 1396r-4(g)) as
24 in effect on October 1, 2021.

1 (C) AUTHORITY TO PERMIT RETROACTIVE
2 MODIFICATION OF STATE PLAN AMENDMENTS
3 TO ALLOW FOR INCREASES.—

4 (i) IN GENERAL.—Subject to para-
5 graph (2), solely for the purpose of allow-
6 ing a State to increase the amount of a
7 payment adjustment to a hospital for a
8 Medicaid State plan rate year described in
9 subparagraph (A) pursuant to this para-
10 graph, a State may retroactively modify a
11 provision of the Medicaid State plan, a
12 waiver of such plan, or a State plan
13 amendment that relates to such rate year
14 and the Secretary may approve such modi-
15 fication.

16 (ii) DEADLINE.—A State may not
17 submit a request for approval of a retro-
18 active modification to a provision of the
19 Medicaid State plan, a waiver of such plan,
20 or a State plan amendment for a Medicaid
21 State plan rate year after the date by
22 which the State is required to submit the
23 independent certified audit for that State
24 plan rate year as required under section

1 1923(j)(2) of the Social Security Act (42
2 U.S.C. 1396r-4(j)(2)).

3 (D) REPORTING.—If a State increases a
4 payment adjustment made to a hospital for a
5 Medicaid State plan rate year pursuant to this
6 paragraph, the State shall include information
7 on such increased payment adjustment as part
8 of the next annual report submitted by the
9 State under section 1923(j)(1) of the Social Se-
10 curity Act (42 U.S.C. 1396r-4(j)(1)).

11 **SEC. 112. ENSURING ACCURATE PAYMENTS TO PHAR-**
12 **MACIES UNDER MEDICAID.**

13 (a) IN GENERAL.—Section 1927(f) of the Social Se-
14 curity Act (42 U.S.C. 1396r-8(f)) is amended—

15 (1) in paragraph (1)(A)—

16 (A) by redesignating clause (ii) as clause
17 (iii); and

18 (B) by striking “and” after the semicolon
19 at the end of clause (i) and all that precedes it
20 through “(1)” and inserting the following:

21 “(1) DETERMINING PHARMACY ACTUAL ACQUI-
22 SITION COSTS.—The Secretary shall conduct a sur-
23 vey of retail community pharmacy drug prices and
24 applicable non-retail pharmacy drug prices to deter-
25 mine national average drug acquisition cost bench-

1 marks (as such term is defined by the Secretary) as
2 follows:

3 “(A) USE OF VENDOR.—The Secretary
4 may contract services for—

5 “(i) with respect to retail community
6 pharmacies, the determination of retail
7 survey prices of the national average drug
8 acquisition cost for covered outpatient
9 drugs that represent a nationwide average
10 of consumer purchase prices for such
11 drugs, net of all discounts, rebates, and
12 other price concessions (to the extent any
13 information with respect to such discounts,
14 rebates, and other price concessions is
15 available) based on a monthly survey of
16 such pharmacies;

17 “(ii) with respect to applicable non-re-
18 tail pharmacies—

19 “(I) the determination of survey
20 prices, separate from the survey prices
21 described in clause (i), of the non-re-
22 tail national average drug acquisition
23 cost for covered outpatient drugs that
24 represent a nationwide average of con-
25 sumer purchase prices for such drugs,

1 net of all discounts, rebates, and other
2 price concessions (to the extent any
3 information with respect to such dis-
4 counts, rebates, and other price con-
5 cessions is available) based on a
6 monthly survey of such pharmacies;
7 and

8 “(II) at the discretion of the Sec-
9 retary, for each type of applicable
10 non-retail pharmacy, the determina-
11 tion of survey prices, separate from
12 the survey prices described in clause
13 (i) or subclause (I) of this clause, of
14 the national average drug acquisition
15 cost for such type of pharmacy for
16 covered outpatient drugs that rep-
17 resent a nationwide average of con-
18 sumer purchase prices for such drugs,
19 net of all discounts, rebates, and other
20 price concessions (to the extent any
21 information with respect to such dis-
22 counts, rebates, and other price con-
23 cessions is available) based on a
24 monthly survey of such pharmacies;
25 and”;

1 (2) in subparagraph (B) of paragraph (1), by
2 striking “subparagraph (A)(ii)” and inserting “sub-
3 paragraph (A)(iii)”;

4 (3) in subparagraph (D) of paragraph (1), by
5 striking clauses (ii) and (iii) and inserting the fol-
6 lowing:

7 “(ii) The vendor must update the Sec-
8 retary no less often than monthly on the
9 survey prices for covered outpatient drugs.

10 “(iii) The vendor must differentiate,
11 in collecting and reporting survey data, for
12 all cost information collected, whether a
13 pharmacy is a retail community pharmacy
14 or an applicable non-retail pharmacy, in-
15 cluding whether such pharmacy is an affil-
16 iate (as defined in subsection (k)(14)),
17 and, in the case of an applicable non-retail
18 pharmacy, which type of applicable non-re-
19 tail pharmacy it is using the relevant phar-
20 macy type indicators included in the guid-
21 ance required by subsection (d)(2) of sec-
22 tion 112 of the Health Improvements, Ex-
23 tenders, and Reauthorizations Act.”;

24 (4) by adding at the end of paragraph (1) the
25 following:

1 “(F) SURVEY REPORTING.—In order to
2 meet the requirement of section 1902(a)(54), a
3 State shall require that any retail community
4 pharmacy or applicable non-retail pharmacy in
5 the State that receives any payment, reimburse-
6 ment, administrative fee, discount, rebate, or
7 other price concession related to the dispensing
8 of covered outpatient drugs to individuals re-
9 ceiving benefits under this title, regardless of
10 whether such payment, reimbursement, admin-
11 istrative fee, discount, rebate, or other price
12 concession is received from the State or a man-
13 aged care entity or other specified entity (as
14 such terms are defined in section
15 1903(m)(9)(D)) directly or from a pharmacy
16 benefit manager or another entity that has a
17 contract with the State or a managed care enti-
18 ty or other specified entity (as so defined), shall
19 respond to surveys conducted under this para-
20 graph.

21 “(G) SURVEY INFORMATION.—Information
22 on national drug acquisition prices obtained
23 under this paragraph shall be made publicly
24 available in a form and manner to be deter-

1 mined by the Secretary and shall include at
2 least the following:

3 “(i) The monthly response rate to the
4 survey including a list of pharmacies not in
5 compliance with subparagraph (F).

6 “(ii) The sampling methodology and
7 number of pharmacies sampled monthly.

8 “(iii) Information on price concessions
9 to pharmacies, including discounts, re-
10 bates, and other price concessions, to the
11 extent that such information may be pub-
12 licly released and has been collected by the
13 Secretary as part of the survey.

14 “(H) PENALTIES.—

15 “(i) IN GENERAL.—Subject to clauses
16 (ii), (iii), and (iv), the Secretary shall en-
17 force the provisions of this paragraph with
18 respect to a pharmacy through the estab-
19 lishment of civil money penalties applicable
20 to a retail community pharmacy or an ap-
21 plicable non-retail pharmacy.

22 “(ii) BASIS FOR PENALTIES.—The
23 Secretary shall impose a civil money pen-
24 alty established under this subparagraph

1 on a retail community pharmacy or appli-
2 cable non-retail pharmacy if—

3 “(I) the retail pharmacy or appli-
4 cable non-retail pharmacy refuses or
5 otherwise fails to respond to a request
6 for information about prices in con-
7 nection with a survey under this sub-
8 section;

9 “(II) knowingly provides false in-
10 formation in response to such a sur-
11 vey; or

12 “(III) otherwise fails to comply
13 with the requirements established
14 under this paragraph.

15 “(iii) PARAMETERS FOR PEN-
16 ALTIES.—

17 “(I) IN GENERAL.—A civil money
18 penalty established under this sub-
19 paragraph may be assessed with re-
20 spect to each violation, and with re-
21 spect to each non-compliant retail
22 community pharmacy (including a
23 pharmacy that is part of a chain) or
24 non-compliant applicable non-retail
25 pharmacy (including a pharmacy that

1 is part of a chain), in an amount not
2 to exceed \$100,000 for each such vio-
3 lation.

4 “(II) CONSIDERATIONS.—In de-
5 termining the amount of a civil money
6 penalty imposed under this subpara-
7 graph, the Secretary may consider the
8 size, business structure, and type of
9 pharmacy involved, as well as the type
10 of violation and other relevant factors,
11 as determined appropriate by the Sec-
12 retary.

13 “(iv) RULE OF APPLICATION.—The
14 provisions of section 1128A (other than
15 subsections (a) and (b)) shall apply to a
16 civil money penalty under this subpara-
17 graph in the same manner as such provi-
18 sions apply to a civil money penalty or pro-
19 ceeding under section 1128A(a).

20 “(I) LIMITATION ON USE OF APPLICABLE
21 NON-RETAIL PHARMACY PRICING INFORMA-
22 TION.—No State shall use pricing information
23 reported by applicable non-retail pharmacies
24 under subparagraph (A)(ii) to develop or inform

1 payment methodologies for retail community
2 pharmacies.”;

3 (5) in paragraph (2)—

4 (A) in subparagraph (A), by inserting “,
5 including payment rates and methodologies for
6 determining ingredient cost reimbursement
7 under managed care entities or other specified
8 entities (as such terms are defined in section
9 1903(m)(9)(D)),” after “under this title”; and

10 (B) in subparagraph (B), by inserting
11 “and the basis for such dispensing fees” before
12 the semicolon;

13 (6) by redesignating paragraph (4) as para-
14 graph (5);

15 (7) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) OVERSIGHT.—

18 “(A) IN GENERAL.—The Inspector General
19 of the Department of Health and Human Serv-
20 ices shall conduct periodic studies of the survey
21 data reported under this subsection, as appro-
22 priate, including with respect to substantial
23 variations in acquisition costs or other applica-
24 ble costs, as well as with respect to how internal
25 transfer prices and related party transactions

1 may influence the costs reported by pharmacies
2 that are affiliates (as defined in subsection
3 (k)(14)) or are owned by, controlled by, or re-
4 lated under a common ownership structure with
5 a wholesaler, distributor, or other entity that
6 acquires covered outpatient drugs relative to
7 costs reported by pharmacies not affiliated with
8 such entities. The Inspector General shall pro-
9 vide periodic updates to Congress on the results
10 of such studies, as appropriate, in a manner
11 that does not disclose trade secrets or other
12 proprietary information.

13 “(B) APPROPRIATION.—There is appro-
14 priated to the Inspector General of the Depart-
15 ment of Health and Human Services, out of
16 any money in the Treasury not otherwise ap-
17 propriated, \$5,000,000 for fiscal year 2025, to
18 remain available until expended, to carry out
19 this paragraph.”; and

20 (8) in paragraph (5), as so redesignated—

21 (A) by inserting “, and \$9,000,000 for fis-
22 cal year 2025 and each fiscal year thereafter,”
23 after “2010”; and

24 (B) by inserting “Funds appropriated
25 under this paragraph for fiscal year 2025 and

1 any subsequent fiscal year shall remain avail-
2 able until expended.” after the period.

3 (b) DEFINITIONS.—Section 1927(k) of the Social Se-
4 curity Act (42 U.S.C. 1396r–8(k)) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “In the section” and inserting “In this sec-
7 tion”; and

8 (2) by adding at the end the following new
9 paragraphs:

10 “(12) APPLICABLE NON-RETAIL PHARMACY.—

11 The term ‘applicable non-retail pharmacy’ means a
12 pharmacy that is licensed as a pharmacy by the
13 State and that is not a retail community pharmacy,
14 including a pharmacy that dispenses prescription
15 medications to patients primarily through mail and
16 specialty pharmacies. Such term does not include
17 nursing home pharmacies, long-term care facility
18 pharmacies, hospital pharmacies, clinics, charitable
19 or not-for-profit pharmacies, government phar-
20 macies, or low dispensing pharmacies (as defined by
21 the Secretary).

22 “(13) AFFILIATE.—The term ‘affiliate’ means
23 any entity that is owned by, controlled by, or related
24 under a common ownership structure with a phar-
25 macy benefit manager or a managed care entity or

1 other specified entity (as such terms are defined in
2 section 1903(m)(9)(D)).”.

3 (c) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the amendments made by this section shall take ef-
6 fect on the first day of the first quarter that begins
7 on or after the date that is 6 months after the date
8 of enactment of this Act.

9 (2) DELAYED APPLICATION TO APPLICABLE
10 NON-RETAIL PHARMACIES.—The pharmacy survey
11 requirements established by the amendments to sec-
12 tion 1927(f) of the Social Security Act (42 U.S.C.
13 1396r–8(f)) made by this section shall apply to re-
14 tail community pharmacies beginning on the effec-
15 tive date described in paragraph (1), but shall not
16 apply to applicable non-retail pharmacies until the
17 first day of the first quarter that begins on or after
18 the date that is 18 months after the date of enact-
19 ment of this Act.

20 (d) IDENTIFICATION OF APPLICABLE NON-RETAIL
21 PHARMACIES.—

22 (1) IN GENERAL.—Not later than January 1,
23 2026, the Secretary of Health and Human Services
24 shall, in consultation with stakeholders as appro-
25 priate, publish guidance specifying pharmacies that

1 meet the definition of applicable non-retail phar-
2 macies (as such term is defined in subsection
3 (k)(12) of section 1927 of the Social Security Act
4 (42 U.S.C. 1396r-8), as added by subsection (b)),
5 and that will be subject to the survey requirements
6 under subsection (f)(1) of such section, as amended
7 by subsection (a).

8 (2) INCLUSION OF PHARMACY TYPE INDICA-
9 TORS.—The guidance published under paragraph (1)
10 shall include pharmacy type indicators to distinguish
11 between different types of applicable non-retail phar-
12 macies, such as pharmacies that dispense prescrip-
13 tions primarily through the mail and pharmacies
14 that dispense prescriptions that require special han-
15 dling or distribution. An applicable non-retail phar-
16 macy may be identified through multiple pharmacy
17 type indicators.

18 (e) IMPLEMENTATION.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, the Secretary of Health and
21 Human Services may implement the amendments
22 made by this section by program instruction or oth-
23 erwise.

24 (2) NONAPPLICATION OF ADMINISTRATIVE PRO-
25 CEDURE ACT.—Implementation of the amendments

1 made by this section shall be exempt from the re-
2 quirements of section 553 of title 5, United States
3 Code.

4 (f) NONAPPLICATION OF PAPERWORK REDUCTION
5 ACT.—Chapter 35 of title 44, United States Code, shall
6 not apply to any data collection undertaken by the Sec-
7 retary of Health and Human Services under section
8 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)),
9 as amended by this section.

10 **SEC. 113. PREVENTING THE USE OF ABUSIVE SPREAD PRIC-**
11 **ING IN MEDICAID.**

12 (a) IN GENERAL.—Section 1927 of the Social Secu-
13 rity Act (42 U.S.C. 1396r–8) is amended—

14 (1) in subsection (e), by adding at the end the
15 following new paragraph:

16 “(6) TRANSPARENT PRESCRIPTION DRUG PASS-
17 THROUGH PRICING REQUIRED.—

18 “(A) IN GENERAL.—A contract between
19 the State and a pharmacy benefit manager (re-
20 ferred to in this paragraph as a ‘PBM’), or a
21 contract between the State and a managed care
22 entity or other specified entity (as such terms
23 are defined in section 1903(m)(9)(D) and col-
24 lectively referred to in this paragraph as the
25 ‘entity’) that includes provisions making the en-

1 tity responsible for coverage of covered out-
2 patient drugs dispensed to individuals enrolled
3 with the entity, shall require that payment for
4 such drugs and related administrative services
5 (as applicable), including payments made by a
6 PBM on behalf of the State or entity, is based
7 on a transparent prescription drug pass-
8 through pricing model under which—

9 “(i) any payment made by the entity
10 or the PBM (as applicable) for such a
11 drug—

12 “(I) is limited to—

13 “(aa) ingredient cost; and

14 “(bb) a professional dis-
15 pensing fee that is not less than
16 the professional dispensing fee
17 that the State would pay if the
18 State were making the payment
19 directly in accordance with the
20 State plan;

21 “(II) is passed through in its en-
22 tirety (except as reduced under Fed-
23 eral or State laws and regulations in
24 response to instances of waste, fraud,
25 or abuse) by the entity or PBM to the

1 pharmacy or provider that dispenses
2 the drug; and

3 “(III) is made in a manner that
4 is consistent with sections 447.502,
5 447.512, 447.514, and 447.518 of
6 title 42, Code of Federal Regulations
7 (or any successor regulation) as if
8 such requirements applied directly to
9 the entity or the PBM, except that
10 any payment by the entity or the
11 PBM for the ingredient cost of such
12 drug purchased by a covered entity
13 (as defined in subsection (a)(5)(B))
14 may exceed the actual acquisition cost
15 (as defined in 447.502 of title 42,
16 Code of Federal Regulations, or any
17 successor regulation) for such drug
18 if—

19 “(aa) such drug was subject
20 to an agreement under section
21 340B of the Public Health Serv-
22 ice Act;

23 “(bb) such payment for the
24 ingredient cost of such drug does
25 not exceed the maximum pay-

1 ment that would have been made
2 by the entity or the PBM for the
3 ingredient cost of such drug if
4 such drug had not been pur-
5 chased by such covered entity;
6 and

7 “(cc) such covered entity re-
8 ports to the Secretary (in a form
9 and manner specified by the Sec-
10 retary), on an annual basis and
11 with respect to payments for the
12 ingredient costs of such drugs so
13 purchased by such covered entity
14 that are in excess of the actual
15 acquisition costs for such drugs,
16 the aggregate amount of such ex-
17 cess;

18 “(ii) payment to the entity or the
19 PBM (as applicable) for administrative
20 services performed by the entity or PBM is
21 limited to an administrative fee that re-
22 flects the fair market value (as defined by
23 the Secretary) of such services;

24 “(iii) the entity or the PBM (as appli-
25 cable) makes available to the State, and

1 the Secretary upon request in a form and
2 manner specified by the Secretary, all costs
3 and payments related to covered outpatient
4 drugs and accompanying administrative
5 services (as described in clause (ii)) in-
6 curred, received, or made by the entity or
7 the PBM, broken down (as specified by the
8 Secretary), to the extent such costs and
9 payments are attributable to an individual
10 covered outpatient drug, by each such
11 drug, including any ingredient costs, pro-
12 fessional dispensing fees, administrative
13 fees (as described in clause (ii)), post-sale
14 and post-invoice fees, discounts, or related
15 adjustments such as direct and indirect re-
16 munerations fees, and any and all other re-
17 munerations, as defined by the Secretary;
18 and

19 “(iv) any form of spread pricing
20 whereby any amount charged or claimed by
21 the entity or the PBM (as applicable) that
22 exceeds the amount paid to the pharmacies
23 or providers on behalf of the State or enti-
24 ty, including any post-sale or post-invoice
25 fees, discounts, or related adjustments

1 such as direct and indirect remuneration
2 fees or assessments, as defined by the Sec-
3 retary, (after allowing for an administra-
4 tive fee as described in clause (ii)) is not
5 allowable for purposes of claiming Federal
6 matching payments under this title.

7 “(B) PUBLICATION OF INFORMATION.—
8 The Secretary shall publish, not less frequently
9 than on an annual basis and in a manner that
10 does not disclose the identity of a particular
11 covered entity or organization, information re-
12 ceived by the Secretary pursuant to subpara-
13 graph (A)(iii)(III) that is broken out by State
14 and by each of the following categories of cov-
15 ered entity within each such State:

16 “(i) Covered entities described in sub-
17 paragraph (A) of section 340B(a)(4) of the
18 Public Health Service Act.

19 “(ii) Covered entities described in sub-
20 paragraphs (B) through (K) of such sec-
21 tion.

22 “(iii) Covered entities described in
23 subparagraph (L) of such section.

24 “(iv) Covered entities described in
25 subparagraph (M) of such section.

1 “(v) Covered entities described in sub-
2 paragraph (N) of such section.

3 “(vi) Covered entities described in
4 subparagraph (O) of such section.”; and

5 (2) in subsection (k), as previously amended by
6 this title, by adding at the end the following new
7 paragraph:

8 “(14) PHARMACY BENEFIT MANAGER.—The
9 term ‘pharmacy benefit manager’ means any person
10 or entity that, either directly or through an inter-
11 mediary, acts as a price negotiator or group pur-
12 chaser on behalf of a State, managed care entity (as
13 defined in section 1903(m)(9)(D)), or other specified
14 entity (as so defined), or manages the prescription
15 drug benefits provided by a State, managed care en-
16 tity, or other specified entity, including the proc-
17 essing and payment of claims for prescription drugs,
18 the performance of drug utilization review, the proc-
19 essing of drug prior authorization requests, the man-
20 aging of appeals or grievances related to the pre-
21 scription drug benefits, contracting with pharmacies,
22 controlling the cost of covered outpatient drugs, or
23 the provision of services related thereto. Such term
24 includes any person or entity that acts as a price ne-
25 gotiator (with regard to payment amounts to phar-

1 macies and providers for a covered outpatient drug
2 or the net cost of the drug) or group purchaser on
3 behalf of a State, managed care entity, or other
4 specified entity or that carries out 1 or more of the
5 other activities described in the preceding sentence,
6 irrespective of whether such person or entity calls
7 itself a pharmacy benefit manager.”.

8 (b) CONFORMING AMENDMENTS.—Section 1903(m)
9 of such Act (42 U.S.C. 1396b(m)) is amended—

10 (1) in paragraph (2)(A)(xiii)—

11 (A) by striking “and (III)” and inserting
12 “(III)”;

13 (B) by inserting before the period at the
14 end the following: “, and (IV) if the contract in-
15 cludes provisions making the entity responsible
16 for coverage of covered outpatient drugs, the
17 entity shall comply with the requirements of
18 section 1927(e)(6)”;

19 (C) by moving the margin 2 ems to the
20 left; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(10) No payment shall be made under this
24 title to a State with respect to expenditures incurred
25 by the State for payment for services provided by an

1 other specified entity (as defined in paragraph
2 (9)(D)(iii)) unless such services are provided in ac-
3 cordance with a contract between the State and such
4 entity which satisfies the requirements of paragraph
5 (2)(A)(xiii).”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to contracts between States and
8 managed care entities, other specified entities, or phar-
9 macy benefit managers that have an effective date begin-
10 ning on or after the date that is 18 months after the date
11 of enactment of this Act.

12 (d) IMPLEMENTATION.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, the Secretary of Health and
15 Human Services may implement the amendments
16 made by this section by program instruction or oth-
17 erwise.

18 (2) NONAPPLICATION OF ADMINISTRATIVE PRO-
19 CEDURE ACT.—Implementation of the amendments
20 made by this section shall be exempt from the re-
21 quirements of section 553 of title 5, United States
22 Code.

23 (e) NONAPPLICATION OF PAPERWORK REDUCTION
24 ACT.—Chapter 35 of title 44, United States Code, shall
25 not apply to any data collection undertaken by the Sec-

1 retary of Health and Human Services under section
2 1927(e) of the Social Security Act (42 U.S.C. 1396r–
3 8(e)), as amended by this section.

4 **TITLE II—MEDICARE**

5 **SEC. 201. EXTENSION OF INCREASED INPATIENT HOSPITAL** 6 **PAYMENT ADJUSTMENT FOR CERTAIN LOW-** 7 **VOLUME HOSPITALS.**

8 (a) IN GENERAL.—Section 1886(d)(12) of the Social
9 Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

10 (1) in subparagraph (B), in the matter pre-
11 ceding clause (i), by striking “fiscal year 2025 be-
12 ginning on January 1, 2025, and ending on Sep-
13 tember 30, 2025, and in fiscal year 2026” and in-
14 serting “fiscal year 2026 beginning on January 1,
15 2026, and ending on September 30, 2026, and in
16 fiscal year 2027”;

17 (2) in subparagraph (C)(i)—

18 (A) in the matter preceding subclause

19 (I)—

20 (i) by striking “through 2024” and
21 inserting “through 2025”;

22 (ii) by striking “fiscal year 2025” and
23 inserting “fiscal year 2026”;

24 (iii) by striking “October 1, 2024”
25 and inserting “October 1, 2025”; and

1 (iv) by striking “December 31, 2024”
2 and inserting “December 31, 2025”;

3 (B) in subclause (III)—

4 (i) by striking “through 2024” and
5 inserting “through 2025”;

6 (ii) by striking “fiscal year 2025” and
7 inserting “fiscal year 2026”;

8 (iii) by striking “October 1, 2024”
9 and inserting “October 1, 2025”; and

10 (iv) by striking “December 31, 2024”
11 and inserting “December 31, 2025”; and

12 (C) in subclause (IV)—

13 (i) by striking “fiscal year 2025” and
14 inserting “fiscal year 2026”;

15 (ii) by striking “January 1, 2025”
16 and inserting “January 1, 2026”;

17 (iii) by striking “September 30,
18 2025” and inserting “September 30,
19 2026”; and

20 (iv) by striking “fiscal year 2026”
21 and inserting “fiscal year 2027”; and

22 (3) in subparagraph (D)—

23 (A) in the matter preceding clause (i)—

24 (i) by striking “through 2024” and
25 inserting “through 2025”;

1 (ii) by striking “fiscal year 2025” and
2 inserting “fiscal year 2026”;

3 (iii) by striking “October 1, 2024”
4 and inserting “October 1, 2025”; and

5 (iv) by striking “December 31, 2024”
6 and inserting “December 31, 2025”; and

7 (B) in clause (ii)—

8 (i) by striking “through 2024” and
9 inserting “through 2025”;

10 (ii) by striking “fiscal year 2025” and
11 inserting “fiscal year 2026”;

12 (iii) by striking “October 1, 2024”
13 and inserting “October 1, 2025”; and

14 (iv) by striking “December 31, 2024”
15 and inserting “December 31, 2025”.

16 (b) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary of Health and Human
18 Services may implement the amendments made by this
19 section by program instruction or otherwise.

20 **SEC. 202. EXTENSION OF THE MEDICARE-DEPENDENT HOS-**
21 **PITAL (MDH) PROGRAM.**

22 (a) IN GENERAL.—Section 1886(d)(5)(G) of the So-
23 cial Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amend-
24 ed—

1 (1) in clause (i), by striking “January 1, 2025”
2 and inserting “January 1, 2026”; and

3 (2) in clause (ii)(II), by striking “January 1,
4 2025” and inserting “January 1, 2026”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) IN GENERAL.—Section 1886(b)(3)(D) of
7 the Social Security Act (42 U.S.C.
8 1395ww(b)(3)(D)) is amended—

9 (A) in the matter preceding clause (i), by
10 striking “January 1, 2025” and inserting “Jan-
11 uary 1, 2026”; and

12 (B) in clause (iv)—

13 (i) by striking “fiscal year 2024” and
14 inserting “fiscal year 2025”;

15 (ii) by striking “fiscal year 2025” and
16 inserting “fiscal year 2026”;

17 (iii) by striking “October 1, 2024”
18 and inserting “October 1, 2025”; and

19 (iv) by striking “December 31, 2024”
20 and inserting “December 31, 2025”.

21 (2) PERMITTING HOSPITALS TO DECLINE RE-
22 CLASSIFICATION.—Section 13501(e)(2) of the Omni-
23 bus Budget Reconciliation Act of 1993 (42 U.S.C.
24 1395ww note) is amended—

1 (A) by striking “through 2024” and insert-
2 ing “through 2025”;

3 (B) by striking “fiscal year 2025” and in-
4 serting “fiscal year 2026”;

5 (C) by striking “October 1, 2024” and in-
6 serting “October 1, 2025”; and

7 (D) by striking “December 31, 2024” and
8 inserting “December 31, 2025”.

9 **SEC. 203. EXTENSION OF ADD-ON PAYMENTS FOR AMBU-**
10 **LANCE SERVICES.**

11 Section 1834(l) of the Social Security Act (42 U.S.C.
12 1395m(l)) is amended—

13 (1) in paragraph (12)(A), by striking “January
14 1, 2025” and inserting “January 1, 2027”; and

15 (2) in paragraph (13), by striking “January 1,
16 2025” each place it appears and inserting “January
17 1, 2027” in each such place.

18 **SEC. 204. EXTENDING INCENTIVE PAYMENTS FOR PARTICI-**
19 **PATION IN ELIGIBLE ALTERNATIVE PAYMENT**
20 **MODELS.**

21 (a) IN GENERAL.—Section 1833(z) of the Social Se-
22 curity Act (42 U.S.C. 1395l(z)) is amended—

23 (1) in paragraph (1)(A)—

24 (A) by striking “with 2026” and inserting
25 “with 2027”; and

1 (B) by inserting “, or, with respect to
2 2027, 3.53 percent” after “1.88 percent”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (B)—

5 (i) in the heading, by striking “2026”
6 and inserting “2027”; and

7 (ii) in the matter preceding clause (i),
8 by striking “2026” and inserting “2027”;

9 (B) in subparagraph (C)—

10 (i) in the heading, by striking “2027”
11 and inserting “2028”; and

12 (ii) in the matter preceding clause (i),
13 by striking “2027” and inserting “2028”;

14 and

15 (C) in subparagraph (D), by striking “and
16 2026” and inserting “2026, and 2027”; and

17 (3) in paragraph (4)(B), by inserting “or, with
18 respect to 2027, 3.53 percent” after “1.88 percent”.

19 (b) CONFORMING AMENDMENTS.—Section
20 1848(q)(1)(C)(iii) of the Social Security Act (42 U.S.C.
21 1395w-4(q)(1)(C)(iii)) is amended—

22 (1) in subclause (II), by striking “2026” and
23 inserting “2027”; and

24 (2) in subclause (III), by striking “2027” and
25 inserting “2028”.

1 **SEC. 205. TEMPORARY PAYMENT INCREASE UNDER THE**
2 **MEDICARE PHYSICIAN FEE SCHEDULE TO AC-**
3 **COUNT FOR EXCEPTIONAL CIRCUMSTANCES.**

4 (a) IN GENERAL.—Section 1848(t)(1) of the Social
5 Security Act (42 U.S.C. 1395w– 4(t)(1)) is amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(F) such services furnished on or after
13 January 1, 2025, and before January 1, 2026,
14 by 2.5 percent.”.

15 (b) CONFORMING AMENDMENT.—Section
16 1848(c)(2)(B)(iv)(V) is amended by striking “or 2024”
17 and inserting “2024, or 2025”.

18 **SEC. 206. EXTENSION OF FUNDING FOR QUALITY MEASURE**
19 **ENDORSEMENT, INPUT, AND SELECTION.**

20 Section 1890(d)(2) of the Social Security Act (42
21 U.S.C. 1395aaa(d)(2)) is amended—

22 (1) in the first sentence—

23 (A) by striking “and \$9,000,000” and in-
24 serting “\$9,000,000”; and

25 (B) by inserting “, and \$5,000,000 for the
26 period beginning on January 1, 2025, and end-

1 ing on December 31, 2025” after “December
2 31, 2024”; and

3 (2) in the third sentence—

4 (A) by striking “and the period” and in-
5 serting “, the period”;

6 (B) by inserting “and the period beginning
7 on January 1, 2025, and ending on December
8 31, 2025,” after “December 31, 2024,”; and

9 (C) by inserting “or period” after “pre-
10 ceding fiscal year”.

11 **SEC. 207. EXTENSION OF FUNDING OUTREACH AND ASSIST-**
12 **ANCE FOR LOW-INCOME PROGRAMS.**

13 (a) STATE HEALTH INSURANCE ASSISTANCE PRO-
14 GRAMS.—Subsection (a)(1)(B) of section 119 of the Medi-
15 care Improvements for Patients and Providers Act of 2008
16 (42 U.S.C. 1395b–3 note) is amended—

17 (1) in clause (xiii), by striking “and” at the
18 end;

19 (2) in clause (xiv), by striking the period and
20 inserting “; and”; and

21 (3) by inserting after clause (xiv) the following
22 new clause:

23 “(xv) for the period beginning on Jan-
24 uary 1, 2025, and ending on December 31,
25 2026, \$30,000,000.”.

1 (b) AREA AGENCIES ON AGING.—Subsection
2 (b)(1)(B) of such section 119 is amended—

3 (1) in clause (xiii), by striking “and” at the
4 end;

5 (2) in clause (xiv), by striking the period and
6 inserting “; and”; and

7 (3) by inserting after clause (xiv) the following
8 new clause:

9 “(xv) for the period beginning on Jan-
10 uary 1, 2025, and ending on December 31,
11 2026, \$30,000,000.”.

12 (c) AGING AND DISABILITY RESOURCE CENTERS.—
13 Subsection (c)(1)(B) of such section 119 is amended—

14 (1) in clause (xiii), by striking “and” at the
15 end;

16 (2) in clause (xiv), by striking the period and
17 inserting “; and”; and

18 (3) by inserting after clause (xiv) the following
19 new clause:

20 “(xv) for the period beginning on Jan-
21 uary 1, 2025, and ending on December 31,
22 2026, \$10,000,000.”.

23 (d) COORDINATION OF EFFORTS TO INFORM OLDER
24 AMERICANS ABOUT BENEFITS AVAILABLE UNDER FED-

1 ERAL AND STATE PROGRAMS.—Subsection (d)(2) of such
2 section 119 is amended—

3 (1) in clause (xiii), by striking “and” at the
4 end;

5 (2) in clause (xiv), by striking the period and
6 inserting “; and”; and

7 (3) by inserting after clause (xiv) the following
8 new clause:

9 “(xv) for the period beginning on Jan-
10 uary 1, 2025, and ending on December 31,
11 2026, \$30,000,000.”.

12 **SEC. 208. EXTENSION OF THE WORK GEOGRAPHIC INDEX**
13 **FLOOR.**

14 Section 1848(e)(1)(E) of the Social Security Act (42
15 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “Janu-
16 ary 1, 2025” and inserting “January 1, 2026”.

17 **SEC. 209. EXTENSION OF CERTAIN TELEHEALTH FLEXIBILI-**
18 **TIES.**

19 (a) REMOVING GEOGRAPHIC REQUIREMENTS AND
20 EXPANDING ORIGINATING SITES FOR TELEHEALTH
21 SERVICES.—Section 1834(m) of the Social Security Act
22 (42 U.S.C. 1395m(m)) is amended—

23 (1) in paragraph (2)(B)(iii), by striking “end-
24 ing December 31, 2024” and inserting “ending De-
25 cember 31, 2026”; and

1 (2) in paragraph (4)(C)(iii), by striking “ending
2 on December 31, 2024” and inserting “ending on
3 December 31, 2026”.

4 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-
5 NISH TELEHEALTH SERVICES.—Section 1834(m)(4)(E)
6 of the Social Security Act (42 U.S.C. 1395m(m)(4)(E))
7 is amended by striking “ending on December 31, 2024”
8 and inserting “ending on December 31, 2026”.

9 (c) EXTENDING TELEHEALTH SERVICES FOR FED-
10 ERALLY QUALIFIED HEALTH CENTERS AND RURAL
11 HEALTH CLINICS.—Section 1834(m)(8) of the Social Se-
12 curity Act (42 U.S.C. 1395m(m)(8)) is amended—

13 (1) in subparagraph (A), by striking “ending on
14 December 31, 2024” and inserting “ending on De-
15 cember 31, 2026”;

16 (2) in subparagraph (B)—

17 (A) in the subparagraph heading, by in-
18 serting “BEFORE 2025” after “RULE”;

19 (B) in clause (i), by striking “during the
20 periods for which subparagraph (A) applies”
21 and inserting “before January 1, 2025”; and

22 (C) in clause (ii), by inserting “furnished
23 to an eligible telehealth individual before Janu-
24 ary 1, 2025” after “telehealth services”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(C) PAYMENT RULE FOR 2025 AND
4 2026.—

5 “(i) IN GENERAL.—A telehealth serv-
6 ice furnished to an eligible telehealth indi-
7 vidual by a Federally qualified health cen-
8 ter or rural health clinic on or after Janu-
9 ary 1, 2025, and before January 1, 2027,
10 shall be paid as a Federally qualified
11 health center service or rural health clinic
12 service (as applicable) under the prospec-
13 tive payment system established under sec-
14 tion 1834(o) or the methodology for all-in-
15 clusive rates established under section
16 1833(a)(3), respectively.

17 “(ii) TREATMENT OF COSTS.—Costs
18 associated with the furnishing of telehealth
19 services by a Federally qualified health
20 center or rural health clinic on or after
21 January 1, 2025, and before January 1,
22 2027, shall be considered allowable costs
23 for purposes of the prospective payment
24 system established under section 1834(o)
25 and the methodology for all-inclusive rates

1 established under section 1833(a)(3), as
2 applicable.

3 “(iii) REQUIRING MODIFIERS.—Not
4 later than July 1, 2025, the Secretary
5 shall establish requirements to include 1 or
6 more codes or modifiers, as determined ap-
7 propriate by the Secretary, in the case of
8 claims for telehealth services furnished to
9 an eligible telehealth individual by a Feder-
10 ally qualified health center or rural health
11 clinic.”.

12 (d) DELAYING THE IN-PERSON REQUIREMENTS
13 UNDER MEDICARE FOR MENTAL HEALTH SERVICES
14 FURNISHED THROUGH TELEHEALTH AND TELE-
15 COMMUNICATIONS TECHNOLOGY.—

16 (1) DELAY IN REQUIREMENTS FOR MENTAL
17 HEALTH SERVICES FURNISHED THROUGH TELE-
18 HEALTH.—Section 1834(m)(7)(B)(i) of the Social
19 Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is
20 amended, in the matter preceding subclause (I), by
21 striking “on or after” and all that follows through
22 “described in section 1135(g)(1)(B))” and inserting
23 “on or after January 1, 2027”.

24 (2) MENTAL HEALTH VISITS FURNISHED BY
25 RURAL HEALTH CLINICS.—Section 1834(y)(2) of the

1 Social Security Act (42 U.S.C. 1395m(y)(2)) is
2 amended by striking “January 1, 2025” and all that
3 follows through the period at the end and inserting
4 “January 1, 2027.”.

5 (3) MENTAL HEALTH VISITS FURNISHED BY
6 FEDERALLY QUALIFIED HEALTH CENTERS.—Section
7 1834(o)(4)(B) of the Social Security Act (42 U.S.C.
8 1395m(o)(4)(B)) is amended by striking “January
9 1, 2025” and all that follows through the period at
10 the end and inserting “January 1, 2027.”.

11 (e) ALLOWING FOR THE FURNISHING OF AUDIO-
12 ONLY TELEHEALTH SERVICES.—Section 1834(m)(9) of
13 the Social Security Act (42 U.S.C. 1395m(m)(9)) is
14 amended by striking “ending on December 31, 2024” and
15 inserting “ending on December 31, 2026”.

16 (f) EXTENDING USE OF TELEHEALTH TO CONDUCT
17 FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION
18 OF ELIGIBILITY FOR HOSPICE CARE.—Section
19 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C.
20 1395f(a)(7)(D)(i)(II)) is amended—

21 (1) by striking “ending on December 31, 2024”
22 and inserting “ending on December 31, 2026”; and

23 (2) by inserting “, except that this subclause
24 shall not apply in the case of such an encounter with
25 an individual occurring on or after January 1, 2025,

1 if such individual is located in an area that is sub-
2 ject to a moratorium on the enrollment of hospice
3 programs under this title pursuant to section
4 1866(j)(7), if such individual is receiving hospice
5 care from a provider that is subject to enhanced
6 oversight under this title pursuant to section
7 1866(j)(3), or if such encounter is performed by a
8 hospice physician or nurse practitioner who is not
9 enrolled under section 1866(j) and is not an opt-out
10 physician or practitioner (as defined in section
11 1802(b)(6)(D))” before the semicolon.

12 (g) REQUIRING MODIFIERS FOR TELEHEALTH SERV-
13 ICES IN CERTAIN INSTANCES.—Section 1834(m) of the
14 Social Security Act (42 U.S.C. 1395m(m)) is amended by
15 adding at the end the following new paragraph:

16 “(10) REQUIRED USE OF MODIFIERS IN CER-
17 TAIN INSTANCES.—Not later than January 1, 2026,
18 the Secretary shall establish requirements to include
19 1 or more codes or modifiers, as determined appro-
20 priate by the Secretary, in the case of—

21 “(A) claims for telehealth services under
22 this subsection that are furnished through a
23 telehealth virtual platform—

1 “(i) by a physician or practitioner
2 that contracts with an entity that owns
3 such virtual platform; or

4 “(ii) for which a physician or practi-
5 tioner has a payment arrangement with an
6 entity for use of such virtual platform; and

7 “(B) claims for telehealth services under
8 this subsection that are furnished incident to a
9 physician’s or practitioner’s professional serv-
10 ice.”.

11 (h) PROGRAM INSTRUCTION AUTHORITY.—The Sec-
12 retary of Health and Human Services may implement the
13 amendments made by this section through program in-
14 struction or otherwise.

15 **SEC. 210. REQUIRING MODIFIER FOR USE OF TELEHEALTH**
16 **TO CONDUCT FACE-TO-FACE ENCOUNTER**
17 **PRIOR TO RECERTIFICATION OF ELIGIBILITY**
18 **FOR HOSPICE CARE.**

19 Section 1814(a)(7)(D)(i)(II) of the Social Security
20 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)), as amended by sec-
21 tion 209(f) of the Health Improvements, Extenders, and
22 Reauthorizations Act, is further amended by inserting “,
23 but only if, in the case of such an encounter occurring
24 on or after January 1, 2026, any hospice claim includes
25 1 or more modifiers or codes (as specified by the Sec-

1 retary) to indicate that such encounter was conducted via
2 telehealth” after “as determined appropriate by the Sec-
3 retary”.

4 **SEC. 211. EXTENDING ACUTE HOSPITAL CARE AT HOME**
5 **WAIVER FLEXIBILITIES.**

6 Section 1866G of the Social Security Act (42 U.S.C.
7 1395cc-7) is amended—

8 (1) in the section heading, by inserting “**THE**
9 **THOMAS R. CARPER, TIM SCOTT, BRAD R.**
10 **WENSTRUP, D.P.M., AND EARL BLUMENAUER**”
11 after “**EXTENSION OF**”;

12 (2) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking “2024” and inserting
15 “2029”; and

16 (ii) by striking “in the Acute Hospital
17 Care at Home initiative of the Secretary”
18 and inserting “in the Thomas R. Carper,
19 Tim Scott, Brad R. Wenstrup, D.P.M.,
20 and Earl Blumenauer Acute Hospital Care
21 at Home initiative of the Secretary (in this
22 section referred to as the ‘Acute Hospital
23 Care at Home initiative’)”;

24 (B) in paragraph (2), by striking “of the
25 Secretary”; and

1 (C) in paragraph (3)(E), by adding at the
2 end the following new flush sentence:

3 “The Secretary may require that such data and
4 information be submitted through a hospital’s
5 cost report, through such survey instruments as
6 the Secretary may develop, through medical
7 record information, or through such other
8 means as the Secretary determines appro-
9 priate.”;

10 (3) in subsection (b)—

11 (A) in the subsection heading, by striking
12 “STUDY” and inserting “INITIAL STUDY”;

13 (B) in paragraph (1)(A), by striking “of
14 the Secretary”; and

15 (C) in paragraph (3), by inserting “or sub-
16 section (c)” before the period at the end;

17 (4) by redesignating subsections (c) and (d) as
18 subsections (d) and (e), respectively; and

19 (5) by inserting after subsection (b) the fol-
20 lowing new subsection:

21 “(c) SUBSEQUENT STUDY AND REPORT.—

22 “(1) IN GENERAL.—Not later than September
23 30, 2028, the Secretary shall conduct a study to—

24 “(A) analyze, to the extent practicable, the
25 criteria established by hospitals under the Acute

1 Hospital Care at Home initiative to determine
2 which individuals may be furnished services
3 under such initiative; and

4 “(B) analyze and compare (both within
5 and between hospitals participating in the ini-
6 tiative, and relative to comparable hospitals
7 that do not participate in the initiative, for rel-
8 evant parameters such as diagnosis-related
9 groups)—

10 “(i) quality of care furnished to indi-
11 viduals with similar conditions and charac-
12 teristics in the inpatient setting and
13 through the Acute Hospital Care at Home
14 initiative, including health outcomes, hos-
15 pital readmission rates (including readmis-
16 sions both within and beyond 30 days post-
17 discharge), hospital mortality rates, length
18 of stay, infection rates, composition of care
19 team (including the types of labor used,
20 such as contracted labor), the ratio of
21 nursing staff, transfers from the hospital
22 to the home, transfers from the home to
23 the hospital (including the timing, fre-
24 quency, and causes of such transfers),
25 transfers and discharges to post-acute care

1 settings (including the timing, frequency,
2 and causes of such transfers and dis-
3 charges), and patient and caregiver experi-
4 ence of care;

5 “(ii) clinical conditions treated and di-
6 agnosis-related groups of discharges from
7 inpatient settings relative to discharges
8 from the Acute Hospital Care at Home ini-
9 tiative;

10 “(iii) costs incurred by the hospital
11 for furnishing care in inpatient settings
12 relative to costs incurred by the hospital
13 for furnishing care through the Acute Hos-
14 pital Care at Home initiative, including
15 costs relating to staffing, equipment, food,
16 prescriptions, and other services, as deter-
17 mined by the Secretary;

18 “(iv) the quantity, mix, and intensity
19 of services (such as in-person visits and
20 virtual contacts with patients and the in-
21 tensity of such services) furnished in inpa-
22 tient settings relative to the Acute Hospital
23 Care at Home initiative, and, to the extent
24 practicable, the nature and extent of family
25 or caregiver involvement;

1 “(v) socioeconomic information on in-
2 dividuals treated in comparable inpatient
3 settings relative to the initiative, including
4 racial and ethnic data, income, housing,
5 geographic proximity to the brick-and-mor-
6 tar facility and whether such individuals
7 are dually eligible for benefits under this
8 title and title XIX; and

9 “(vi) the quality of care, outcomes,
10 costs, quantity and intensity of services,
11 and other relevant metrics between individ-
12 uals who entered into the Acute Hospital
13 Care at Home initiative directly from an
14 emergency department compared with indi-
15 viduals who entered into the Acute Hos-
16 pital Care at Home initiative directly from
17 an existing inpatient stay in a hospital.

18 “(2) SELECTION BIAS.—In conducting the
19 study under paragraph (1), the Secretary shall, to
20 the extent practicable, analyze and compare individ-
21 uals who participate and do not participate in the
22 initiative controlling for selection bias or other fac-
23 tors that may impact the reliability of data.

24 “(3) REPORT.—Not later than September 30,
25 2028, the Secretary of Health and Human Services

1 shall post on a website of the Centers for Medicare
2 & Medicaid Services a report on the study conducted
3 under paragraph (1).

4 “(4) FUNDING.—In addition to amounts other-
5 wise available, there is appropriated to the Centers
6 for Medicare & Medicaid Services Program Manage-
7 ment Account for fiscal year 2025, out of any
8 amounts in the Treasury not otherwise appropriated,
9 \$6,000,000, respectively, to remain available until
10 expended, for purposes of carrying out this section.”.

11 **SEC. 212. ENHANCING CERTAIN PROGRAM INTEGRITY RE-**
12 **QUIREMENTS FOR DME UNDER MEDICARE.**

13 (a) DURABLE MEDICAL EQUIPMENT.—

14 (1) IN GENERAL.—Section 1834(a) of the So-
15 cial Security Act (42 U.S.C. 1395m(a)) is amended
16 by adding at the end the following new paragraph:

17 “(23) MASTER LIST INCLUSION AND CLAIM RE-
18 VIEW FOR CERTAIN ITEMS.—

19 “(A) MASTER LIST INCLUSION.—Begin-
20 ning January 1, 2028, for purposes of the Mas-
21 ter List described in section 414.234(b) of title
22 42, Code of Federal Regulations (or any suc-
23 cessor regulation), an item for which payment
24 may be made under this subsection shall be
25 treated as having aberrant billing patterns (as

1 such term is used for purposes of such section)
2 if the Secretary determines that, without ex-
3 planatory contributing factors (such as fur-
4 nishing emergent care services), a substantial
5 number of claims for such items under this sub-
6 section are for such items ordered by a physi-
7 cian or practitioner who has not previously
8 (during a period of not less than 24 months, as
9 established by the Secretary) furnished to the
10 individual involved any item or service for which
11 payment may be made under this title.

12 “(B) CLAIM REVIEW.—With respect to
13 items furnished on or after January 1, 2028,
14 that are included on the Master List pursuant
15 to subparagraph (A), if such an item is not sub-
16 ject to a determination of coverage in advance
17 pursuant to paragraph (15)(C), the Secretary
18 may conduct prepayment review of claims for
19 payment for such item.”.

20 (2) CONFORMING AMENDMENT FOR PROS-
21 THETIC DEVICES, ORTHOTICS, AND PROSTHETICS.—
22 Section 1834(h)(3) of the Social Security Act (42
23 U.S.C. 1395m(h)(3)) is amended by inserting “, and
24 paragraph (23) of subsection (a) shall apply to pros-
25 thetic devices, orthotics, and prosthetics in the same

1 manner as such provision applies to items for which
2 payment may be made under such subsection” be-
3 fore the period at the end.

4 (b) REPORT ON IDENTIFYING CLINICAL DIAGNOSTIC
5 LABORATORY TESTS AT HIGH RISK FOR FRAUD AND EF-
6 FECTIVE MITIGATION MEASURES.—Not later than Janu-
7 ary 1, 2026, the Inspector General of the Department of
8 Health and Human Services shall submit to Congress a
9 report assessing fraud risks relating to claims for clinical
10 diagnostic laboratory tests for which payment may be
11 made under section 1834A of the Social Security Act (42
12 U.S.C. 1395m–1) and effective tools for reducing such
13 fraudulent claims. The report may include information re-
14 garding—

15 (1) which, if any, clinical diagnostic laboratory
16 tests are identified as being at high risk of fraudu-
17 lent claims, and an analysis of the factors that con-
18 tribute to such risk;

19 (2) with respect to a clinical diagnostic labora-
20 tory test identified under paragraph (1) as being at
21 high risk of fraudulent claims—

22 (A) the amount payable under such section
23 1834A with respect to such test;

24 (B) the number of such tests furnished to
25 individuals enrolled under part B of title XVIII

1 of the Social Security Act (42 U.S.C. 1395j et
2 seq.);

3 (C) whether an order for such a test was
4 more likely to come from a provider with whom
5 the individual involved did not have a prior re-
6 lationship, as determined on the basis of prior
7 payment experience; and

8 (D) the frequency with which a claim for
9 payment under such section 1834A included the
10 payment modifier identified by code 59 or 91;
11 and

12 (3) suggested strategies for reducing the num-
13 ber of fraudulent claims made with respect to tests
14 so identified as being at high risk, including—

15 (A) an analysis of whether the Centers for
16 Medicare & Medicaid Services can detect aber-
17 rant billing patterns with respect to such tests
18 in a timely manner;

19 (B) any strategies for identifying and mon-
20 itoring the providers who are outliers with re-
21 spect to the number of such tests that such pro-
22 viders order; and

23 (C) targeted education efforts to mitigate
24 improper billing for such tests; and

1 (4) such other information as the Inspector
2 General determines appropriate.

3 **SEC. 213. GUIDANCE ON FURNISHING SERVICES VIA TELE-**
4 **HEALTH TO INDIVIDUALS WITH LIMITED**
5 **ENGLISH PROFICIENCY.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this section, the Secretary of
8 Health and Human Services, in consultation with 1 or
9 more entities from each of the categories described in
10 paragraphs (1) through (7) of subsection (b), shall issue
11 and disseminate, or update and revise as applicable, guid-
12 ance for the entities described in such subsection on the
13 following:

14 (1) Best practices on facilitating and inte-
15 grating use of interpreters during a telemedicine ap-
16 pointment.

17 (2) Best practices on providing accessible in-
18 structions on how to access telecommunications sys-
19 tems (as such term is used for purposes of section
20 1834(m) of the Social Security Act (42 U.S.C.
21 1395m(m)) for individuals with limited English pro-
22 ficiency.

23 (3) Best practices on improving access to dig-
24 ital patient portals for individuals with limited
25 English proficiency.

1 (4) Best practices on integrating the use of
2 video platforms that enable multi-person video calls
3 furnished via a telecommunications system for pur-
4 poses of providing interpretation during a telemedi-
5 cine appointment for an individual with limited
6 English proficiency.

7 (5) Best practices for providing patient mate-
8 rials, communications, and instructions in multiple
9 languages, including text message appointment re-
10 minders and prescription information.

11 (b) ENTITIES DESCRIBED.—For purposes of sub-
12 section (a), an entity described in this subsection is an
13 entity in 1 or more of the following categories:

14 (1) Health information technology service pro-
15 viders, including—

16 (A) electronic medical record companies;

17 (B) remote patient monitoring companies;

18 and

19 (C) telehealth or mobile health vendors and
20 companies.

21 (2) Health care providers, including—

22 (A) physicians; and

23 (B) hospitals.

24 (3) Health insurers.

25 (4) Language service companies.

1 (5) Interpreter or translator professional asso-
2 ciations.

3 (6) Health and language services quality certifi-
4 cation organizations.

5 (7) Patient and consumer advocates, including
6 such advocates that work with individuals with lim-
7 ited English proficiency.

8 **SEC. 214. IN-HOME CARDIOPULMONARY REHABILITATION**
9 **FLEXIBILITIES.**

10 (a) IN GENERAL.—Section 1861(eee)(2) of the Social
11 Security Act (42 U.S.C. 1395x(eee)(2)) is amended—

12 (1) in subparagraph (A)(ii), by inserting “(in-
13 cluding, with respect to items and services furnished
14 through audio and video real-time communications
15 technology (excluding audio-only) on or after Janu-
16 ary 1, 2025, and before January 1, 2027, in the
17 home of an individual who is an outpatient of the
18 hospital)” after “outpatient basis”; and

19 (2) in subparagraph (B), by inserting “(includ-
20 ing, with respect to items and services furnished
21 through audio and video real-time communications
22 technology on or after January 1, 2025, and before
23 January 1, 2027, the virtual presence of such physi-
24 cian, physician assistant, nurse practitioner, or clin-
25 ical nurse specialist)” after “under the program”.

1 (b) PROGRAM INSTRUCTION AUTHORITY.—Notwith-
2 standing any other provision of law, the Secretary of
3 Health and Human Services may implement the amend-
4 ments made by this section by program instruction or oth-
5 erwise.

6 **SEC. 215. INCLUSION OF VIRTUAL DIABETES PREVENTION**
7 **PROGRAM SUPPLIERS IN MDPP EXPANDED**
8 **MODEL.**

9 (a) IN GENERAL.—Not later than January 1, 2026,
10 the Secretary shall revise the regulations under parts 410
11 and 424 of title 42, Code of Federal Regulations, to pro-
12 vide that, for the period beginning January 1, 2026, and
13 ending December 31, 2030—

14 (1) an entity may participate in the MDPP by
15 offering only online MDPP services via synchronous
16 or asynchronous technology or telecommunications if
17 such entity meets the conditions for enrollment as
18 an MDPP supplier (as specified in section
19 424.205(b) of title 42, Code of Federal Regulations
20 (or a successor regulation));

21 (2) if an entity participates in the MDPP in the
22 manner described in paragraph (1)—

23 (A) the administrative location of such en-
24 tity shall be the address of the entity on file

1 under the Diabetes Prevention Recognition Pro-
2 gram; and

3 (B) in the case of online MDPP services
4 furnished by such entity to an MDPP bene-
5 ficiary who was not located in the same State
6 as the entity at the time such services were fur-
7 nished, the entity shall not be prohibited from
8 submitting a claim for payment for such serv-
9 ices solely by reason of the location of such ben-
10 eficiary at such time; and

11 (3) no limit is applied on the number of times
12 an individual may enroll in the MDPP.

13 (b) DEFINITIONS.—In this section:

14 (1) MDPP.—The term “MDPP” means the
15 Medicare Diabetes Prevention Program conducted
16 under section 1115A of the Social Security Act (42
17 U.S.C. 1315a), as described in the final rule pub-
18 lished in the Federal Register entitled “Medicare
19 and Medicaid Programs; CY 2024 Payment Policies
20 Under the Physician Fee Schedule and Other
21 Changes to Part B Payment and Coverage Policies;
22 Medicare Shared Savings Program Requirements;
23 Medicare Advantage; Medicare and Medicaid Pro-
24 vider and Supplier Enrollment Policies; and Basic

1 Health Program” (88 Fed. Reg. 78818 (November
2 16, 2023)) (or a successor regulation).

3 (2) REGULATORY TERMS.—The terms “Diabe-
4 tes Prevention Recognition Program”, “full CDC
5 DPRP recognition”, “MDPP beneficiary”, “MDPP
6 services”, and “MDPP supplier” have the meanings
7 given each such term in section 410.79(b) of title
8 42, Code of Federal Regulations.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Health and Human Services.

11 **SEC. 216. MEDICATION-INDUCED MOVEMENT DISORDER**
12 **OUTREACH AND EDUCATION.**

13 Not later than January 1, 2026, the Secretary shall
14 use existing communications mechanisms to provide edu-
15 cation and outreach to physicians and appropriate non-
16 physician practitioners participating under the Medicare
17 program under title XVIII of the Social Security Act (42
18 U.S.C. 1395 et seq.) with respect to periodic screening for
19 medication-induced movement disorders that are associ-
20 ated with the treatment of mental health disorders in at-
21 risk patients, as well as resources related to clinical guide-
22 lines and best practices for furnishing such screening serv-
23 ices through telehealth. Such education and outreach shall
24 include information on how to account for such screening
25 services in evaluation and management code selection. The

1 Secretary shall, to the extent practicable, seek input from
2 relevant stakeholders to inform such education and out-
3 reach. Such education and outreach may also address
4 other relevant screening services furnished through tele-
5 health, as the Secretary determines appropriate.

6 **SEC. 217. REPORT ON WEARABLE MEDICAL DEVICES.**

7 Not later than 18 months after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall conduct a technology assessment of, and sub-
10 mit to Congress a report on, the capabilities and limita-
11 tions of wearable medical devices used to support clinical
12 decision-making. Such report shall include a description
13 of—

14 (1) the potential for such devices to accurately
15 prescribe treatments;

16 (2) an examination of the benefits and chal-
17 lenges of artificial intelligence to augment such ca-
18 pabilities; and

19 (3) policy options to enhance the benefits and
20 mitigate potential challenges of developing or using
21 such devices.

1 **SEC. 218. EXTENSION OF TEMPORARY INCLUSION OF AU-**
2 **THORIZED ORAL ANTIVIRAL DRUGS AS COV-**
3 **ERED PART D DRUGS.**

4 Section 1860D–2(e)(1)(C) of the Social Security Act
5 (42 U.S.C. 1395w–102(e)(1)(C)) is amended by striking
6 “December 31, 2024” and inserting “December 31,
7 2025”.

8 **SEC. 219. EXTENSION OF ADJUSTMENT TO CALCULATION**
9 **OF HOSPICE CAP AMOUNT.**

10 Section 1814(i)(2)(B) of the Social Security Act (42
11 U.S.C. 1395f(i)(2)(B)) is amended—

12 (1) in clause (ii), by striking “2033” and in-
13 serting “2034”; and

14 (2) in clause (iii), by striking “2033” and in-
15 serting “2034”.

16 **SEC. 220. MULTIYEAR CONTRACTING AUTHORITY FOR**
17 **MEDPAC AND MACPAC.**

18 Section 3904 of title 41, United States Code, is
19 amended by adding at the end the following new sub-
20 sections:

21 “(i) THE MEDICARE PAYMENT ADVISORY COMMIS-
22 SION.—The Medicare Payment Advisory Commission may
23 use available funds to enter into contracts for the procure-
24 ment of severable services for a period that begins in one
25 fiscal year and ends in the next fiscal year and may enter
26 into multiyear contracts for the acquisition of property

1 and services to the same extent as executive agencies
2 under the authority of sections 3902 and 3903 of this
3 title.

4 “(j) THE MEDICAID AND CHIP PAYMENT AND AC-
5 CESS COMMISSION.—The Medicaid and CHIP Payment
6 and Access Commission may use available funds to enter
7 into contracts for the procurement of severable services
8 for a period that begins in one fiscal year and ends in
9 the next fiscal year and may enter into multiyear contracts
10 for the acquisition of property and services to the same
11 extent as executive agencies under the authority of sec-
12 tions 3902 and 3903 of this title.”.

13 **SEC. 221. CONTRACTING PARITY FOR MEDPAC AND**
14 **MACPAC.**

15 In fiscal year 2025 and thereafter, for all contracts
16 for goods and services to which the Medicare and Payment
17 Advisory Commission or the Medicaid and CHIP Payment
18 and Access Commission is a party, the following Federal
19 Acquisition Regulation (FAR) clauses will apply: FAR
20 52.232–39 and FAR 52.233–4 (or a successor clause).

21 **SEC. 222. ADJUSTMENTS TO MEDICARE PART D COST-SHAR-**
22 **ING REDUCTIONS FOR LOW-INCOME INDIVID-**
23 **UALS.**

24 Section 1860D–14(a) of the Social Security Act (42
25 U.S.C. 1395w–114(a)) is amended—

1 (1) in paragraph (1)(D)(ii), by striking “that
2 does not exceed \$1 for” and all that follows through
3 the period at the end and inserting “that does not
4 exceed—

5 “(I) for a plan year before
6 2027—

7 “(aa) for a generic drug or a
8 preferred drug that is a multiple
9 source drug (as defined in section
10 1927(k)(7)(A)(i)), \$1 or, if less,
11 the copayment amount applicable
12 to an individual under clause
13 (iii); and

14 “(bb) for any other drug, \$3
15 or, if less, the copayment amount
16 applicable to an individual under
17 clause (iii); and

18 “(II) for plan year 2027 and
19 each subsequent plan year—

20 “(aa) for a generic drug, \$0;

21 “(bb) for a preferred drug
22 that is a multiple source drug (as
23 defined in section
24 1927(k)(7)(A)(i)), the dollar
25 amount applied under this clause

1 for such a drug for the preceding
2 plan year, increased by the an-
3 nual percentage increase in the
4 consumer price index (all items;
5 U.S. city average) as of Sep-
6 tember of such preceding year,
7 or, if less, the copayment amount
8 applicable to an individual under
9 clause (iii); and

10 “(cc) for a drug not de-
11 scribed in either item (aa) or
12 (bb), the dollar amount applied
13 under this clause for such a drug
14 for the preceding plan year, in-
15 creased in the manner specified
16 in item (bb), or, if less, the co-
17 payment amount applicable to an
18 individual under clause (iii).

19 Any amount established under item (bb) or
20 (cc) of subclause (II), that is based on an
21 increase of \$1 or \$3, that is not a multiple
22 of 5 cents or 10 cents, respectively, shall
23 be rounded to the nearest multiple of 5
24 cents or 10 cents, respectively.”; and

1 (2) in paragraph (4)(A)(ii), by inserting “(be-
2 fore 2027)” after “a subsequent year”.

3 **SEC. 223. REQUIRING ENHANCED AND ACCURATE LISTS OF**
4 **(REAL) HEALTH PROVIDERS ACT.**

5 (a) IN GENERAL.—Section 1852(c) of the Social Se-
6 curity Act (42 U.S.C. 1395w–22(c)) is amended—

7 (1) in paragraph (1)(C)—

8 (A) by striking “plan, and any” and insert-
9 ing “plan, any”; and

10 (B) by inserting the following before the
11 period at the end: “, and, in the case of a speci-
12 fied MA plan (as defined in paragraph (3)(C)),
13 for plan year 2027 and subsequent plan years,
14 the information described in paragraph (3)(B)”;
15 and

16 (2) by adding at the end the following new
17 paragraph:

18 “(3) PROVIDER DIRECTORY ACCURACY.—

19 “(A) IN GENERAL.—For plan year 2027
20 and subsequent plan years, each MA organiza-
21 tion offering a specified MA plan (as defined in
22 subparagraph (C)) shall, for each such plan of-
23 fered by the organization—

24 “(i) maintain, on a publicly available
25 internet website, an accurate provider di-

1 rectory that includes the information de-
2 scribed in subparagraph (B);

3 “(ii) not less frequently than once
4 every 90 days (or, in the case of a hospital
5 or any other facility determined appro-
6 priate by the Secretary, at a lesser fre-
7 quency specified by the Secretary but in no
8 case less frequently than once every 12
9 months), verify the provider directory in-
10 formation of each provider listed in such
11 directory and, if applicable, update such
12 provider directory information;

13 “(iii) if the organization is unable to
14 verify such information with respect to a
15 provider, include in such directory an indi-
16 cation that the information of such pro-
17 vider may not be up to date; and

18 “(iv) remove a provider from such di-
19 rectory within 5 business days if the orga-
20 nization determines that the provider is no
21 longer a provider participating in the net-
22 work of such plan.

23 “(B) PROVIDER DIRECTORY INFORMA-
24 TION.—The information described in this sub-
25 paragraph is information enrollees may need to

1 access covered benefits from a provider with
2 which such organization offering such plan has
3 an agreement for furnishing items and services
4 covered under such plan such as name, spe-
5 cialty, contact information, primary office or fa-
6 cility address, whether the provider is accepting
7 new patients, accommodations for people with
8 disabilities, cultural and linguistic capabilities,
9 and telehealth capabilities.

10 “(C) SPECIFIED MA PLAN.—In this para-
11 graph, the term ‘specified MA plan’ means—

12 “(i) a network-based plan (as defined
13 in subsection (d)(5)(C)); or

14 “(ii) a Medicare Advantage private
15 fee-for-service plan (as defined in section
16 1859(b)(2)) that meets the access stand-
17 ards under subsection (d)(4), in whole or
18 in part, through entering into contracts or
19 agreements as provided for under subpara-
20 graph (B) of such subsection.”.

21 (b) ACCOUNTABILITY FOR PROVIDER DIRECTORY
22 ACCURACY.—

23 (1) COST SHARING FOR SERVICES FURNISHED
24 BASED ON RELIANCE ON INCORRECT PROVIDER DI-
25 RECTORY INFORMATION.—Section 1852(d) of the

1 Social Security Act (42 U.S.C. 1395w-22(d)) is
2 amended—

3 (A) in paragraph (1)(C)—

4 (i) in clause (ii), by striking “or” at
5 the end;

6 (ii) in clause (iii), by striking the
7 semicolon at the end and inserting “, or”;
8 and

9 (iii) by adding at the end the fol-
10 lowing new clause:

11 “(iv) the services are furnished by a
12 provider that is not participating in the
13 network of a specified MA plan (as defined
14 in subsection (e)(3)(C)) but is listed in the
15 provider directory of such plan on the date
16 on which the appointment is made, as de-
17 scribed in paragraph (7)(A);” and

18 (B) by adding at the end the following new
19 paragraph:

20 “(7) COST SHARING FOR SERVICES FURNISHED
21 BASED ON RELIANCE ON INCORRECT PROVIDER DI-
22 RECTORY INFORMATION.—

23 “(A) IN GENERAL.—For plan year 2027
24 and subsequent plan years, if an enrollee is fur-
25 nished an item or service by a provider that is

1 not participating in the network of a specified
2 MA plan (as defined in subsection (e)(3)(C))
3 but is listed in the provider directory of such
4 plan (as required to be provided to an enrollee
5 pursuant to subsection (e)(1)(C)) on the date
6 on which the appointment is made, and if such
7 item or service would otherwise be covered
8 under such plan if furnished by a provider that
9 is participating in the network of such plan, the
10 MA organization offering such plan shall ensure
11 that the enrollee is only responsible for the less-
12 er of—

13 “(i) the amount of cost sharing that
14 would apply if such provider had been par-
15 ticipating in the network of such plan; or

16 “(ii) the amount of cost sharing that
17 would otherwise apply (without regard to
18 this subparagraph).

19 “(B) NOTIFICATION REQUIREMENT.—For
20 plan year 2027 and subsequent plan years, each
21 MA organization that offers a specified MA
22 plan shall—

23 “(i) notify enrollees of their cost-shar-
24 ing protections under this paragraph and
25 make such notifications, to the extent

1 practicable, by not later than the first day
2 of an annual, coordinated election period
3 under section 1851(e)(3) with respect to a
4 year;

5 “(ii) include information regarding
6 such cost-sharing protections in the pro-
7 vider directory of each specified MA plan
8 offered by the MA organization.; and

9 “(iii) notify enrollees of their cost-
10 sharing protections under this paragraph
11 in an explanation of benefits.”.

12 (2) REQUIRED PROVIDER DIRECTORY ACCU-
13 RACY ANALYSIS AND REPORTS.—

14 (A) IN GENERAL.—Section 1857(e) of the
15 Social Security Act (42 U.S.C. 1395w-27(e)) is
16 amended by adding at the end the following
17 new paragraph:

18 “(6) PROVIDER DIRECTORY ACCURACY ANAL-
19 YSIS AND REPORTS.—

20 “(A) IN GENERAL.—Beginning with plan
21 years beginning on or after January 1, 2027,
22 subject to subparagraph (C), a contract under
23 this section with an MA organization shall re-
24 quire the organization, for each specified MA
25 plan (as defined in section 1852(c)(3)(C)) of-

1 ferred by the organization to annually do the fol-
2 lowing:

3 “(i) Conduct an analysis estimating
4 the accuracy of the provider directory in-
5 formation of such plan using a random
6 sample of providers included in such pro-
7 vider directory as follows:

8 “(I) Such a random sample shall
9 include a random sample of each spe-
10 cialty of providers with a high inaccu-
11 racy rate of provider directory infor-
12 mation relative to other specialties of
13 providers, as determined by the Sec-
14 retary.

15 “(II) For purposes of subclause
16 (I), one type of specialty may be pro-
17 viders specializing in mental health or
18 substance use disorder treatment.

19 “(ii) Submit to the Secretary a report
20 containing the results of the analysis con-
21 ducted under clause (i), including an accu-
22 racy score for such provider directory in-
23 formation (as determined using a plan
24 verification method specified by the Sec-
25 retary under subparagraph (B)(i)).

1 “(B) DETERMINATION OF ACCURACY
2 SCORE.—

3 “(i) IN GENERAL.—The Secretary
4 shall specify plan verification methods,
5 such as using telephonic verification or
6 other approaches using data sources main-
7 tained by an MA organization or using
8 publicly available data sets, that MA orga-
9 nizations may use for estimating accuracy
10 scores of the provider directory information
11 of specified MA plans offered by such or-
12 ganizations.

13 “(ii) ACCURACY SCORE METHOD-
14 OLOGY.—With respect to each such meth-
15 od specified by the Secretary as described
16 in clause (i), the Secretary shall specify a
17 methodology for MA organizations to use
18 in estimating such accuracy scores. Each
19 such methodology shall take into account
20 the administrative burden on plans and
21 providers and the relative importance of
22 certain provider directory information on
23 enrollee ability to access care.

24 “(C) EXCEPTION.—The Secretary may
25 waive the requirements of this paragraph in the

1 case of a specified MA plan with low enrollment
2 (as defined by the Secretary).

3 “(D) TRANSPARENCY.—Beginning with
4 plan years beginning on or after January 1,
5 2028, the Secretary shall post accuracy scores
6 (as reported under subparagraph (A)(ii)), in a
7 machine readable file, on the internet website of
8 the Centers for Medicare & Medicaid Services.”.

9 (B) PROVISION OF INFORMATION TO
10 BENEFICIARIES.—Section 1851(d)(4) of the So-
11 cial Security Act (42 U.S.C. 1395w–21(d)(4))
12 is amended by adding at the end the following
13 new subparagraph:

14 “(F) PROVIDER DIRECTORY.—Beginning
15 with plan years beginning on or after January
16 1, 2028, the accuracy score of the plan’s pro-
17 vider directory (as reported under section
18 1857(e)(6)(A)(ii)) listed prominently on the
19 plan’s provider directory.”.

20 (C) FUNDING.—In addition to amounts
21 otherwise available, there is appropriated to the
22 Centers for Medicare & Medicaid Services Pro-
23 gram Management Account, out of any money
24 in the Treasury not otherwise appropriated,
25 \$4,000,000 for fiscal year 2025, to remain

1 available until expended, to carry out the
2 amendments made by this paragraph.

3 (3) GAO STUDY AND REPORT.—

4 (A) ANALYSIS.—The Comptroller General
5 of the United States (in this paragraph referred
6 to as the “Comptroller General”) shall conduct
7 a study of the implementation of the amend-
8 ments made by paragraphs (1) and (2). To the
9 extent data are available and reliable, such
10 study shall include an analysis of—

11 (i) the use of cost-sharing protections
12 required under section 1852(d)(7)(A) of
13 the Social Security Act, as added by para-
14 graph (1);

15 (ii) the trends in provider directory in-
16 formation accuracy scores under section
17 1857(e)(6)(A)(ii) of the Social Security
18 Act (as added by paragraph (2)(A)), both
19 overall and among providers specializing in
20 mental health or substance use disorder
21 treatment;

22 (iii) provider response rates by plan
23 verification methods;

1 (iv) administrative costs to providers
2 and Medicare Advantage organizations;
3 and

4 (v) other items determined appro-
5 priate by the Comptroller General.

6 (B) REPORT.—Not later than January 15,
7 2032, the Comptroller General shall submit to
8 Congress a report containing the results of the
9 study conducted under subparagraph (A), to-
10 gether with recommendations for such legisla-
11 tion and administrative action as the Comp-
12 troller General determines appropriate.

13 (c) GUIDANCE ON MAINTAINING ACCURATE PRO-
14 VIDER DIRECTORIES.—

15 (1) STAKEHOLDER MEETING.—

16 (A) IN GENERAL.—Not later than 3
17 months after the date of enactment of this Act,
18 the Secretary of Health and Human Services
19 (referred to in this subsection as the “Sec-
20 retary”) shall hold a public meeting to receive
21 input on approaches for maintaining accurate
22 provider directories for Medicare Advantage
23 plans under part C of title XVIII of the Social
24 Security Act (42 U.S.C. 1395w–21 et seq.), in-
25 cluding input on approaches for reducing ad-

1 ministrative burden, such as data standardiza-
2 tion, and best practices to maintain accurate
3 provider directory information.

4 (B) PARTICIPANTS.—Participants of the
5 meeting under subparagraph (A) shall include
6 representatives from the Centers for Medicare &
7 Medicaid Services and the Assistant Secretary
8 for Technology Policy and Office of the Na-
9 tional Coordinator for Health Information
10 Technology. Such meeting shall be open to the
11 public. To the extent practicable, the Secretary
12 shall include health care providers, companies
13 that specialize in relevant technologies, health
14 insurers, and patient advocates.

15 (2) GUIDANCE TO MEDICARE ADVANTAGE OR-
16 GANIZATIONS.—Not later than 12 months after the
17 date of enactment of this Act, the Secretary shall
18 issue guidance to Medicare Advantage organizations
19 offering Medicare Advantage plans under part C of
20 title XVIII of the Social Security Act (42 U.S.C.
21 1395w–21 et seq.) on maintaining accurate provider
22 directories for such plans, taking into consideration
23 input received during the stakeholder meeting under
24 paragraph (1). Such guidance may include the fol-
25 lowing, as determined appropriate by the Secretary:

1 (A) Best practices for Medicare Advantage
2 organizations on how to work with providers to
3 maintain the accuracy of provider directories
4 and reduce provider and Medicare Advantage
5 organization burden with respect to maintaining
6 the accuracy of provider directories.

7 (B) Information on data sets and data
8 sources with information that could be used by
9 Medicare Advantage organizations to maintain
10 accurate provider directories.

11 (C) Approaches for utilizing data sources
12 maintained by Medicare Advantage organiza-
13 tions and publicly available data sets to main-
14 tain accurate provider directories.

15 (D) Information to be included in provider
16 directories that may be useful for Medicare
17 beneficiaries to assess plan networks when se-
18 lecting a plan and accessing providers partici-
19 pating in plan networks during the plan year.

20 (3) GUIDANCE TO PART B PROVIDERS.—Not
21 later than 12 months after the date of enactment of
22 this Act, the Secretary shall issue guidance to pro-
23 viders of services and suppliers who furnish items or
24 services for which benefits are available under part
25 B of title XVIII of the Social Security Act (42

1 U.S.C. 1395j et seq.) on when to update the Na-
2 tional Plan and Provider Enumeration System for
3 information changes.

4 **SEC. 224. MEDICARE COVERAGE OF MULTI-CANCER EARLY**
5 **DETECTION SCREENING TESTS.**

6 (a) COVERAGE.—Section 1861 of the Social Security
7 Act (42 U.S.C. 1395x) is amended—

8 (1) in subsection (s)(2)—

9 (A) by striking the semicolon at the end of
10 subparagraph (JJ) and inserting “; and”; and

11 (B) by adding at the end the following new
12 subparagraph:

13 “(KK) multi-cancer early detection screen-
14 ing tests (as defined in subsection (nnn));”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(nnn) MULTI-CANCER EARLY DETECTION SCREEN-
18 ING TESTS.—

19 “(1) IN GENERAL.—The term ‘multi-cancer
20 early detection screening test’ means a test fur-
21 nished to an individual for the concurrent detection
22 of multiple cancer types across multiple organ sites
23 on or after January 1, 2029, that—

24 “(A) is cleared under section 510(k), clas-
25 sified under section 513(f)(2), or approved

1 under section 515 of the Federal Food, Drug,
2 and Cosmetic Act;

3 “(B) is—

4 “(i) a genomic sequencing blood or
5 blood product test that includes the anal-
6 ysis of cell-free nucleic acids; or

7 “(ii) a test based on samples of bio-
8 logical material that provide results com-
9 parable to those obtained with a test de-
10 scribed in clause (i), as determined by the
11 Secretary; and

12 “(C) the Secretary determines is—

13 “(i) reasonable and necessary for the
14 prevention or early detection of an illness
15 or disability; and

16 “(ii) appropriate for individuals enti-
17 tled to benefits under part A or enrolled
18 under part B.

19 “(2) NCD PROCESS.—In making determina-
20 tions under paragraph (1)(C) regarding the coverage
21 of a new test, the Secretary shall use the process for
22 making national coverage determinations (as defined
23 in section 1869(f)(1)(B)) under this title.”.

24 (b) PAYMENT AND STANDARDS FOR MULTI-CANCER
25 EARLY DETECTION SCREENING TESTS.—

1 (1) IN GENERAL.—Section 1834 of the Social
2 Security Act (42 U.S.C. 1395m) is amended by add-
3 ing at the end the following new subsection:

4 “(aa) PAYMENT AND STANDARDS FOR MULTI-CAN-
5 CER EARLY DETECTION SCREENING TESTS.—

6 “(1) PAYMENT AMOUNT.—The payment
7 amount for a multi-cancer early detection screening
8 test (as defined in section 1861(nnn)) is—

9 “(A) with respect to such a test furnished
10 before January 1, 2031, equal to the payment
11 amount in effect on the date of the enactment
12 of this subsection for a multi-target stool
13 screening DNA test covered pursuant to section
14 1861(pp)(1)(D); and

15 “(B) with respect to such a test furnished
16 on or after January 1, 2031, equal to the lesser
17 of—

18 “(i) the amount described in subpara-
19 graph (A); or

20 “(ii) the payment amount determined
21 for such test under section 1834A.

22 “(2) LIMITATIONS.—

23 “(A) IN GENERAL.—No payment may be
24 made under this part for a multi-cancer early

1 detection screening test furnished during a year
2 to an individual if—

3 “(i) such individual—

4 “(I) is under 50 years of age; or

5 “(II) as of January 1 of such
6 year, has attained the age specified in
7 subparagraph (B) for such year; or

8 “(ii) such a test was furnished to the
9 individual during the previous 11 months.

10 “(B) AGE SPECIFIED.—For purposes of
11 subparagraph (A)(i)(II), the age specified in
12 this subparagraph is—

13 “(i) for 2029, 65 years of age; and

14 “(ii) for a succeeding year, the age
15 specified in this subparagraph for the pre-
16 ceding year, increased by 1 year.

17 “(C) STANDARDS FOLLOWING USPSTF
18 RATING OF A OR B.—In the case of a multi-can-
19 cer early detection screening test that is rec-
20 ommended with a grade of A or B by the
21 United States Preventive Services Task Force,
22 beginning on the date on which coverage for
23 such test is provided pursuant to section
24 1861(ddd)(1), the preceding provisions of this
25 paragraph shall not apply.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 1833 of the Social Security
3 Act (42 U.S.C. 1395l) is amended—

4 (i) in subsection (a)—

5 (I) in paragraph (1)(D)(i)(I), by
6 striking “section 1834(d)(1)” and in-
7 serting “subsection (d)(1) or (aa) of
8 section 1834”; and

9 (II) in paragraph (2)(D)(i)(I), by
10 striking “section 1834(d)(1)” and in-
11 serting “subsection (d)(1) or (aa) of
12 section 1834”; and

13 (ii) in subsection (h)(1)(A), by strik-
14 ing “section 1834(d)(1)” and inserting
15 “subsections (d)(1) and (aa) of section
16 1834”.

17 (B) Section 1862(a)(1)(A) of the Social
18 Security Act (42 U.S.C. 1395y(a)(1)(A)) is
19 amended—

20 (i) by striking “or additional preven-
21 tive services” and inserting “, additional
22 preventive services”; and

23 (ii) by inserting “, or multi-cancer
24 early detection screening tests (as defined

1 in section 1861(nnn))” after “(as de-
2 scribed in section 1861(ddd)(1))”.

3 (c) **RULE OF CONSTRUCTION RELATING TO OTHER**
4 **CANCER SCREENING TESTS.**—Nothing in this section, in-
5 cluding the amendments made by this section, shall be
6 construed—

7 (1) in the case of an individual who undergoes
8 a multi-cancer early detection screening test, to af-
9 fect coverage under part B of title XVIII of the So-
10 cial Security Act for other cancer screening tests
11 covered under such title, such as screening tests for
12 breast, cervical, colorectal, lung, or prostate cancer;
13 or

14 (2) in the case of an individual who undergoes
15 another cancer screening test, to affect coverage
16 under such part for a multi-cancer early detection
17 screening test or the use of such a test as a diag-
18 nostic or confirmatory test for a result of the other
19 cancer screening test.

20 **SEC. 225. MEDICARE COVERAGE OF EXTERNAL INFUSION**
21 **PUMPS AND NON-SELF-ADMINISTRABLE**
22 **HOME INFUSION DRUGS.**

23 (a) **IN GENERAL.**—Section 1861(n) of the Social Se-
24 curity Act (42 U.S.C. 1395x(n)) is amended by adding
25 at the end the following new sentence: “Beginning with

1 the first calendar quarter beginning on or after the date
2 that is 1 year after the date of the enactment of this sen-
3 tence, an external infusion pump and associated home in-
4 fusion drug (as defined in subsection (iii)(3)(C)) or other
5 associated supplies that do not meet the appropriate for
6 use in the home requirement applied to the definition of
7 durable medical equipment under section 414.202 of title
8 42, Code of Federal Regulations (or any successor to such
9 regulation) shall be treated as meeting such requirement
10 if each of the following criteria is satisfied:

11 “(1) The prescribing information approved by
12 the Food and Drug Administration for the home in-
13 fusion drug associated with the pump instructs that
14 the drug should be administered by or under the su-
15 pervision of a health care professional.

16 “(2) A qualified home infusion therapy supplier
17 (as defined in subsection (iii)(3)(D)) administers or
18 supervises the administration of the drug or biologi-
19 cal in a safe and effective manner in the patient’s
20 home (as defined in subsection (iii)(3)(B)).

21 “(3) The prescribing information described in
22 paragraph (1) instructs that the drug should be in-
23 fused at least 12 times per year—

24 “(A) intravenously or subcutaneously; or

1 “(B) at infusion rates that the Secretary
2 determines would require the use of an external
3 infusion pump.”.

4 (b) COST SHARING NOTIFICATION.—The Secretary
5 of Health and Human Services shall ensure that patients
6 are notified of the cost sharing for electing home infusion
7 therapy compared to other applicable settings of care for
8 the furnishing of infusion drugs under the Medicare pro-
9 gram.

10 **SEC. 226. ASSURING PHARMACY ACCESS AND CHOICE FOR**
11 **MEDICARE BENEFICIARIES.**

12 (a) IN GENERAL.—Section 1860D–4(b)(1) of the So-
13 cial Security Act (42 U.S.C. 1395w–104(b)(1)) is amend-
14 ed by striking subparagraph (A) and inserting the fol-
15 lowing:

16 “(A) IN GENERAL.—

17 “(i) PARTICIPATION OF ANY WILLING
18 PHARMACY.—A PDP sponsor offering a
19 prescription drug plan shall permit any
20 pharmacy that meets the standard contract
21 terms and conditions under such plan to
22 participate as a network pharmacy of such
23 plan.

24 “(ii) CONTRACT TERMS AND CONDI-
25 TIONS.—

1 “(I) IN GENERAL.—Notwith-
2 standing any other provision of law,
3 for plan years beginning on or after
4 January 1, 2028, in accordance with
5 clause (i), contract terms and condi-
6 tions offered by such PDP sponsor
7 shall be reasonable and relevant ac-
8 cording to standards established by
9 the Secretary under subclause (II).

10 “(II) STANDARDS.—Not later
11 than the first Monday in April of
12 2027, the Secretary shall establish
13 standards for reasonable and relevant
14 contract terms and conditions for pur-
15 poses of this clause.

16 “(III) REQUEST FOR INFORMA-
17 TION.—Not later than April 1, 2026,
18 for purposes of establishing the stand-
19 ards under subclause (II), the Sec-
20 retary shall issue a request for infor-
21 mation to seek input on trends in pre-
22 scription drug plan and network phar-
23 macy contract terms and conditions,
24 current prescription drug plan and
25 network pharmacy contracting prac-

1 tices, whether pharmacy reimburse-
2 ment and dispensing fees paid by
3 PDP sponsors to network pharmacies
4 sufficiently cover the ingredient and
5 operational costs of such pharmacies,
6 the use and application of pharmacy
7 quality measures by PDP sponsors for
8 network pharmacies, PDP sponsor re-
9 strictions or limitations on the dis-
10 pensing of covered part D drugs by
11 network pharmacies (or any subsets of
12 such pharmacies), PDP sponsor au-
13 diting practices for network phar-
14 macies, areas in current regulations or
15 program guidance related to con-
16 tracting between prescription drug
17 plans and network pharmacies requir-
18 ing clarification or additional speci-
19 ficity, factors for consideration in de-
20 termining the reasonableness and rel-
21 evance of contract terms and condi-
22 tions between prescription drug plans
23 and network pharmacies, and other
24 issues as determined appropriate by
25 the Secretary.”.

1 (b) ESSENTIAL RETAIL PHARMACIES.—Section
2 1860D–42 of the Social Security Act (42 U.S.C. 1395w–
3 152) is amended by adding at the end the following new
4 subsection:

5 “(e) ESSENTIAL RETAIL PHARMACIES.—

6 “(1) IN GENERAL.—With respect to plan years
7 beginning on or after January 1, 2028, the Sec-
8 retary shall publish reports, at least once every 2
9 years until 2034, and periodically thereafter, that
10 provide information, to the extent feasible, on—

11 “(A) trends in ingredient cost reimburse-
12 ment, dispensing fees, incentive payments and
13 other fees paid by PDP sponsors offering pre-
14 scription drug plans and MA organizations of-
15 fering MA–PD plans under this part to essen-
16 tial retail pharmacies (as defined in paragraph
17 (2)) with respect to the dispensing of covered
18 part D drugs, including a comparison of such
19 trends between essential retail pharmacies and
20 pharmacies that are not essential retail phar-
21 macies;

22 “(B) trends in amounts paid to PDP spon-
23 sors offering prescription drug plans and MA
24 organizations offering MA–PD plans under this
25 part by essential retail pharmacies with respect

1 to the dispensing of covered part D drugs, in-
2 cluding a comparison of such trends between
3 essential retail pharmacies and pharmacies that
4 are not essential retail pharmacies;

5 “(C) trends in essential retail pharmacy
6 participation in pharmacy networks and pre-
7 ferred pharmacy networks for prescription drug
8 plans offered by PDP sponsors and MA–PD
9 plans offered by MA organizations under this
10 part, including a comparison of such trends be-
11 tween essential retail pharmacies and phar-
12 macies that are not essential retail pharmacies;

13 “(D) trends in the number of essential re-
14 tail pharmacies, including variation in such
15 trends by geographic region or other factors;

16 “(E) a comparison of cost-sharing for cov-
17 ered part D drugs dispensed by essential retail
18 pharmacies that are network pharmacies for
19 prescription drug plans offered by PDP spon-
20 sors and MA–PD plans offered by MA organi-
21 zations under this part and cost-sharing for
22 covered part D drugs dispensed by other net-
23 work pharmacies for such plans located in simi-
24 lar geographic areas that are not essential retail
25 pharmacies;

1 “(F) a comparison of the volume of cov-
2 ered part D drugs dispensed by essential retail
3 pharmacies that are network pharmacies for
4 prescription drug plans offered by PDP spon-
5 sors and MA–PD plans offered by MA organi-
6 zations under this part and such volume of dis-
7 pensing by network pharmacies for such plans
8 located in similar geographic areas that are not
9 essential retail pharmacies, including informa-
10 tion on any patterns or trends in such compari-
11 son specific to certain types of covered part D
12 drugs, such as generic drugs or drugs specified
13 as specialty drugs by a PDP sponsor under a
14 prescription drug plan or an MA organization
15 under an MA–PD plan; and

16 “(G) a comparison of the information de-
17 scribed in subparagraphs (A) through (F) be-
18 tween essential retail pharmacies that are net-
19 work pharmacies for prescription drug plans of-
20 fered by PDP sponsors under this part and es-
21 sential retail pharmacies that are network phar-
22 macies for MA–PD plans offered by MA organi-
23 zations under this part.

24 “(2) DEFINITION OF ESSENTIAL RETAIL PHAR-
25 MACY.—In this subsection, the term ‘essential retail

1 pharmacy’ means, with respect to a plan year, a re-
2 tail pharmacy that—

3 “(A) is not a pharmacy that is an affiliate
4 as defined in paragraph (4); and

5 “(B) is located in—

6 “(i) a medically underserved area (as
7 designated pursuant to section
8 330(b)(3)(A) of the Public Health Service
9 Act);

10 “(ii) a rural area in which there is no
11 other retail pharmacy within 10 miles, as
12 determined by the Secretary;

13 “(iii) a suburban area in which there
14 is no other retail pharmacy within 2 miles,
15 as determined by the Secretary; or

16 “(iv) an urban area in which there is
17 no other retail pharmacy within 1 mile, as
18 determined by the Secretary.

19 “(3) LIST OF ESSENTIAL RETAIL PHAR-
20 MACIES.—

21 “(A) PUBLICATION OF LIST OF ESSENTIAL
22 RETAIL PHARMACIES.—For each plan year (be-
23 ginning with plan year 2028), the Secretary
24 shall publish, on a publicly available internet
25 website of the Centers for Medicare & Medicaid

1 Services, a list of pharmacies that meet the cri-
2 teria described in subparagraphs (A) and (B) of
3 paragraph (2) to be considered an essential re-
4 tail pharmacy.

5 “(B) REQUIRED SUBMISSIONS FROM PDP
6 SPONSORS.—For each plan year (beginning
7 with plan year 2028), each PDP sponsor offer-
8 ing a prescription drug plan and each MA orga-
9 nization offering an MA–PD plan shall submit
10 to the Secretary, for the purposes of deter-
11 mining retail pharmacies that meet the criterion
12 specified in subparagraph (A) of paragraph (2),
13 a list of retail pharmacies that are affiliates of
14 such sponsor or organization, or are affiliates of
15 a pharmacy benefit manager acting on behalf of
16 such sponsor or organization, at a time, and in
17 a form and manner, specified by the Secretary.

18 “(C) REPORTING BY PDP SPONSORS AND
19 MA ORGANIZATIONS.—For each plan year be-
20 ginning with plan year 2027, each PDP sponsor
21 offering a prescription drug plan and each MA
22 organization offering an MA–PD plan under
23 this part shall submit to the Secretary informa-
24 tion on incentive payments and other fees paid
25 by such sponsor or organization to pharmacies,

1 insofar as any such payments or fees are not
2 otherwise reported, at a time, and in a form
3 and manner, specified by the Secretary.

4 “(D) IMPLEMENTATION.—Notwithstanding
5 any other provision of law, the Secretary may
6 implement this paragraph by program instruc-
7 tion or otherwise.

8 “(E) NONAPPLICATION OF PAPERWORK
9 REDUCTION ACT.—Chapter 35 of title 44,
10 United States Code, shall not apply to the im-
11 plementation of this paragraph.

12 “(4) DEFINITION OF AFFILIATE; PHARMACY
13 BENEFIT MANAGER.—In this subsection, the terms
14 ‘affiliate’ and ‘pharmacy benefit manager’ have the
15 meaning given those terms in section 1860D–
16 12(h)(7).”.

17 (c) ENFORCEMENT.—

18 (1) IN GENERAL.—Section 1860D–4(b)(1) of
19 the Social Security Act (42 U.S.C. 1395w–
20 104(b)(1)) is amended by adding at the end the fol-
21 lowing new subparagraph:

22 “(F) ENFORCEMENT OF STANDARDS FOR
23 REASONABLE AND RELEVANT CONTRACT TERMS
24 AND CONDITIONS.—

1 “(i) ALLEGATION SUBMISSION PROC-
2 ESS.—

3 “(I) IN GENERAL.—Not later
4 than January 1, 2028, the Secretary
5 shall establish a process through
6 which a pharmacy may submit to the
7 Secretary an allegation of a violation
8 by a PDP sponsor offering a prescrip-
9 tion drug plan of the standards for
10 reasonable and relevant contract
11 terms and conditions under subpara-
12 graph (A)(ii), or of subclause (VIII)
13 of this clause.

14 “(II) FREQUENCY OF SUBMIS-
15 SION.—

16 “(aa) IN GENERAL.—Except
17 as provided in item (bb), the alle-
18 gation submission process under
19 this clause shall allow pharmacies
20 to submit any allegations of vio-
21 lations described in subclause (I)
22 not more frequently than once
23 per plan year per contract be-
24 tween a pharmacy and a PDP
25 sponsor.

1 “(bb) ALLEGATIONS RELAT-
2 ING TO CONTRACT MODIFICA-
3 TIONS.—In the case where a con-
4 tract between a pharmacy and a
5 PDP sponsor is modified fol-
6 lowing the submission of allega-
7 tions by a pharmacy with respect
8 to such contract and plan year,
9 the allegation submission process
10 under this clause shall allow such
11 pharmacy to submit an additional
12 allegation related to those modi-
13 fications with respect to such
14 contract and plan year.

15 “(III) ACCESS TO RELEVANT
16 DOCUMENTS AND MATERIALS.—A
17 PDP sponsor subject to an allegation
18 under this clause—

19 “(aa) shall provide docu-
20 ments or materials, as specified
21 by the Secretary, including con-
22 tract offers made by such spon-
23 sor to such pharmacy or cor-
24 respondence related to such of-
25 fers, to the Secretary at a time,

1 and in a form and manner, speci-
2 fied by the Secretary; and

3 “(bb) shall not prohibit or
4 otherwise limit the ability of a
5 pharmacy to submit such docu-
6 ments or materials to the Sec-
7 retary for the purpose of submit-
8 ting an allegation or providing
9 evidence for such an allegation
10 under this clause.

11 “(IV) STANDARDIZED TEM-
12 PLATE.—The Secretary shall establish
13 a standardized template for phar-
14 macies to use for the submission of al-
15 legations described in subclause (I).
16 Such template shall require that the
17 submission include a certification by
18 the pharmacy that the information in-
19 cluded is accurate, complete, and true
20 to the best of the knowledge, informa-
21 tion, and belief of such pharmacy.

22 “(V) PREVENTING FRIVOLOUS
23 ALLEGATIONS.—In the case where the
24 Secretary determines that a pharmacy
25 has submitted frivolous allegations

1 under this clause on a routine basis,
2 the Secretary may temporarily pro-
3 hibit such pharmacy from using the
4 allegation submission process under
5 this clause, as determined appropriate
6 by the Secretary.

7 “(VI) EXEMPTION FROM FREE-
8 DOM OF INFORMATION ACT.—Allega-
9 tions submitted under this clause shall
10 be exempt from disclosure under sec-
11 tion 552 of title 5, United States
12 Code.

13 “(VII) RULE OF CONSTRUC-
14 TION.—Nothing in this clause shall be
15 construed as limiting the ability of a
16 pharmacy to pursue other legal ac-
17 tions or remedies, consistent with ap-
18 plicable Federal or State law, with re-
19 spect to a potential violation of a re-
20 quirement described in this subpara-
21 graph.

22 “(VIII) ANTI-RETALIATION AND
23 ANTI-COERCION.—Consistent with ap-
24 plicable Federal or State law, a PDP
25 sponsor shall not—

1 “(aa) retaliate against a
2 pharmacy for submitting any al-
3 legations under this clause; or

4 “(bb) coerce, intimidate,
5 threaten, or interfere with the
6 ability of a pharmacy to submit
7 any such allegations.

8 “(ii) INVESTIGATION.—The Secretary
9 shall investigate, as determined appro-
10 priate by the Secretary, allegations sub-
11 mitted pursuant to clause (i).

12 “(iii) ENFORCEMENT.—

13 “(I) IN GENERAL.—In the case
14 where the Secretary determines that a
15 PDP sponsor offering a prescription
16 drug plan has violated the standards
17 for reasonable and relevant contract
18 terms and conditions under subpara-
19 graph (A)(ii), the Secretary may use
20 authorities under sections 1857(g)
21 and 1860D–12(b)(3)(E) to impose
22 civil monetary penalties or other inter-
23 mediate sanctions.

24 “(II) APPLICATION OF CIVIL
25 MONETARY PENALTIES.—The provi-

1 sions of section 1128A (other than
2 subsections (a) and (b)) shall apply to
3 a civil monetary penalty under this
4 clause in the same manner as such
5 provisions apply to a penalty or pro-
6 ceeding under section 1128A(a).”.

7 (2) CONFORMING AMENDMENT.—Section
8 1857(g)(1) of the Social Security Act (42 U.S.C.
9 1395w–27(g)(1)) is amended—

10 (A) in subparagraph (J), by striking “or”
11 after the semicolon;

12 (B) by redesignating subparagraph (K) as
13 subparagraph (L);

14 (C) by inserting after subparagraph (J),
15 the following new subparagraph:

16 “(K) fails to comply with the standards for
17 reasonable and relevant contract terms and con-
18 ditions under subparagraph (A)(ii) of section
19 1860D–4(b)(1); or”;

20 (D) in subparagraph (L), as redesignated
21 by subparagraph (B), by striking “through (J)”
22 and inserting “through (K)”; and

23 (E) in the flush matter following subpara-
24 graph (L), as so redesignated, by striking “sub-

1 paragraphs (A) through (K)” and inserting
2 “subparagraphs (A) through (L)”.

3 (d) ACCOUNTABILITY OF PHARMACY BENEFIT MAN-
4 AGERS FOR VIOLATIONS OF REASONABLE AND RELEVANT
5 CONTRACT TERMS AND CONDITIONS.—

6 (1) IN GENERAL.—Section 1860D–12(b) of the
7 Social Security Act (42 U.S.C. 1395w–112) is
8 amended by adding at the end the following new
9 paragraph:

10 “(9) ACCOUNTABILITY OF PHARMACY BENEFIT
11 MANAGERS FOR VIOLATIONS OF REASONABLE AND
12 RELEVANT CONTRACT TERMS AND CONDITIONS.—
13 For plan years beginning on or after January 1,
14 2028, each contract entered into with a PDP spon-
15 sor under this part with respect to a prescription
16 drug plan offered by such sponsor shall provide that
17 any pharmacy benefit manager acting on behalf of
18 such sponsor has a written agreement with the PDP
19 sponsor under which the pharmacy benefit manager
20 agrees to reimburse the PDP sponsor for any
21 amounts paid by such sponsor under section 1860D–
22 4(b)(1)(F)(iii)(I) to the Secretary as a result of a
23 violation described in such section if such violation
24 is related to a responsibility delegated to the phar-
25 macy benefit manager by such PDP sponsor.”.

1 (2) MA–PD PLANS.—Section 1857(f)(3) of the
2 Social Security Act (42 U.S.C. 1395w–27(f)(3)) is
3 amended by adding at the end the following new
4 subparagraph:

5 “(F) ACCOUNTABILITY OF PHARMACY
6 BENEFIT MANAGERS FOR VIOLATIONS OF REA-
7 SONABLE AND RELEVANT CONTRACT TERMS.—
8 For plan years beginning on or after January
9 1, 2028, section 1860D–12(b)(9).”.

10 (e) BIENNIAL REPORT ON ENFORCEMENT AND
11 OVERSIGHT OF PHARMACY ACCESS REQUIREMENTS.—
12 Section 1860D–42 of the Social Security Act (42 U.S.C.
13 1395w–152), as amended by subsection (b), is amended
14 by adding at the end the following new subsection:

15 “(f) BIENNIAL REPORT ON ENFORCEMENT AND
16 OVERSIGHT OF PHARMACY ACCESS REQUIREMENTS.—

17 “(1) IN GENERAL.—Not later than 2 years
18 after the date of enactment of this subsection, and
19 at least once every 2 years thereafter, the Secretary
20 shall publish a report on enforcement and oversight
21 actions and activities undertaken by the Secretary
22 with respect to the requirements under section
23 1860D–4(b)(1).

24 “(2) LIMITATION.—A report under paragraph
25 (1) shall not disclose—

1 “(A) identifiable information about individ-
2 uals or entities unless such information is oth-
3 erwise publicly available; or

4 “(B) trade secrets with respect to any enti-
5 ties.”.

6 (f) FUNDING.—In addition to amounts otherwise
7 available, there is appropriated to the Centers for Medi-
8 care & Medicaid Services Program Management Account,
9 out of any money in the Treasury not otherwise appro-
10 priated, \$188,000,000 for fiscal year 2025, to remain
11 available until expended, to carry out this section.

12 **SEC. 227. MODERNIZING AND ENSURING PBM ACCOUNT-**
13 **ABILITY.**

14 (a) IN GENERAL.—

15 (1) PRESCRIPTION DRUG PLANS.—Section
16 1860D–12 of the Social Security Act (42 U.S.C.
17 1395w–112) is amended by adding at the end the
18 following new subsection:

19 “(h) REQUIREMENTS RELATING TO PHARMACY BEN-
20 EFIT MANAGERS.—For plan years beginning on or after
21 January 1, 2028:

22 “(1) AGREEMENTS WITH PHARMACY BENEFIT
23 MANAGERS.—Each contract entered into with a
24 PDP sponsor under this part with respect to a pre-
25 scription drug plan offered by such sponsor shall

1 provide that any pharmacy benefit manager acting
2 on behalf of such sponsor has a written agreement
3 with the PDP sponsor under which the pharmacy
4 benefit manager, and any affiliates of such phar-
5 macy benefit manager, as applicable, agree to meet
6 the following requirements:

7 “(A) NO INCOME OTHER THAN BONA FIDE
8 SERVICE FEES.—

9 “(i) IN GENERAL.—The pharmacy
10 benefit manager and any affiliate of such
11 pharmacy benefit manager shall not derive
12 any remuneration with respect to any serv-
13 ices provided on behalf of any entity or in-
14 dividual, in connection with the utilization
15 of covered part D drugs, from any such en-
16 tity or individual other than bona fide serv-
17 ice fees, subject to clauses (ii) and (iii).

18 “(ii) INCENTIVE PAYMENTS.—For the
19 purposes of this subsection, an incentive
20 payment (as determined by the Secretary)
21 paid by a PDP sponsor to a pharmacy
22 benefit manager that is performing serv-
23 ices on behalf of such sponsor shall be
24 deemed a ‘bona fide service fee’ (even if
25 such payment does not otherwise meet the

1 definition of such term under paragraph
2 (7)(B)) if such payment is a flat dollar
3 amount, is consistent with fair market
4 value (as specified by the Secretary), is re-
5 lated to services actually performed by the
6 pharmacy benefit manager or affiliate of
7 such pharmacy benefit manager, on behalf
8 of the PDP sponsor making such payment,
9 in connection with the utilization of cov-
10 ered part D drugs, and meets additional
11 requirements, if any, as determined appro-
12 priate by the Secretary.

13 “(iii) CLARIFICATION ON REBATES
14 AND DISCOUNTS USED TO LOWER COSTS
15 FOR COVERED PART D DRUGS.—Rebates,
16 discounts, and other price concessions re-
17 ceived by a pharmacy benefit manager or
18 an affiliate of a pharmacy benefit manager
19 from manufacturers, even if such price
20 concessions are calculated as a percentage
21 of a drug’s price, shall not be considered a
22 violation of the requirements of clause (i)
23 if they are fully passed through to a PDP
24 sponsor and are compliant with all regu-
25 latory and subregulatory requirements re-

1 lated to direct and indirect remuneration
2 for manufacturer rebates under this part,
3 including in cases where a PDP sponsor is
4 acting as a pharmacy benefit manager on
5 behalf of a prescription drug plan offered
6 by such PDP sponsor.

7 “(iv) EVALUATION OF REMUNERATION
8 ARRANGEMENTS.—Components of subsets
9 of remuneration arrangements (such as
10 fees or other forms of compensation paid
11 to or retained by the pharmacy benefit
12 manager or affiliate of such pharmacy ben-
13 efit manager), as determined appropriate
14 by the Secretary, between pharmacy ben-
15 efit managers or affiliates of such phar-
16 macy benefit managers, as applicable, and
17 other entities involved in the dispensing or
18 utilization of covered part D drugs (includ-
19 ing PDP sponsors, manufacturers, phar-
20 macies, and other entities as determined
21 appropriate by the Secretary) shall be sub-
22 ject to review by the Secretary, in con-
23 sultation with the Office of the Inspector
24 General of the Department of Health and
25 Human Services, as determined appro-

1 appropriate by the Secretary. The Secretary, in
2 consultation with the Office of the Inspec-
3 tor General, shall review whether remu-
4 neration under such arrangements is con-
5 sistent with fair market value (as specified
6 by the Secretary) through reviews and as-
7 sessments of such remuneration, as deter-
8 mined appropriate.

9 “(v) DISGORGEMENT.—The pharmacy
10 benefit manager shall disgorge any remu-
11 neration paid to such pharmacy benefit
12 manager or an affiliate of such pharmacy
13 benefit manager in violation of this sub-
14 paragraph to the PDP sponsor.

15 “(vi) ADDITIONAL REQUIREMENTS.—
16 The pharmacy benefit manager shall—

17 “(I) enter into a written agree-
18 ment with any affiliate of such phar-
19 macy benefit manager, under which
20 the affiliate shall identify and disgorge
21 any remuneration described in clause
22 (v) to the pharmacy benefit manager;
23 and

24 “(II) attest, subject to any re-
25 quirements determined appropriate by

1 the Secretary, that the pharmacy ben-
2 efit manager has entered into a writ-
3 ten agreement described in subclause
4 (I) with any relevant affiliate of the
5 pharmacy benefit manager.

6 “(B) TRANSPARENCY REGARDING GUARAN-
7 TEES AND COST PERFORMANCE EVALUA-
8 TIONS.—The pharmacy benefit manager shall—

9 “(i) define, interpret, and apply, in a
10 fully transparent and consistent manner
11 for purposes of calculating or otherwise
12 evaluating pharmacy benefit manager per-
13 formance against pricing guarantees or
14 similar cost performance measurements re-
15 lated to rebates, discounts, price conces-
16 sions, or net costs, terms such as—

17 “(I) ‘generic drug’, in a manner
18 consistent with the definition of the
19 term under section 423.4 of title 42,
20 Code of Federal Regulations, or a suc-
21 cessor regulation;

22 “(II) ‘brand name drug’, in a
23 manner consistent with the definition
24 of the term under section 423.4 of

1 title 42, Code of Federal Regulations,
2 or a successor regulation;

3 “(III) ‘specialty drug’;

4 “(IV) ‘rebate’; and

5 “(V) ‘discount’;

6 “(ii) identify any drugs, claims, or
7 price concessions excluded from any pric-
8 ing guarantee or other cost performance
9 measure in a clear and consistent manner;
10 and

11 “(iii) where a pricing guarantee or
12 other cost performance measure is based
13 on a pricing benchmark other than the
14 wholesale acquisition cost (as defined in
15 section 1847A(c)(6)(B)) of a drug, cal-
16 culate and provide a wholesale acquisition
17 cost-based equivalent to the pricing guar-
18 antee or other cost performance measure.

19 “(C) PROVISION OF INFORMATION.—

20 “(i) IN GENERAL.—Not later than
21 July 1 of each year, beginning in 2028, the
22 pharmacy benefit manager shall submit to
23 the PDP sponsor, and to the Secretary, a
24 report, in accordance with this subpara-
25 graph, and shall make such report avail-

1 able to such sponsor at no cost to such
2 sponsor in a format specified by the Sec-
3 retary under paragraph (5). Each such re-
4 port shall include, with respect to such
5 PDP sponsor and each plan offered by
6 such sponsor, the following information
7 with respect to the previous plan year:

8 “(I) A list of all drugs covered by
9 the plan that were dispensed includ-
10 ing, with respect to each such drug—

11 “(aa) the brand name, ge-
12 neric or non-proprietary name,
13 and National Drug Code;

14 “(bb) the number of plan
15 enrollees for whom the drug was
16 dispensed, the total number of
17 prescription claims for the drug
18 (including original prescriptions
19 and refills, counted as separate
20 claims), and the total number of
21 dosage units of the drug dis-
22 pensed;

23 “(cc) the number of pre-
24 scription claims described in item
25 (bb) by each type of dispensing

1 channel through which the drug
2 was dispensed, including retail,
3 mail order, specialty pharmacy,
4 long term care pharmacy, home
5 infusion pharmacy, or other types
6 of pharmacies or providers;

7 “(dd) the average wholesale
8 acquisition cost, listed as cost per
9 day’s supply, cost per dosage
10 unit, and cost per typical course
11 of treatment (as applicable);

12 “(ee) the average wholesale
13 price for the drug, listed as price
14 per day’s supply, price per dos-
15 age unit, and price per typical
16 course of treatment (as applica-
17 ble);

18 “(ff) the total out-of-pocket
19 spending by plan enrollees on
20 such drug after application of
21 any benefits under the plan, in-
22 cluding plan enrollee spending
23 through copayments, coinsurance,
24 and deductibles;

1 “(gg) total rebates paid by
2 the manufacturer on the drug as
3 reported under the Detailed DIR
4 Report (or any successor report)
5 submitted by such sponsor to the
6 Centers for Medicare & Medicaid
7 Services;

8 “(hh) all other direct or in-
9 direct remuneration on the drug
10 as reported under the Detailed
11 DIR Report (or any successor re-
12 port) submitted by such sponsor
13 to the Centers for Medicare &
14 Medicaid Services;

15 “(ii) the average pharmacy
16 reimbursement amount paid by
17 the plan for the drug in the ag-
18 gregate and disaggregated by dis-
19 pensing channel identified in item
20 (cc);

21 “(jj) the average National
22 Average Drug Acquisition Cost
23 (NADAC); and

24 “(kk) total manufacturer-de-
25 rived revenue, inclusive of bona

1 fide service fees, attributable to
2 the drug and retained by the
3 pharmacy benefit manager and
4 any affiliate of such pharmacy
5 benefit manager.

6 “(II) In the case of a pharmacy
7 benefit manager that has an affiliate
8 that is a retail, mail order, or spe-
9 cialty pharmacy, with respect to drugs
10 covered by such plan that were dis-
11 pensed, the following information:

12 “(aa) The percentage of
13 total prescriptions that were dis-
14 pensed by pharmacies that are an
15 affiliate of the pharmacy benefit
16 manager for each drug.

17 “(bb) The interquartile
18 range of the total combined costs
19 paid by the plan and plan enroll-
20 ees, per dosage unit, per course
21 of treatment, per 30-day supply,
22 and per 90-day supply for each
23 drug dispensed by pharmacies
24 that are not an affiliate of the
25 pharmacy benefit manager and

1 that are included in the phar-
2 macy network of such plan.

3 “(cc) The interquartile
4 range of the total combined costs
5 paid by the plan and plan enroll-
6 ees, per dosage unit, per course
7 of treatment, per 30-day supply,
8 and per 90-day supply for each
9 drug dispensed by pharmacies
10 that are an affiliate of the phar-
11 macy benefit manager and that
12 are included in the pharmacy
13 network of such plan.

14 “(dd) The lowest total com-
15 bined cost paid by the plan and
16 plan enrollees, per dosage unit,
17 per course of treatment, per 30-
18 day supply, and per 90-day sup-
19 ply, for each drug that is avail-
20 able from any pharmacy included
21 in the pharmacy network of such
22 plan.

23 “(ee) The difference between
24 the average acquisition cost of
25 the affiliate, such as a pharmacy

1 or other entity that acquires pre-
2 prescription drugs, that initially ac-
3 quires the drug and the amount
4 reported under subclause (I)(jj)
5 for each drug.

6 “(ff) A list inclusive of the
7 brand name, generic or non-pro-
8 prietary name, and National
9 Drug Code of covered part D
10 drugs subject to an agreement
11 with a covered entity under sec-
12 tion 340B of the Public Health
13 Service Act for which the phar-
14 macy benefit manager or an affil-
15 iate of the pharmacy benefit
16 manager had a contract or other
17 arrangement with such a covered
18 entity in the service area of such
19 plan.

20 “(III) Where a drug approved
21 under section 505(c) of the Federal
22 Food, Drug, and Cosmetic Act (re-
23 ferred to in this subclause as the ‘list-
24 ed drug’) is covered by the plan, the
25 following information:

1 “(aa) A list of currently
2 marketed generic drugs approved
3 under section 505(j) of the Fed-
4 eral Food, Drug, and Cosmetic
5 Act pursuant to an application
6 that references such listed drug
7 that are not covered by the plan,
8 are covered on the same for-
9 mulary tier or a formulary tier
10 typically associated with higher
11 cost-sharing than the listed drug,
12 or are subject to utilization man-
13 agement that the listed drug is
14 not subject to.

15 “(bb) The estimated average
16 beneficiary cost-sharing under
17 the plan for a 30-day supply of
18 the listed drug.

19 “(cc) Where a generic drug
20 listed under item (aa) is on a for-
21 mulary tier typically associated
22 with higher cost-sharing than the
23 listed drug, the estimated aver-
24 age cost-sharing that a bene-
25 ficiary would have paid for a 30-

1 day supply of each of the generic
2 drugs described in item (aa), had
3 the plan provided coverage for
4 such drugs on the same for-
5 mulary tier as the listed drug.

6 “(dd) A written justification
7 for providing more favorable cov-
8 erage of the listed drug than the
9 generic drugs described in item
10 (aa).

11 “(ee) The number of cur-
12 rently marketed generic drugs
13 approved under section 505(j) of
14 the Federal Food, Drug, and
15 Cosmetic Act pursuant to an ap-
16 plication that references such
17 listed drug.

18 “(IV) Where a reference product
19 (as defined in section 351(i) of the
20 Public Health Service Act) is covered
21 by the plan, the following information:

22 “(aa) A list of currently
23 marketed biosimilar biological
24 products licensed under section
25 351(k) of the Public Health

1 Service Act pursuant to an appli-
2 cation that refers to such ref-
3 erence product that are not cov-
4 ered by the plan, are covered on
5 the same formulary tier or a for-
6 mulary tier typically associated
7 with higher cost-sharing than the
8 reference product, or are subject
9 to utilization management that
10 the reference product is not sub-
11 ject to.

12 “(bb) The estimated average
13 beneficiary cost-sharing under
14 the plan for a 30-day supply of
15 the reference product.

16 “(cc) Where a biosimilar bi-
17 ological product listed under item
18 (aa) is on a formulary tier typi-
19 cally associated with higher cost-
20 sharing than the reference prod-
21 uct, the estimated average cost-
22 sharing that a beneficiary would
23 have paid for a 30-day supply of
24 each of the biosimilar biological
25 products described in item (aa),

1 had the plan provided coverage
2 for such products on the same
3 formulary tier as the reference
4 product.

5 “(dd) A written justification
6 for providing more favorable cov-
7 erage of the reference product
8 than the biosimilar biological
9 product described in item (aa).

10 “(ee) The number of cur-
11 rently marketed biosimilar bio-
12 logical products licensed under
13 section 351(k) of the Public
14 Health Service Act, pursuant to
15 an application that refers to such
16 reference product.

17 “(V) Total gross spending on
18 covered part D drugs by the plan, not
19 net of rebates, fees, discounts, or
20 other direct or indirect remuneration.

21 “(VI) The total amount retained
22 by the pharmacy benefit manager or
23 an affiliate of such pharmacy benefit
24 manager in revenue related to utiliza-
25 tion of covered part D drugs under

1 that plan, inclusive of bona fide serv-
2 ice fees.

3 “(VII) The total spending on cov-
4 ered part D drugs net of rebates, fees,
5 discounts, or other direct and indirect
6 remuneration by the plan.

7 “(VIII) An explanation of any
8 benefit design parameters under such
9 plan that encourage plan enrollees to
10 fill prescriptions at pharmacies that
11 are an affiliate of such pharmacy ben-
12 efit manager, such as mail and spe-
13 cialty home delivery programs, and re-
14 tail and mail auto-refill programs.

15 “(IX) The following information:

16 “(aa) A list of all brokers,
17 consultants, advisors, and audi-
18 tors that receive compensation
19 from the pharmacy benefit man-
20 ager or an affiliate of such phar-
21 macy benefit manager for refer-
22 rals, consulting, auditing, or
23 other services offered to PDP
24 sponsors related to pharmacy
25 benefit management services.

1 “(bb) The amount of com-
2 pensation provided by such phar-
3 macy benefit manager or affiliate
4 to each such broker, consultant,
5 advisor, and auditor.

6 “(cc) The methodology for
7 calculating the amount of com-
8 pensation provided by such phar-
9 macy benefit manager or affil-
10 iate, for each such broker, con-
11 sultant, advisor, and auditor.

12 “(X) A list of all affiliates of the
13 pharmacy benefit manager.

14 “(XI) A summary document sub-
15 mitted in a standardized template de-
16 veloped by the Secretary that includes
17 such information described in sub-
18 clauses (I) through (X).

19 “(ii) WRITTEN EXPLANATION OF CON-
20 TRACTS OR AGREEMENTS WITH DRUG
21 MANUFACTURERS.—

22 “(I) IN GENERAL.—The phar-
23 macy benefit manager shall, not later
24 than 30 days after the finalization of
25 any contract or agreement between

1 such pharmacy benefit manager or an
2 affiliate of such pharmacy benefit
3 manager and a drug manufacturer (or
4 subsidiary, agent, or entity affiliated
5 with such drug manufacturer) that
6 makes rebates, discounts, payments,
7 or other financial incentives related to
8 one or more covered part D drugs or
9 other prescription drugs, as applica-
10 ble, of the manufacturer directly or
11 indirectly contingent upon coverage,
12 formulary placement, or utilization
13 management conditions on any other
14 covered part D drugs or other pre-
15 scription drugs, as applicable, submit
16 to the PDP sponsor a written expla-
17 nation of such contract or agreement.

18 “(II) REQUIREMENTS.—A writ-
19 ten explanation under subclause (I)
20 shall—

21 “(aa) include the manufac-
22 turer subject to the contract or
23 agreement, all covered part D
24 drugs and other prescription
25 drugs, as applicable, subject to

1 the contract or agreement and
2 the manufacturers of such drugs,
3 and a high-level description of
4 the terms of such contract or
5 agreement and how such terms
6 apply to such drugs; and

7 “(bb) be certified by the
8 Chief Executive Officer, Chief Fi-
9 nancial Officer, or General Coun-
10 sel of such pharmacy benefit
11 manager, or affiliate of such
12 pharmacy benefit manager, as
13 applicable, or an individual dele-
14 gated with the authority to sign
15 on behalf of one of these officers,
16 who reports directly to the offi-
17 cer.

18 “(III) DEFINITION OF OTHER
19 PRESCRIPTION DRUGS.—For purposes
20 of this clause, the term ‘other pre-
21 scription drugs’ means prescription
22 drugs covered as supplemental bene-
23 fits under this part or prescription
24 drugs paid outside of this part.

25 “(D) AUDIT RIGHTS.—

1 “(i) IN GENERAL.—Not less than once
2 a year, at the request of the PDP sponsor,
3 the pharmacy benefit manager shall allow
4 for an audit of the pharmacy benefit man-
5 ager to ensure compliance with all terms
6 and conditions under the written agree-
7 ment described in this paragraph and the
8 accuracy of information reported under
9 subparagraph (C).

10 “(ii) AUDITOR.—The PDP sponsor
11 shall have the right to select an auditor.
12 The pharmacy benefit manager shall not
13 impose any limitations on the selection of
14 such auditor.

15 “(iii) PROVISION OF INFORMATION.—
16 The pharmacy benefit manager shall make
17 available to such auditor all records, data,
18 contracts, and other information necessary
19 to confirm the accuracy of information
20 provided under subparagraph (C), subject
21 to reasonable restrictions on how such in-
22 formation must be reported to prevent re-
23 disclosure of such information.

24 “(iv) TIMING.—The pharmacy benefit
25 manager must provide information under

1 clause (iii) and other information, data,
2 and records relevant to the audit to such
3 auditor within 6 months of the initiation of
4 the audit and respond to requests for addi-
5 tional information from such auditor with-
6 in 30 days after the request for additional
7 information.

8 “(v) INFORMATION FROM AFFILI-
9 ATES.—The pharmacy benefit manager
10 shall be responsible for providing to such
11 auditor information required to be reported
12 under subparagraph (C) or under clause
13 (iii) of this subparagraph that is owned or
14 held by an affiliate of such pharmacy ben-
15 efit manager.

16 “(2) ENFORCEMENT.—

17 “(A) IN GENERAL.—Each PDP sponsor
18 shall—

19 “(i) disgorge to the Secretary any
20 amounts disgorged to the PDP sponsor by
21 a pharmacy benefit manager under para-
22 graph (1)(A)(v);

23 “(ii) require, in a written agreement
24 with any pharmacy benefit manager acting
25 on behalf of such sponsor or affiliate of

1 such pharmacy benefit manager, that such
2 pharmacy benefit manager or affiliate re-
3 imburse the PDP sponsor for any civil
4 money penalty imposed on the PDP spon-
5 sor as a result of the failure of the phar-
6 macy benefit manager or affiliate to meet
7 the requirements of paragraph (1) that are
8 applicable to the pharmacy benefit man-
9 ager or affiliate under the agreement; and
10 “(iii) require, in a written agreement
11 with any such pharmacy benefit manager
12 acting on behalf of such sponsor or affil-
13 iate of such pharmacy benefit manager,
14 that such pharmacy benefit manager or af-
15 filiate be subject to punitive remedies for
16 breach of contract for failure to comply
17 with the requirements applicable under
18 paragraph (1).

19 “(B) REPORTING OF ALLEGED VIOLA-
20 TIONS.—The Secretary shall make available and
21 maintain a mechanism for manufacturers, PDP
22 sponsors, pharmacies, and other entities that
23 have contractual relationships with pharmacy
24 benefit managers or affiliates of such pharmacy
25 benefit managers to report, on a confidential

1 basis, alleged violations of paragraph (1)(A) or
2 subparagraph (C).

3 “(C) ANTI-RETALIATION AND ANTI-COER-
4 CION.—Consistent with applicable Federal or
5 State law, a PDP sponsor shall not—

6 “(i) retaliate against an individual or
7 entity for reporting an alleged violation
8 under subparagraph (B); or

9 “(ii) coerce, intimidate, threaten, or
10 interfere with the ability of an individual
11 or entity to report any such alleged viola-
12 tions.

13 “(3) CERTIFICATION OF COMPLIANCE.—

14 “(A) IN GENERAL.—Each PDP sponsor
15 shall furnish to the Secretary (at a time and in
16 a manner specified by the Secretary) an annual
17 certification of compliance with this subsection,
18 as well as such information as the Secretary de-
19 termines necessary to carry out this subsection.

20 “(B) IMPLEMENTATION.—Notwithstanding
21 any other provision of law, the Secretary may
22 implement this paragraph by program instruc-
23 tion or otherwise.

24 “(4) RULE OF CONSTRUCTION.—Nothing in
25 this subsection shall be construed as—

1 “(A) prohibiting flat dispensing fees or re-
2 imbursement or payment for ingredient costs
3 (including customary, industry-standard dis-
4 counts directly related to drug acquisition that
5 are retained by pharmacies or wholesalers) to
6 entities that acquire or dispense prescription
7 drugs; or

8 “(B) modifying regulatory requirements or
9 sub-regulatory program instruction or guidance
10 related to pharmacy payment, reimbursement,
11 or dispensing fees.

12 “(5) STANDARD FORMATS.—

13 “(A) IN GENERAL.—Not later than June
14 1, 2027, the Secretary shall specify standard,
15 machine-readable formats for pharmacy benefit
16 managers to submit annual reports required
17 under paragraph (1)(C)(i).

18 “(B) IMPLEMENTATION.—Notwithstanding
19 any other provision of law, the Secretary may
20 implement this paragraph by program instruc-
21 tion or otherwise.

22 “(6) CONFIDENTIALITY.—

23 “(A) IN GENERAL.—Information disclosed
24 by a pharmacy benefit manager, an affiliate of
25 a pharmacy benefit manager, a PDP sponsor,

1 or a pharmacy under this subsection that is not
2 otherwise publicly available or available for pur-
3 chase shall not be disclosed by the Secretary or
4 a PDP sponsor receiving the information, ex-
5 cept that the Secretary may disclose the infor-
6 mation for the following purposes:

7 “(i) As the Secretary determines nec-
8 essary to carry out this part.

9 “(ii) To permit the Comptroller Gen-
10 eral to review the information provided.

11 “(iii) To permit the Director of the
12 Congressional Budget Office to review the
13 information provided.

14 “(iv) To permit the Executive Direc-
15 tor of the Medicare Payment Advisory
16 Commission to review the information pro-
17 vided.

18 “(v) To the Attorney General for the
19 purposes of conducting oversight and en-
20 forcement under this title.

21 “(vi) To the Inspector General of the
22 Department of Health and Human Serv-
23 ices in accordance with its authorities
24 under the Inspector General Act of 1978

1 (section 406 of title 5, United States
2 Code), and other applicable statutes.

3 “(B) RESTRICTION ON USE OF INFORMA-
4 TION.—The Secretary, the Comptroller General,
5 the Director of the Congressional Budget Of-
6 fice, and the Executive Director of the Medicare
7 Payment Advisory Commission shall not report
8 on or disclose information disclosed pursuant to
9 subparagraph (A) to the public in a manner
10 that would identify—

11 “(i) a specific pharmacy benefit man-
12 ager, affiliate, pharmacy, manufacturer,
13 wholesaler, PDP sponsor, or plan; or

14 “(ii) contract prices, rebates, dis-
15 counts, or other remuneration for specific
16 drugs in a manner that may allow the
17 identification of specific contracting parties
18 or of such specific drugs.

19 “(7) DEFINITIONS.—For purposes of this sub-
20 section:

21 “(A) AFFILIATE.—The term ‘affiliate’
22 means, with respect to any pharmacy benefit
23 manager or PDP sponsor, any entity that, di-
24 rectly or indirectly—

1 “(i) owns or is owned by, controls or
2 is controlled by, or is otherwise related in
3 any ownership structure to such pharmacy
4 benefit manager or PDP sponsor; or

5 “(ii) acts as a contractor, principal, or
6 agent to such pharmacy benefit manager
7 or PDP sponsor, insofar as such con-
8 tractor, principal, or agent performs any of
9 the functions described under subpara-
10 graph (C).

11 “(B) BONA FIDE SERVICE FEE.—The term
12 ‘bona fide service fee’ means a fee that is reflec-
13 tive of the fair market value (as specified by the
14 Secretary, through notice and comment rule-
15 making) for a bona fide, itemized service actu-
16 ally performed on behalf of an entity, that the
17 entity would otherwise perform (or contract for)
18 in the absence of the service arrangement and
19 that is not passed on in whole or in part to a
20 client or customer, whether or not the entity
21 takes title to the drug. Such fee must be a flat
22 dollar amount and shall not be directly or indi-
23 rectly based on, or contingent upon—

1 “(i) drug price, such as wholesale ac-
2 quisition cost or drug benchmark price
3 (such as average wholesale price);

4 “(ii) the amount of discounts, rebates,
5 fees, or other direct or indirect remunera-
6 tion with respect to covered part D drugs
7 dispensed to enrollees in a prescription
8 drug plan, except as permitted pursuant to
9 paragraph (1)(A)(ii);

10 “(iii) coverage or formulary placement
11 decisions or the volume or value of any re-
12 ferrals or business generated between the
13 parties to the arrangement; or

14 “(iv) any other amounts or meth-
15 odologies prohibited by the Secretary.

16 “(C) PHARMACY BENEFIT MANAGER.—The
17 term ‘pharmacy benefit manager’ means any
18 person or entity that, either directly or through
19 an intermediary, acts as a price negotiator or
20 group purchaser on behalf of a PDP sponsor or
21 prescription drug plan, or manages the pre-
22 scription drug benefits provided by such spon-
23 sor or plan, including the processing and pay-
24 ment of claims for prescription drugs, the per-
25 formance of drug utilization review, the proc-

1 essing of drug prior authorization requests, the
2 adjudication of appeals or grievances related to
3 the prescription drug benefit, contracting with
4 network pharmacies, controlling the cost of cov-
5 ered part D drugs, or the provision of related
6 services. Such term includes any person or enti-
7 ty that carries out one or more of the activities
8 described in the preceding sentence, irrespective
9 of whether such person or entity calls itself a
10 ‘pharmacy benefit manager’.”.

11 (2) MA–PD PLANS.—Section 1857(f)(3) of the
12 Social Security Act (42 U.S.C. 1395w–27(f)(3)) is
13 amended by adding at the end the following new
14 subparagraph:

15 “(F) REQUIREMENTS RELATING TO PHAR-
16 MACY BENEFIT MANAGERS.—For plan years be-
17 ginning on or after January 1, 2028, section
18 1860D–12(h).”.

19 (3) NONAPPLICATION OF PAPERWORK REDUC-
20 TION ACT.—Chapter 35 of title 44, United States
21 Code, shall not apply to the implementation of this
22 subsection.

23 (4) FUNDING.—

24 (A) SECRETARY.—In addition to amounts
25 otherwise available, there is appropriated to the

1 Centers for Medicare & Medicaid Services Pro-
2 gram Management Account, out of any money
3 in the Treasury not otherwise appropriated,
4 \$113,000,000 for fiscal year 2025, to remain
5 available until expended, to carry out this sub-
6 section.

7 (B) OIG.—In addition to amounts other-
8 wise available, there is appropriated to the In-
9 spector General of the Department of Health
10 and Human Services, out of any money in the
11 Treasury not otherwise appropriated,
12 \$20,000,000 for fiscal year 2025, to remain
13 available until expended, to carry out this sub-
14 section.

15 (b) GAO STUDY AND REPORT ON PRICE-RELATED
16 COMPENSATION ACROSS THE SUPPLY CHAIN.—

17 (1) STUDY.—The Comptroller General of the
18 United States (in this subsection referred to as the
19 “Comptroller General”) shall conduct a study de-
20 scribing the use of compensation and payment struc-
21 tures related to a prescription drug’s price within
22 the retail prescription drug supply chain in part D
23 of title XVIII of the Social Security Act (42 U.S.C.
24 1395w–101 et seq.). Such study shall summarize in-
25 formation from Federal agencies and industry ex-

1 perts, to the extent available, with respect to the fol-
2 lowing:

3 (A) The type, magnitude, other features
4 (such as the pricing benchmarks used), and
5 prevalence of compensation and payment struc-
6 tures related to a prescription drug's price,
7 such as calculating fee amounts as a percentage
8 of a prescription drug's price, between inter-
9 mediaries in the prescription drug supply chain,
10 including—

- 11 (i) pharmacy benefit managers;
12 (ii) PDP sponsors offering prescrip-
13 tion drug plans and Medicare Advantage
14 organizations offering MA–PD plans;
15 (iii) drug wholesalers;
16 (iv) pharmacies;
17 (v) manufacturers;
18 (vi) pharmacy services administrative
19 organizations;
20 (vii) brokers, auditors, consultants,
21 and other entities that—

22 (I) advise PDP sponsors offering
23 prescription drug plans and Medicare
24 Advantage organizations offering MA–

1 PD plans regarding pharmacy bene-
2 fits; or

3 (II) review PDP sponsor and
4 Medicare Advantage organization con-
5 tracts with pharmacy benefit man-
6 agers; and

7 (viii) other service providers that con-
8 tract with any of the entities described in
9 clauses (i) through (vii) that may use
10 price-related compensation and payment
11 structures, such as rebate aggregators (or
12 other entities that negotiate or process
13 price concessions on behalf of pharmacy
14 benefit managers, plan sponsors, or phar-
15 macies).

16 (B) The primary business models and com-
17 pensation structures for each category of inter-
18 mediary described in subparagraph (A).

19 (C) Variation in price-related compensation
20 structures between affiliated entities (such as
21 entities with common ownership, either full or
22 partial, and subsidiary relationships) and unaf-
23 filiated entities.

24 (D) Potential conflicts of interest among
25 contracting entities related to the use of pre-

1 prescription drug price-related compensation struc-
2 tures, such as the potential for fees or other
3 payments set as a percentage of a prescription
4 drug's price to advantage formulary selection,
5 distribution, or purchasing of prescription drugs
6 with higher prices.

7 (E) Notable differences, if any, in the use
8 and level of price-based compensation struc-
9 tures over time and between different market
10 segments, such as under part D of title XVIII
11 of the Social Security Act (42 U.S.C. 1395w-
12 101 et seq.) and the Medicaid program under
13 title XIX of such Act (42 U.S.C. 1396 et seq.).

14 (F) The effects of drug price-related com-
15 pensation structures and alternative compensa-
16 tion structures on Federal health care programs
17 and program beneficiaries, including with re-
18 spect to cost-sharing, premiums, Federal out-
19 lays, biosimilar and generic drug adoption and
20 utilization, drug shortage risks, and the poten-
21 tial for fees set as a percentage of a drug's
22 price to advantage the formulary selection, dis-
23 tribution, or purchasing of drugs with higher
24 prices.

1 (G) Other issues determined to be relevant
2 and appropriate by the Comptroller General.

3 (2) REPORT.—Not later than 2 years after the
4 date of enactment of this section, the Comptroller
5 General shall submit to Congress a report containing
6 the results of the study conducted under paragraph
7 (1), together with recommendations for such legisla-
8 tion and administrative action as the Comptroller
9 General determines appropriate.

10 (c) MEDPAC REPORTS ON AGREEMENTS WITH
11 PHARMACY BENEFIT MANAGERS WITH RESPECT TO PRE-
12 SCRIPTIION DRUG PLANS AND MA-PD PLANS.—

13 (1) IN GENERAL.—The Medicare Payment Ad-
14 visory Commission shall submit to Congress the fol-
15 lowing reports:

16 (A) INITIAL REPORT.—Not later than the
17 first March 15 occurring after the date that is
18 2 years after the date on which the Secretary
19 makes the data available to the Commission, a
20 report regarding agreements with pharmacy
21 benefit managers with respect to prescription
22 drug plans and MA–PD plans. Such report
23 shall include, to the extent practicable—

24 (i) a description of trends and pat-
25 terns, including relevant averages, totals,

1 and other figures for the types of informa-
2 tion submitted;

3 (ii) an analysis of any differences in
4 agreements and their effects on plan en-
5 rollee out-of-pocket spending and average
6 pharmacy reimbursement, and other im-
7 pacts; and

8 (iii) any recommendations the Com-
9 mission determines appropriate.

10 (B) FINAL REPORT.—Not later than 2
11 years after the date on which the Commission
12 submits the initial report under subparagraph
13 (A), a report describing any changes with re-
14 spect to the information described in subpara-
15 graph (A) over time, together with any rec-
16 ommendations the Commission determines ap-
17 propriate.

18 (2) FUNDING.—In addition to amounts other-
19 wise available, there is appropriated to the Medicare
20 Payment Advisory Commission, out of any money in
21 the Treasury not otherwise appropriated,
22 \$1,000,000 for fiscal year 2025, to remain available
23 until expended, to carry out this subsection.

1 **SEC. 228. REQUIRING A SEPARATE IDENTIFICATION NUM-**
2 **BER AND AN ATTESTATION FOR EACH OFF-**
3 **CAMPUS OUTPATIENT DEPARTMENT OF A**
4 **PROVIDER.**

5 (a) IN GENERAL.—Section 1833(t) of the Social Se-
6 curity Act (42 U.S.C. 1395l(t)) is amended by adding at
7 the end the following new paragraph:

8 “(23) USE OF UNIQUE HEALTH IDENTIFIERS;
9 ATTESTATION.—

10 “(A) IN GENERAL.—No payment may be
11 made under this subsection (or under an appli-
12 cable payment system pursuant to paragraph
13 (21)) for items and services furnished on or
14 after January 1, 2026, by an off-campus out-
15 patient department of a provider (as defined in
16 subparagraph (C)) unless—

17 “(i) such department has obtained,
18 and such items and services are billed
19 under, a standard unique health identifier
20 for health care providers (as described in
21 section 1173(b)) that is separate from
22 such identifier for such provider;

23 “(ii) such provider has submitted to
24 the Secretary, during the 2-year period
25 ending on the date such items and services
26 are so furnished, an initial provider-based

1 status attestation that such department is
2 compliant with the requirements described
3 in section 413.65 of title 42, Code of Fed-
4 eral Regulations (or a successor regula-
5 tion); and

6 “(iii) after such provider has sub-
7 mitted an attestation under clause (ii),
8 such provider has submitted a subsequent
9 attestation within the timeframe specified
10 by the Secretary.

11 “(B) PROCESS FOR SUBMISSION AND RE-
12 VIEW.—Not later than 1 year after the date of
13 enactment of this paragraph, the Secretary
14 shall, through notice and comment rulemaking,
15 establish a process for each provider with an
16 off-campus outpatient department of a provider
17 to submit an initial and subsequent attestation
18 pursuant to clauses (ii) and (iii), respectively, of
19 subparagraph (A), and for the Secretary to re-
20 view each such attestation and determine,
21 through site visits, remote audits, or other
22 means (as determined appropriate by the Sec-
23 retary), whether such department is compliant
24 with the requirements described in such sub-
25 paragraph.

1 “(C) OFF-CAMPUS OUTPATIENT DEPART-
2 MENT OF A PROVIDER DEFINED.—For purposes
3 of this paragraph, the term ‘off-campus out-
4 patient department of a provider’ means a de-
5 partment of a provider (as defined in section
6 413.65 of title 42, Code of Federal Regulations,
7 or any successor regulation) that is not lo-
8 cated—

9 “(i) on the campus (as defined in such
10 section) of such provider; or

11 “(ii) within the distance (described in
12 such definition of campus) from a remote
13 location of a hospital facility (as defined in
14 such section).”.

15 (b) HHS OIG ANALYSIS.—Not later than January
16 1, 2030, the Inspector General of the Department of
17 Health and Human Services shall submit to Congress—

18 (1) an analysis of the process established by the
19 Secretary of Health and Human Services to conduct
20 the reviews and determinations described in section
21 1833(t)(23)(B) of the Social Security Act, as added
22 by subsection (a) of this section; and

23 (2) recommendations based on such analysis, as
24 the Inspector General determines appropriate.

1 **SEC. 229. MEDICARE SEQUESTRATION.**

2 Section 251A(6) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is
4 amended—

5 (1) in subparagraph (D), by striking “such
6 that,” and all that follows and inserting “such that
7 the payment reduction shall be 2.0 percent.”; and

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

9 “(F) On the date on which the President sub-
10 mits the budget under section 1105 of title 31,
11 United States Code, for fiscal year 2033, the Presi-
12 dent shall order a sequestration of payments for the
13 Medicare programs specified in section 256(d), effec-
14 tive upon issuance, such that, notwithstanding the 2
15 percent limit specified in subparagraph (A) for such
16 payments—

17 “(i) with respect to the first 2 months in
18 which such order is effective for such fiscal
19 year, the payment reduction shall be 2.0 per-
20 cent; and

21 “(ii) with respect to the last 10 months in
22 which such order is effective for such fiscal
23 year, the payment reduction shall be 0 per-
24 cent.”.

1 **SEC. 230. MEDICARE IMPROVEMENT FUND.**

2 Section 1898(b)(1) of the Social Security Act (42
3 U.S.C. 1395iii(b)(1)) is amended by striking
4 “\$3,197,000,000” and inserting “\$1,891,500,000”.

5 **TITLE III—HUMAN SERVICES**

6 **Subtitle A—Reauthorize Child Wel-**
7 **fare Services and Strengthen**
8 **State and Tribal Child Support**
9 **Program**

10 **SEC. 301. SHORT TITLE.**

11 This subtitle may be cited as the “Supporting Amer-
12 ica’s Children and Families Act”.

13 **PART 1—CHILD WELFARE REAUTHORIZATION**
14 **AND MODERNIZATION**

15 **SEC. 311. SHORT TITLE; REFERENCES.**

16 (a) **SHORT TITLE.**—This part may be cited as the
17 “Protecting America’s Children by Strengthening Fami-
18 lies Act”.

19 (b) **REFERENCES.**—Except as otherwise expressly
20 provided, wherever in this part an amendment or repeal
21 is expressed in terms of an amendment to, or repeal of,
22 a section or other provision, the reference shall be consid-
23 ered to be made to that section or other provision of the
24 Social Security Act.

1 **SEC. 312. REAUTHORIZATION OF CHILD WELFARE PRO-**
2 **GRAMS.**

3 (a) REAUTHORIZATION OF SUBPART 1; DISCRE-
4 TIONARY FUNDING.—Section 425 (42 U.S.C. 625) is
5 amended by striking “2017 through 2023” and inserting
6 “2025 through 2029”.

7 (b) REAUTHORIZATION OF SUBPART 2; ENHANCED
8 SUPPORT.—Section 436(a) (42 U.S.C. 629f(a)) is amend-
9 ed by striking “each of fiscal years 2017 through 2023”
10 and inserting “fiscal year 2025 and \$420,000,000 for
11 each of fiscal years 2026 through 2029”.

12 (c) REAUTHORIZATION OF SUBPART 2; DISCRE-
13 TIONARY FUNDING.—Section 437(a) (42 U.S.C. 629g(a))
14 is amended by striking “2017 through 2023” and insert-
15 ing “2025 through 2029”.

16 (d) FUNDING LIMITATION.—Section 423(a)(2)(A)
17 (42 U.S.C. 623(a)(2)(A)) is amended by inserting “, not
18 to exceed \$10,000,000” before the semicolon.

19 **SEC. 313. ENHANCEMENTS TO THE COURT IMPROVEMENT**
20 **PROGRAM.**

21 (a) INCREASE IN RESERVATION OF FUNDS.—Section
22 436(b)(2) (42 U.S.C. 629f(b)(2)) is amended by inserting
23 “for fiscal year 2025 and \$40,000,000 for fiscal year 2026
24 and each succeeding fiscal year” before “for grants”.

25 (b) EXTENSION OF STATE MATCH REQUIREMENT.—
26 Section 438(d) (42 U.S.C. 629h(d)) is amended by strik-

1 ing “2017 through 2023” and inserting “2025 through
2 2029”.

3 (c) PROGRAM IMPROVEMENTS.—Section 438(a) (42
4 U.S.C. 629h(a)) is amended—

5 (1) in paragraph (1), by adding at the end the
6 following:

7 “(F) that determine the appropriateness
8 and best practices for use of technology to con-
9 duct remote hearings, subject to participant
10 consent, including to ensure maximum partici-
11 pation of individuals involved in proceedings
12 and to enable courts to maintain operations in
13 times of public health or other emergencies;”;

14 (2) in paragraph (2)(C), by striking “per-
15 sonnel.” and inserting “personnel and supporting
16 optimal use of remote hearing technology; and”;

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

18 “(3) to ensure continuity of needed court serv-
19 ices, prevent disruption of the services, and enable
20 their recovery from threats such as public health cri-
21 ses, natural disasters or cyberattacks, including
22 through—

23 “(A) support for technology that allows
24 court proceedings to occur remotely subject to

1 participant consent, including hearings and
2 legal representation;

3 “(B) the development of guidance and pro-
4 tocols for responding to the occurrences and co-
5 ordinating with other agencies; and

6 “(C) other activities carried out to ensure
7 backup systems are in place.”.

8 (d) IMPLEMENTATION GUIDANCE ON SHARING BEST
9 PRACTICES FOR TECHNOLOGICAL CHANGES NEEDED FOR
10 REMOTE COURT PROCEEDINGS FOR FOSTER CARE OR
11 ADOPTION.—Section 438 (42 U.S.C. 629h) is amended by
12 adding at the end the following:

13 “(e) GUIDANCE.—

14 “(1) IN GENERAL.—Every 5 years, the Sec-
15 retary shall issue implementation guidance for shar-
16 ing information on best practices for—

17 “(A) technological changes needed for
18 court proceedings for foster care, guardianship,
19 or adoption to be conducted remotely in a way
20 that maximizes engagement and protects the
21 privacy of participants; and

22 “(B) the manner in which the proceedings
23 should be conducted.

24 “(2) INITIAL ISSUANCE.—The Secretary shall
25 issue initial guidance required by paragraph (1) with

1 preliminary information on best practices not later
2 than October 1, 2025.

3 “(3) ADDITIONAL CONSULTATION.—The Sec-
4 retary shall consult with Indian tribes on the devel-
5 opment of appropriate guidelines for State court
6 proceedings involving Indian children to maximize
7 engagement of Indian tribes and provide appropriate
8 guidelines on conducting State court proceedings
9 subject to the Indian Child Welfare Act of 1978 (25
10 U.S.C. 1901 et seq.).”

11 **SEC. 314. EXPANDING REGIONAL PARTNERSHIP GRANTS**
12 **TO ADDRESS PARENTAL SUBSTANCE USE DIS-**
13 **ORDER AS CAUSE OF CHILD REMOVAL.**

14 (a) INCREASE IN RESERVATION OF FUNDS.—Section
15 436(b)(5) (42 U.S.C. 629f(b)(5)) is amended by striking
16 “each of fiscal years 2017 through 2023” and inserting
17 “fiscal year 2025 and \$30,000,000 for fiscal year 2026
18 and each succeeding fiscal year”.

19 (b) REAUTHORIZATION.—Section 437(f) (42 U.S.C.
20 629g(f)) is amended—

21 (1) in paragraph (3)(A)—

22 (A) by striking “In addition to amounts
23 authorized to be appropriated to carry out this
24 section, the” and inserting “The”; and

1 (B) by striking “2017 through 2023” and
2 inserting “2025 through 2029”; and

3 (2) in paragraph (10), by striking “for each of
4 fiscal years 2017 through 2023”.

5 (c) AUTHORITY TO WAIVE PLANNING PHASE.—Sec-
6 tion 437(f)(3)(B)(iii) (42 U.S.C. 629g(f)(3)(B)(iii)) is
7 amended—

8 (1) by striking all that precedes “grant award-
9 ed” and inserting the following:

10 “(iii) SUFFICIENT PLANNING.—

11 “(I) IN GENERAL.—A”; and

12 (2) by striking “may not exceed \$250,000,
13 and”; and

14 (3) by adding after and below the end the fol-
15 lowing:

16 “(II) EXCEPTION.—The Sec-
17 retary, on a case-by-case basis, may
18 waive the planning phase for a part-
19 nership that demonstrates that the
20 partnership has engaged in sufficient
21 planning before submitting an appli-
22 cation for a grant under this sub-
23 section.”.

24 (d) EXPANDING AVAILABILITY OF EVIDENCE-BASED
25 SERVICES.—

1 (1) IN GENERAL.—Section 437(f)(1) (42 U.S.C.
2 629g(f)(1)) is amended by inserting “, and expand
3 the scope of the evidence-based services that may be
4 approved by the clearinghouse established under sec-
5 tion 476(d)” before the period.

6 (2) CONSIDERATIONS FOR AWARDING
7 GRANTS.—Section 437(f)(7) (42 U.S.C. 629g(f)(7))
8 is amended—

9 (A) by striking “and” at the end of sub-
10 paragraph (D);

11 (B) by striking the period at the end of
12 subparagraph (E) and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(F) have submitted information pursuant
15 to paragraph (4)(F) that demonstrates the ca-
16 pability to participate in rigorous evaluation of
17 program effectiveness.”.

18 (e) TECHNICAL ASSISTANCE ON USING REGIONAL
19 PARTNERSHIP GRANT FUNDS IN COORDINATION WITH
20 OTHER FEDERAL FUNDS TO BETTER SERVE FAMILIES
21 AFFECTED BY A SUBSTANCE USE DISORDER.—Section
22 435(d) (42 U.S.C. 629e(d)) is amended—

23 (1) by striking “and” at the end of paragraph
24 (4);

1 (2) by striking the period at the end of para-
2 graph (5) and inserting “; and”; and

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

4 “(6) use grants under section 437(f) in coordi-
5 nation with other Federal funds to better serve fami-
6 lies in the child welfare system that are affected by
7 a substance use disorder.”.

8 (f) PERFORMANCE INDICATORS.—Section
9 437(f)(8)(A) (42 U.S.C. 629g(f)(8)(A)) is amended in the
10 1st sentence—

11 (1) by striking “this subsection” the 1st place
12 it appears and inserting “the Protecting America’s
13 Children by Strengthening Families Act”;

14 (2) by inserting “child permanency, reunifica-
15 tion, re-entry into care,” before “parental recovery”;
16 and

17 (3) by inserting “, and access to services for
18 families with substance use disorder, including those
19 with children who are overrepresented in foster care,
20 difficult to place, or have disproportionately low per-
21 manency rates” before the period.

22 (g) PERFORMANCE INDICATOR CONSULTATION RE-
23 QUIRED.—Section 437(f)(8)(B) (42 U.S.C.
24 629g(f)(8)(B)) is amended by redesignating clause (iii) as
25 clause (iv) and inserting after clause (ii) the following:

1 “(iii) The Administrator of the Na-
2 tional Institute on Drug Abuse.”.

3 (h) REPORTS TO CONGRESS.—Section 437(f)(9)(B)
4 (42 U.S.C. 629g(f)(9)(B)) is amended—

5 (1) by striking “and” at the end of clause (ii);

6 (2) by striking the period at the end of clause

7 (iii) and inserting “; and”; and

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

9 “(iv) whether any programs funded by
10 the grants were submitted to the clearing-
11 house established under section 476(d) for
12 review and the results of any such re-
13 view.”.

14 (i) PRIORITY FOR STATEWIDE SERVICE GROWTH.—
15 Section 437(f)(7) (42 U.S.C. 629g(f)(7)), as amended by
16 subsection (d)(2) of this section, is amended—

17 (1) by striking “and” at the end of subpara-
18 graph (E);

19 (2) by striking the period at the end of sub-
20 paragraph (F) and inserting “; and”; and

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

22 “(G) are a State or public agency, or out-
23 line a plan to increase the availability of serv-
24 ices funded under the grant statewide.”.

1 (j) ADDITION OF JUVENILE COURT AS REQUIRED
2 PARTNER.—Section 437(f)(2)(A) (42 U.S.C.
3 629g(f)(2)(A)) is amended by adding at the end the fol-
4 lowing:

5 “(iii) The most appropriate adminis-
6 trative office of the juvenile court or State
7 court overseeing court proceedings involv-
8 ing families who come to the attention of
9 the court due to child abuse or neglect.”.

10 (k) ADDITIONAL OPTIONAL PARTNER.—Section
11 437(f)(2)(C) (42 U.S.C. 629g(f)(2)(C)) is amended by re-
12 designating clause (ix) as clause (x) and inserting after
13 clause (viii) the following:

14 “(ix) State or local agencies that ad-
15 minister Federal health care, housing, fam-
16 ily support, or other related programs.”.

17 (l) CONFORMING AMENDMENTS.—

18 (1) Section 437(f)(2)(D) (42 U.S.C.
19 629g(f)(2)(D)) is amended—

20 (A) by adding “and” at the end of clause

21 (i);

22 (B) by striking “; and” at the end of
23 clause (ii) and inserting a period; and

24 (C) by striking clause (iii).

1 (2) Section 437(f)(2) (42 U.S.C. 629g(f)(2)) is
2 amended by striking subparagraph (B) and redesignig-
3 nating subparagraphs (C) and (D) as subparagraphs
4 (B) and (C), respectively

5 **SEC. 315. MODERNIZATION; REDUCING ADMINISTRATIVE**
6 **BURDEN.**

7 (a) IN GENERAL.—Section 431 (42 U.S.C. 629a) is
8 amended by adding at the end the following:

9 “(c) USE OF TECHNOLOGY.—

10 “(1) USE OF PORTAL.—The services referred to
11 in subsection (a) may include the means of access to
12 and use of an electronic or digital portal to facilitate
13 the provision of community support to care for and
14 meet specific needs of families and children.

15 “(2) LIMITATION.—Such a portal shall not re-
16 tain or share personally identifiable information
17 about a beneficiary without consent or for any pur-
18 pose other than referral.”.

19 (b) ALLOWING SUPPORT FOR FAMILY RESOURCE
20 CENTERS.—Section 431(a) (42 U.S.C. 629a(a)) is amend-
21 ed—

22 (1) in paragraph (2)(A), by inserting “, includ-
23 ing services provided by family resource centers,”
24 before “designed”; and

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

1 “(10) FAMILY RESOURCE CENTER.—

2 “(A) IN GENERAL.—The term ‘family re-
3 source center’ means a community or school-
4 based hub of support services for families
5 that—

6 “(i) utilizes an approach that is multi-
7 generational, strengths-based, and family-
8 centered;

9 “(ii) reflects, and is responsive to,
10 community needs and interests;

11 “(iii) provides support at no or low
12 cost for participants; and

13 “(iv) builds communities of peer sup-
14 port for families, including kinship fami-
15 lies, to develop social connections that re-
16 duce isolation and stress.

17 “(B) SPECIAL RULE.—For purposes of
18 this subpart, an expenditure for a service pro-
19 vided by a family resource center may be treat-
20 ed as an expenditure for any 1 or more of fam-
21 ily support services, family preservation serv-
22 ices, family reunification services, or adoption
23 promotion and support services as long as the
24 expenditure is related to serving the children
25 and families in the specified category and con-

1 sistent with the overall purpose of the cat-
2 egory.”.

3 (c) UPDATING STATE PLAN REQUIREMENT.—Sec-
4 tion 422(b)(1) (42 U.S.C. 622(b)(1)) is amended to read
5 as follows:

6 “(1) provide that a State agency will administer
7 or supervise the administration of the plan under
8 this subpart;”.

9 (d) ACCESS TO LEGAL REPRESENTATION.—Section
10 422(b)(4) (42 U.S.C. 622(b)(4)) is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (A);

13 (2) by adding “and” at the end of subpara-
14 graph (B); and

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

16 “(C) the steps that the State will take to
17 ensure that, with respect to any judicial pro-
18 ceeding involving a child and in which there is
19 an allegation of child abuse or neglect, includ-
20 ing a proceeding on dependency, adoption,
21 guardianship, or termination of parental rights,
22 information about available independent legal
23 representation is provided to—

24 “(i) the child, as appropriate; and

1 “(ii) any individual who is a parent or
2 guardian, or has legal custody, of the
3 child;”.

4 (e) SUPPORTING MENTAL HEALTH AND WELL-
5 BEING OF CHILDREN IN FOSTER CARE.—Section
6 422(b)(15)(A) (42 U.S.C. 622(b)(15) is amended—

7 (1) in the matter preceding clause (i)—

8 (A) by inserting “and, if applicable, the
9 State agency responsible for mental health serv-
10 ices,” before “and in consultation”; and

11 (B) by inserting “mental health pro-
12 viders,” before “other experts”;

13 (2) in clause (ii), by inserting “a list of services
14 provided to support the physical and” before “emo-
15 tional”;

16 (3) in clause (iv), by inserting “and mental
17 health” before “services”;

18 (4) in clause (v), by inserting “, informed con-
19 sent of youth, and compliance with professional
20 practice guidelines” before the semicolon; and

21 (5) in clause (vi), by inserting “, licensed men-
22 tal health providers,” before “or other”.

23 (f) REDUCTION OF ADMINISTRATIVE BURDEN.—

24 (1) IN GENERAL.—Subpart 3 of part B of title
25 IV (42 U.S.C. 629m) is amended by redesignating

1 section 440 as section 443 and inserting before such
2 section the following:

3 **“SEC. 441. REDUCTION OF ADMINISTRATIVE BURDEN.**

4 “(a) IN GENERAL.—The Secretary shall reduce the
5 burden of administering this part imposed on the recipi-
6 ents of funds under this part, by—

7 “(1) reviewing and revising administrative data
8 collection instruments and forms to eliminate dupli-
9 cation and streamline reporting requirements for the
10 recipients while collecting all data required under
11 this part;

12 “(2) in coordination with activities required
13 under the Paperwork Reduction Act, conducting an
14 analysis of the total number of hours reported by
15 the recipients to comply with paperwork require-
16 ments and exploring, in consultation with the recipi-
17 ents, how to reduce the number of hours required
18 for the compliance by at least 15 percent;

19 “(3) collecting input from the recipients with
20 respect to fiscal and oversight requirements and
21 making changes to ensure consistency with stand-
22 ards and guidelines for other Federal formula grant
23 programs based on the input; and

24 “(4) respecting the sovereignty of Indian tribes
25 when complying with this subsection.

1 “(b) **LIMITATION ON APPLICABILITY.**—Subsection
2 (a) of this section shall not apply to any reporting or data
3 collection otherwise required by law that would affect the
4 ability of the Secretary to monitor and ensure compliance
5 with State plans approved under this part or ensure that
6 funds are expended consistent with this part.

7 **“SEC. 442. PUBLIC ACCESS TO STATE PLANS.**

8 “The Secretary shall—

9 “(1) create a standardized format for State
10 plans required under sections 422 and 432 used to
11 monitor compliance with those sections;

12 “(2) produce comparisons and analyses of
13 trends in State plans to inform future technical as-
14 sistance and policy development;

15 “(3) make the State plans available on a public
16 website; and

17 “(4) include on the website aggregated national
18 summaries of State submissions as the Secretary
19 deems appropriate.”.

20 (2) **IMPLEMENTATION.**—Within 2 years after
21 the date of the enactment of this Act, the Secretary
22 of Health and Human Services shall—

23 (A) comply with section 441 of the Social
24 Security Act, as added by the amendment made
25 by paragraph (1); and

1 (B) notify each recipient of funds under
2 part B of title IV of the Social Security Act of
3 any change made by the Secretary pursuant to
4 such section affecting the recipient.

5 (3) REPORT.—Within 3 years after the date of
6 the enactment of this Act, the Secretary of Health
7 and Human Services shall submit to the Committee
8 on Ways and Means of the House of Representatives
9 and the Committee on Finance of the Senate a re-
10 port describing the efforts of the Secretary to com-
11 ply with section 441 of the Social Security Act, as
12 added by the amendment made by paragraph (1), in-
13 cluding the specific actions to comply with each
14 paragraph of such section.

15 (g) PRIMARY PREVENTION PARTNERS.—Section
16 435(a)(2)(B) (42 U.S.C. 429e(a)(2)(B)) is amended by in-
17 serting “including community-based partners with exper-
18 tise in preventing unnecessary child welfare system in-
19 volvement” before the semicolon.

20 **SEC. 316. STREAMLINING FUNDING FOR INDIAN TRIBES.**

21 (a) SUBPART 1.—

22 (1) TRIBAL SET-ASIDE; DIRECT PAYMENTS TO
23 TRIBES; EXEMPTIVE AUTHORITY.—

1 (A) IN GENERAL.—Section 428 (42 U.S.C.
2 628) is amended by striking subsections (a) and
3 (b) and inserting the following:

4 “(a) RESERVATION OF FUNDS; DIRECT PAY-
5 MENTS.—Out of any amount appropriated pursuant to
6 section 425 for a fiscal year, the Secretary shall reserve
7 3 percent for grants to Indian tribes and tribal organiza-
8 tions, which shall be paid directly to Indian tribes and
9 tribal organizations with a plan approved under this sub-
10 part, in accordance with section 433(a).”.

11 (B) CONFORMING AMENDMENT.—Section
12 423(a) (42 U.S.C. 623(a)) is amended by strik-
13 ing “the sum appropriated pursuant to section
14 425 for each fiscal year” and inserting “for
15 each fiscal year, the sum appropriated pursuant
16 to section 425 remaining after applying section
17 428(a)”.

18 (C) TECHNICAL AMENDMENT.—Section
19 428(c) (42 U.S.C. 628(c)) is amended by strik-
20 ing “450b” and inserting “5304”.

21 (2) IMPROVING COMPLIANCE WITH THE INDIAN
22 CHILD WELFARE ACT.—

23 (A) STATE PLAN REQUIREMENT.—Section
24 422(b)(9) (42 U.S.C. 622(b)(9)) is amended by
25 striking “Act;” and inserting “Act of 1978, in-

1 including how the State will ensure timely notice
2 to Indian tribes of State custody proceedings
3 involving Indian children, foster care or adop-
4 tive placements of Indian children, and case
5 recordkeeping as such matters relate to trans-
6 fers of jurisdiction, termination of parental
7 rights, and active efforts;”.

8 (B) TECHNICAL ASSISTANCE.—Subpart 1
9 of part B of title IV (42 U.S.C. 621 et seq.) is
10 amended by adding at the end the following:

11 **“SEC. 429B. EFFECTIVE IMPLEMENTATION OF THE INDIAN**
12 **CHILD WELFARE ACT OF 1978.**

13 “(a) IN GENERAL.—Not later than October 1, 2025,
14 the Secretary, in consultation with Indian tribal organiza-
15 tions and States, shall develop a plan and provide tech-
16 nical assistance supporting effective implementation of the
17 Indian Child Welfare Act of 1978, including specific meas-
18 ures identified in State plans as required by section
19 422(b)(9) of this Act. The technical assistance plan shall
20 be based on data sufficient to assess State strengths and
21 areas for improvement in implementing Federal standards
22 established under the Indian Child Welfare Act of 1978,
23 including, at a minimum, the following:

24 “(1) Timely identification of Indian children
25 and extended family members.

1 “(2) Timely tribal notice of State child custody
2 proceedings involving an Indian child.

3 “(3) Reports of cases in which a transfer of ju-
4 risdiction (as defined under the Indian Child Wel-
5 fare Act of 1978) was granted or was not granted,
6 and reasons specified for denial in cases where
7 transfer was denied.

8 “(4) In cases in which a State court orders a
9 foster care placement of an Indian child, whether re-
10 quirements for active efforts to prevent the breakup
11 of the Indian family, testimony of a qualified expert
12 witness, and evidentiary standards were met.

13 “(5) Whether an Indian child was placed in a
14 placement that is required to be preferred under the
15 Indian Child Welfare Act of 1978, and if not, the
16 reasons specified.

17 “(6) In cases in which a State court orders the
18 termination of parental rights to an Indian child,
19 whether requirements for active efforts to prevent
20 the breakup of the Indian family, testimony of a
21 qualified expert witness, and evidentiary standards
22 were met.

23 “(b) INTERAGENCY COORDINATION.—On request of
24 the Secretary, the Secretary of the Interior shall provide
25 the Secretary with such guidance and assistance as may

1 be necessary to facilitate informing States and public child
2 welfare agencies on how to comply with the Indian Child
3 Welfare Act of 1978, including specific measures identi-
4 fied in State plans as required by section 422(b)(9) of this
5 Act.

6 “(c) BIENNIAL REPORTS TO CONGRESS.—The Sec-
7 retary shall biennially submit to the Committee on Ways
8 and Means of the House of Representatives and the Com-
9 mittee on Finance of the Senate a written report on how—

10 “(1) the States are complying with the Indian
11 Child Welfare Act of 1978 and section 422(b)(9) of
12 this Act, as informed by data collected under this
13 section; and

14 “(2) the Secretary is assisting States and In-
15 dian tribes to improve implementation of Federal
16 standards established under the Indian Child Wel-
17 fare Act of 1978.”.

18 (3) REPORTING REQUIREMENTS; ADMINISTRA-
19 TIVE COSTS.—

20 (A) IN GENERAL.—Section 428 (42 U.S.C.
21 628) is amended by redesignating subsection (c)
22 as subsection (d) and inserting before such sub-
23 section the following:

24 “(b) AUTHORITY TO STREAMLINE REPORTING RE-
25 QUIREMENTS.—The Secretary shall, in consultation with

1 the affected Indian tribes, modify any reporting require-
2 ment imposed by or under this part on an Indian tribe,
3 tribal organization, or tribal consortium if the total of the
4 amounts allotted to the Indian tribe, tribal organization,
5 or tribal consortium under this part for the fiscal year is
6 not more than \$50,000, and in a manner that limits the
7 administrative burden on any tribe to which not more than
8 \$50,000 is allotted under this subpart for the fiscal year.

9 “(c) TRIBAL AUTHORITY TO SUBSTITUTE THE FED-
10 ERAL NEGOTIATED INDIRECT COST RATE FOR ADMINIS-
11 TRATIVE COSTS CAP.—For purposes of sections
12 422(b)(14) and 424(e), an Indian tribal organization may
13 elect to have the weighted average of the indirect cost
14 rates in effect under part 220 of title 2, Code of Federal
15 Regulations with respect to the administrative costs of the
16 Indian tribal organization apply in lieu of the percentage
17 specified in each such section.”

18 (B) CONFORMING AMENDMENTS.—Section
19 431(a) (42 U.S.C. 629a(a)) is amended in each
20 of paragraphs (5) and (6) by striking “428(c)”
21 and inserting “428(d)”.

22 (b) SUBPART 2.—

23 (1) TRIBAL PLAN EXEMPTION.—Section
24 432(b)(2)(B) (42 U.S.C. 629b(b)(2)(B)) is amend-
25 ed—

1 (A) by striking “section 433(a)” the 1st
2 place it appears and inserting “sections 433(a)
3 and 437(c)(1) combined”; and

4 (B) by striking “section 433(a)” the 2nd
5 place it appears and inserting “such sections”.

6 (2) APPLICATION OF TRIBAL SET-ASIDE BE-
7 FORE OTHER SET-ASIDES.—Section 436(b)(3) (42
8 U.S.C. 429f(b)(3)) is amended by striking “After
9 applying paragraphs (4) and (5) (but before apply-
10 ing paragraphs (1) or (2)), the” and inserting
11 “The”.

12 (3) INCREASE IN FUNDING FOR TRIBAL COURT
13 IMPROVEMENT PROGRAM.—Section 438(c)(3) (42
14 U.S.C. 629h(c)(3)) is amended by inserting “for fis-
15 cal year 2025, and \$2,000,000 for each of fiscal
16 years 2026 through 2029,” before “for grants”.

17 **SEC. 317. ACCELERATING ACCESS TO FAMILY FIRST PRE-**
18 **VENTION SERVICES.**

19 (a) IN GENERAL.—Section 435 (42 U.S.C. 629e) is
20 amended by adding at the end the following:

21 “(f) PREVENTION SERVICES EVALUATION PARTNER-
22 SHIPS.—

23 “(1) PURPOSE.—The purpose of this subsection
24 is to authorize the Secretary to make competitive
25 grants to support the timely evaluation of—

1 “(A) services and programs described in
2 section 471(e); or

3 “(B) kinship navigator programs described
4 in section 474(a)(7).

5 “(2) GRANTS.—In accordance with applications
6 approved under this subsection, the Secretary may
7 make grants, on a competitive basis, to eligible enti-
8 ties to carry out projects designed to evaluate a serv-
9 ice or program provided by the eligible entity, or an
10 entity in partnership with the eligible entity, with re-
11 spect to the requirements for a promising practice,
12 supported practice, or well-supported practice de-
13 scribed in section 471(e)(4)(C).

14 “(3) APPLICATIONS.—

15 “(A) IN GENERAL.—An eligible entity may
16 apply to the Secretary for a grant under this
17 subsection to carry out a project that meets the
18 following requirements:

19 “(i) The project is designed in accord-
20 ance with paragraph (2).

21 “(ii) The project is to be carried out
22 by the applicant in partnership with—

23 “(I) a State agency that admin-
24 isters, or supervises the administra-
25 tion of, the State plan approved under

1 part E, or an agency administering
2 the plan under the supervision of the
3 State agency; and

4 “(II) if the applicant is unable or
5 unwilling to do so, at least 1 external
6 evaluator to carry out the evaluation
7 of the service or program provided by
8 the applicant.

9 “(B) CONTENTS.—The application shall
10 contain the following:

11 “(i) A description of the project, in-
12 cluding—

13 “(I) a statement explaining why
14 a grant is necessary to carry out the
15 project; and

16 “(II) the amount of grant funds
17 that would be disbursed to each entity
18 described in subparagraph (A)(ii) in
19 partnership with the applicant.

20 “(ii) A certification from each entity
21 described in subparagraph (A)(ii) that pro-
22 vides assurances that the individual or en-
23 tity is in partnership with the applicant
24 and will fulfill the responsibilities of the
25 entity specified in the description provided

1 pursuant to clause (i) of this subpara-
2 graph.

3 “(iii) A certification from the appli-
4 cant that provides assurances that the ap-
5 plicant intends to comply with subpara-
6 graph (A)(ii)(II), if applicable.

7 “(iv) At the option of the eligible enti-
8 ty, a certification from the applicant that
9 the applicant requires an external eval-
10 uator secured by the Secretary pursuant to
11 paragraph (5), if applicable.

12 “(4) PRIORITIES.—In approving applications
13 under this subsection, the Secretary shall prioritize
14 the following:

15 “(A) Addressing, with respect to the clear-
16 inghouse of practices described in section
17 476(d)(2), deficiencies or gaps identified by the
18 Secretary in consultation with—

19 “(i) States, political subdivisions of a
20 State, and tribal communities carrying out,
21 or receiving the benefits of, a service or
22 program; and

23 “(ii) child welfare experts, including
24 individuals with lived experience.

1 “(B) Maximizing the number of evidence-
2 based services or programs to be included in the
3 clearinghouse of practices described in section
4 476(d)(2).

5 “(C) Timely completion of evaluations and
6 the production of evidence.

7 “(D) Supporting services or programs that
8 are based on, or are adaptations to new popu-
9 lation settings of, a service or program with re-
10 liable evidence about the benefits and risks of
11 the service or program.

12 “(5) AVAILABILITY OF EXTERNAL EVAL-
13 UATORS.—

14 “(A) IN GENERAL.—Before accepting ap-
15 plications under this subsection, the Secretary
16 shall make reasonable efforts to identify at least
17 1 entity to serve as an external evaluator for
18 any eligible entity that includes a certification
19 under paragraph (3)(B)(iv) with an application
20 under this subsection.

21 “(B) NO EFFECT ON CONSIDERATION OF
22 APPLICATION.—The Secretary may not consider
23 whether an eligible entity is in partnership with
24 an external evaluator described in paragraph

1 (A) in approving an application under this sub-
2 section submitted by the eligible entity.

3 “(6) REPORTS.—

4 “(A) BY GRANT RECIPIENTS.—Within 1
5 year after receiving a grant under this sub-
6 section, and every year thereafter for the next
7 5 years, the grant recipient shall submit to the
8 Secretary a written report on—

9 “(i) the use of grant funds;

10 “(ii) whether the program or service
11 evaluated by the project meets a require-
12 ment specified in section 471(e)(4)(C), in-
13 cluding information about—

14 “(I) how the program or service
15 is being carried out in accordance
16 with standards specified in the re-
17 quirement;

18 “(II) any outcomes of the pro-
19 gram or service; and

20 “(III) any outcome with respect
21 to which the service or program com-
22 pares favorably to a comparison prac-
23 tice; and

24 “(iii) whether the Secretary has in-
25 cluded the program or service in an update

1 to the clearinghouse of practices described
2 in section 476(d)(2).

3 “(B) BY THE SECRETARY.—The Secretary
4 shall submit to the Committee on Ways and
5 Means of the House of Representatives and to
6 the Committee on Finance of the Senate an an-
7 nual written report on—

8 “(i) the grants awarded under this
9 subsection;

10 “(ii) the programs funded by the
11 grants;

12 “(iii) any technical assistance pro-
13 vided by the Secretary in carrying out this
14 subsection, including with respect to the
15 efforts to secure external evaluators pursu-
16 ant to paragraph (5); and

17 “(iv) any efforts by the Secretary to
18 support program evaluation and review
19 pursuant to section 471(e) and inclusion of
20 programs in the pre-approved list of serv-
21 ices and programs described in section
22 471(e)(4)(D) or the clearinghouse of prac-
23 tices described in section 476(d)(2).

24 “(7) FUNDING.—

1 “(A) LIMITATIONS.—Of the amounts avail-
2 able to carry out this subsection, the Secretary
3 may use not more than 5 percent to provide
4 technical assistance.

5 “(B) CARRYOVER.—Amounts made avail-
6 able to carry out this subsection shall remain
7 available until expended.

8 “(8) DEFINITIONS.—In this subsection:

9 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
10 ble entity’ means any of the following providing
11 a service or program or, in the sole determina-
12 tion of the Secretary, able to provide a service
13 or program if awarded a grant under this sub-
14 section:

15 “(i) A State, a political subdivision of
16 a State, or an agency or department of a
17 State or political subdivision of a State.

18 “(ii) An entity described in subpara-
19 graph (A) or (B) of section 426(a)(1).

20 “(iii) An Indian tribe or tribal organi-
21 zation.

22 “(B) EXTERNAL EVALUATOR.—The term
23 ‘external evaluator’ means an entity with the
24 ability and willingness to evaluate a service or

1 program pursuant to paragraph (2) that is not
2 provided by the entity.

3 “(C) SERVICE OR PROGRAM.—The term
4 ‘service or program’—

5 “(i) means a service or program de-
6 scribed in section 471(e); and

7 “(ii) includes a kinship navigator pro-
8 gram described in section 474(a)(7).”.

9 (b) FUNDING.—Section 437(b) (42 U.S.C. 629g(b))
10 is amended by adding at the end the following:

11 “(5) PREVENTIVE SERVICES EVALUATION
12 PARTNERSHIPS.—The Secretary shall reserve
13 \$5,000,000 for grants under section 435(f) for each
14 of fiscal years 2026 through 2029.”.

15 **SEC. 318. STRENGTHENING SUPPORT FOR YOUTH AGING**
16 **OUT OF FOSTER CARE.**

17 (a) CASEWORKER VISITS.—Section 422(b)(17) (42
18 U.S.C. 622(b)(17)) is amended by inserting “, and include
19 a description of how the State may offer virtual case-
20 worker visits to youth in care who have attained the age
21 of 18 years and provided informed consent for virtual vis-
22 its” before the semicolon.

23 (b) YOUTH AND FAMILY ENGAGEMENT IN CHILD
24 WELFARE PROGRAM PLANNING.—Section 432(b)(1) (42
25 U.S.C. 629b(b)(1)) is amended to read as follows:

1 “(1) IN GENERAL.—The Secretary shall ap-
2 prove a plan that meets the requirements of sub-
3 section (a) only if—

4 “(A) the plan was developed jointly by the
5 Secretary and the State, and the State, in de-
6 veloping the plan, consulted with—

7 “(i) appropriate public and nonprofit
8 private agencies;

9 “(ii) community-based organizations
10 involved in providing services for children
11 and families in the areas of family preser-
12 vation, family support, family reunifica-
13 tion, foster care, kinship, and adoption
14 promotion and support;

15 “(iii) parents with child welfare expe-
16 rience, foster parents, adoptive parents,
17 and kinship caregivers; and

18 “(iv) children, youth, and young
19 adults with experience in the child welfare
20 system, including State boards and coun-
21 cils comprised of youth with lived experi-
22 ence who represent the diversity of chil-
23 dren in the State to whom the plan would
24 apply; and

1 “(B) the State has made publicly acces-
2 sible on a website of the State agency a report
3 that outlines how the State has implemented
4 the suggestions of the children and youth re-
5 ferred to in subparagraph (A)(iv).”.

6 **SEC. 319. RECOGNIZING THE IMPORTANCE OF RELATIVE**
7 **AND KINSHIP CAREGIVERS.**

8 (a) IN GENERAL.—Section 431(a) (42 U.S.C.
9 629a(a)), as amended by section 316(b)(2) of this part,
10 is amended—

11 (1) in paragraph (1)—

12 (A) in the matter preceding subparagraph

13 (A)—

14 (i) by striking “children” and insert-
15 ing “children, youth,”; and

16 (ii) by striking “adoptive and ex-
17 tended” and inserting “kinship and adop-
18 tive”;

19 (B) in subparagraph (D), by striking “par-
20 ents and other caregivers (including foster par-
21 ents)” and inserting “parents, kinship care-
22 givers, and foster parents”;

23 (C) by striking “and” at the end of sub-
24 paragraph (E);

1 (D) by striking the period at the end of
2 subparagraph (F) and inserting “ ; and”; and

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

4 “(G)(i) peer-to-peer mentoring and support
5 programs with demonstrated experience fos-
6 tering constructive relationships between chil-
7 dren and families and mentors with relevant
8 lived experience or interactions with the child
9 welfare system; and

10 “(ii) for purposes of this subpart, an ex-
11 penditure for a service described in clause (i)
12 may be treated as an expenditure for any 1 or
13 more of family support services, family preser-
14 vation services, family reunification services, or
15 adoption promotion and support services, as
16 long as the expenditure is related to serving the
17 children and families in the specified category
18 and consistent with the overall purpose of the
19 category.”;

20 (2) in paragraph (2)(B)—

21 (A) in clause (i), by striking “children”
22 and inserting “children, youth,”; and

23 (B) in clause (ii), by striking “extended”
24 and inserting “kinship”;

1 (3) in paragraph (7)(A), by inserting “with kin-
2 ship caregivers or” before “in a foster family home”;
3 and

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

5 “(11) YOUTH.—The term ‘youth’ means an in-
6 dividual who has not attained 26 years of age.”.

7 (b) KINSHIP NAVIGATORS.—

8 (1) IN GENERAL.—Section 427 (42 U.S.C. 627)
9 is amended—

10 (A) in the section heading, by striking
11 “**FAMILY CONNECTION GRANTS**” and insert-
12 ing “**KINSHIP NAVIGATORS**”;

13 (B) in subsection (a)—

14 (i) in the matter preceding paragraph
15 (1), by striking “helping” and inserting
16 “administering programs to help”;

17 (ii) by striking “of—” and all that
18 follows through “a kinship” and inserting
19 “of a kinship”;

20 (iii) in paragraph (1)(C)—

21 (I) by striking “and” at the end
22 of clause (iii);

23 (II) by adding “and” at the end
24 of clause (iv); and

1 (III) by adding at the end the
2 following:

3 “(v) connections to individualized as-
4 sistance, as needed;”;

5 (iv) by striking paragraphs (2)
6 through (4);

7 (v) by redesignating subparagraphs
8 (A) through (G) of paragraph (1) as para-
9 graphs (1) through (7), respectively;

10 (vi) by redesignating clauses (i)
11 through (iv) and clause (v) (as added by
12 clause (iii)(III) of this subparagraph) as
13 subparagraphs (A) through (E), respec-
14 tively;

15 (vii) by moving each provision so re-
16 designated 2 ems to the left; and

17 (viii) by striking “caregiving;” and in-
18 serting “caregiving.”;

19 (C) in subsection (b)—

20 (i) in paragraph (1), by striking “1 or
21 more of”;

22 (ii) by redesignating paragraphs (3)
23 and (4) as paragraphs (4) and (5), respec-
24 tively, and inserting after paragraph (2)
25 the following:

1 “(3) a description of how the entity will directly
2 fund, or provide data to the Secretary for, an eval-
3 uation which will publish and submit information to
4 the clearinghouse described in section 476(d)(2) and
5 which is designed to meet the requirements of sec-
6 tion 471(e)(4)(C), or a description of how the funds
7 will be used to help the State transition to a pro-
8 gram for which the State will seek reimbursement
9 under section 474(a)(7);”;

10 (iii) in paragraph (4) (as so redesign-
11 nated), by striking “and” at the end;

12 (iv) in paragraph (5) (as so redesign-
13 nated), by striking the period and inserting
14 “; and”; and

15 (v) by adding at the end the following:

16 “(6) if the entity is a State, local or tribal child
17 welfare agency—

18 “(A) documentation of support from a rel-
19 evant community-based organization with expe-
20 rience serving kinship families when applicable;
21 or

22 “(B) a description of how the organization
23 plans to coordinate its services and activities
24 with those offered by the relevant community-
25 based organizations.”;

1 (D) by striking subsection (d) and insert-
2 ing the following:

3 “(d) FEDERAL SHARE.—An entity to which a grant
4 is made under this section may use the grant to pay not
5 more than 75 percent of the cost of the activities to be
6 carried out by the entity pursuant to this section.”;

7 (E) in subsection (g)—

8 (i) by striking all that precedes “2
9 percent” and inserting the following:

10 “(g) RESERVATION OF FUNDS FOR TECHNICAL AS-
11 SISTANCE.—The Secretary may reserve”; and

12 (ii) by striking “subsection (h)” the
13 2nd place it appears and inserting “section
14 437(b)(6)”; and

15 (F) by striking subsection (h).

16 (2) RESERVATION OF DISCRETIONARY
17 FUNDS.—Section 437(b) (42 U.S.C. 629g(b)), as
18 amended by section 318(b) of this part, is amended
19 by adding at the end the following:

20 “(6) KINSHIP NAVIGATORS.—The Secretary
21 shall reserve \$10,000,000 for grants under section
22 427 for each of fiscal years 2026 through 2029.”.

23 (3) CONFORMING AMENDMENT.—Section
24 474(a)(7) (42 U.S.C. 674(a)(7)) is amended by
25 striking “427(a)(1)” and inserting “427(a)”.

1 **SEC. 320. AVOIDING NEGLECT BY ADDRESSING POVERTY.**

2 (a) FAMILY PRESERVATION SERVICES.—Section
3 431(a)(1) (42 U.S.C. 629a(a)(1)), as amended by section
4 320(a)(1) of this part, is amended—

5 (1) in subparagraph (F), by striking “and”
6 after the semicolon;

7 (2) in subparagraph (G), by striking the period
8 and inserting “; and”; and

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

10 “(H)(i) services providing nonrecurring
11 short term benefits (including supports related
12 to housing instability, utilities, transportation,
13 and food assistance, among other basic needs)
14 that address immediate needs related to a spe-
15 cific crisis, situation, or event affecting the abil-
16 ity of a child to remain in a home established
17 for the child that is not intended to meet an on-
18 going need; and

19 “(ii) for purposes of this subpart, an ex-
20 penditure for a service described in clause (i)
21 may be treated as an expenditure for any 1 or
22 more of family support services, family preser-
23 vation services, family reunification services, or
24 adoption promotion and support services as
25 long as the expenditure is related to serving the
26 children and families in the specified category

1 and consistent with the overall purpose of the
2 category.”.

3 (b) STATE PLAN REQUIREMENTS.—Section 432(a)
4 (42 U.S.C. 629b(a)) is amended—

5 (1) in paragraph (9), by striking “and” after
6 the semicolon;

7 (2) in paragraph (10), by striking the period
8 and inserting “; and”; and

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

10 “(11) provides a description of policies in place,
11 including training for employees, to address child
12 welfare reports and investigations of neglect con-
13 cerning the living arrangements or subsistence needs
14 of a child with the goal to prevent the separation of
15 a child from a parent of the child solely due to pov-
16 erty, to ensure access to services described in section
17 431(a)(1)(H).”.

18 **SEC. 321. STRENGTHENING SUPPORT FOR CASEWORKERS.**

19 (a) REAUTHORIZATION OF, AND INCREASE IN FUND-
20 ING FOR, CASEWORKER VISITS.—Section 436(b)(4)(A)
21 (42 U.S.C. 629f(b)(4)(A)) is amended by striking “each
22 of fiscal years 2017 through 2023” and inserting “fiscal
23 year 2025 and \$26,000,000 for fiscal year 2026 and each
24 succeeding fiscal year”.

1 (b) MINIMUM GRANT AMOUNT.—Section 433(e) (42
2 U.S.C. 629c(e)) is amended by striking paragraphs (1)
3 and (2) and inserting the following:

4 “(1) BASE ALLOTMENT.—From the amount re-
5 served pursuant to section 436(b)(4)(A) for any fis-
6 cal year, the Secretary shall first allot to each State
7 (other than an Indian tribe) that has provided to the
8 Secretary such documentation as may be necessary
9 to verify that the jurisdiction has complied with sec-
10 tion 436(b)(4)(B)(ii) during the fiscal year, a base
11 allotment of \$100,000, and shall then allot to each
12 of those States an amount determined in paragraph
13 (2) or (3) of this subsection, as applicable.

14 “(2) TERRITORIES.—From the amount reserved
15 pursuant to section 436(b)(4)(A) for any fiscal year
16 that remains after applying paragraph (1) of this
17 subsection for the fiscal year, the Secretary shall
18 allot to each jurisdiction specified in subsection (b)
19 of this section to which a base allotment is made
20 under such paragraph (1) an amount determined in
21 the same manner as the allotment to each of such
22 jurisdictions is determined under section 423 (with-
23 out regard to the initial allotment of \$70,000 to
24 each State).

1 “(3) OTHER STATES.—From the amount re-
2 served pursuant to section 436(b)(4)(A) for any fis-
3 cal year that remains after applying paragraphs (1)
4 and (2) of this subsection for the fiscal year, the
5 Secretary shall allot to each State (other than an In-
6 dian tribe) not specified in subsection (b) of this sec-
7 tion to which a base allotment was made under
8 paragraph (1) of this subsection an amount equal to
9 such remaining amount multiplied by the supple-
10 mental nutrition assistance program benefits per-
11 centage of the State (as defined in subsection (c)(2)
12 of this section) for the fiscal year, except that in ap-
13 plying subsection (c)(2)(A) of this section, ‘sub-
14 section (e)(3)’ shall be substituted for ‘such para-
15 graph (1)’.”.

16 (c) REQUIREMENT TO USE FUNDS TO IMPROVE
17 QUALITY OF CASEWORKER VISITS WITH FOSTER CHIL-
18 DREN.—Section 436(b)(4)(B)(i) (42 U.S.C.
19 629f(b)(4)(B)(i)) is amended to read as follows:

20 “(i) IN GENERAL.—A State to which
21 an amount is paid from amounts reserved
22 under subparagraph (A) shall use the
23 amount to improve the quality of monthly
24 caseworker visits with children who are in

1 foster care under the responsibility of the
2 State, with an emphasis on—
3 “(I) reducing caseload ratios and
4 the administrative burden on case-
5 workers, to improve caseworker deci-
6 sion making on the safety, perma-
7 nency, and well-being of foster chil-
8 dren and on activities designed to in-
9 crease retention, recruitment, and
10 training of caseworkers;
11 “(II) implementing technology
12 solutions to streamline caseworker du-
13 ties and modernize systems, ensuring
14 improved efficiency and effectiveness
15 in child welfare services;
16 “(III) improving caseworker safe-
17 ty;
18 “(IV) mental health resources to
19 support caseworker well-being, includ-
20 ing peer-to-peer support programs;
21 and
22 “(V) recruitment campaigns
23 aimed at attracting qualified case-
24 worker candidates.”.

1 (d) ELIMINATION OF COST-SHARE PENALTY TIED TO
2 MONTHLY CASEWORKER VISIT STANDARD.—Section
3 424(f) (42 U.S.C. 624(f)) is amended—

4 (1) by striking “(1)(A)”; and

5 (2) by striking paragraphs (1)(B) and (2).

6 **SEC. 322. DEMONSTRATION PROJECTS FOR IMPROVING RE-**
7 **LATIONSHIPS BETWEEN INCARCERATED**
8 **PARENTS AND CHILDREN IN FOSTER CARE.**

9 (a) IN GENERAL.—Section 439 (42 U.S.C. 629i) is
10 amended to read as follows:

11 **“SEC. 439. STATE PARTNERSHIP PLANNING AND DEM-**
12 **ONSTRATION GRANTS TO SUPPORT MEAN-**
13 **INGFUL RELATIONSHIPS BETWEEN FOSTER**
14 **CHILDREN AND THE INCARCERATED PAR-**
15 **ENTS OF THE CHILDREN.**

16 “(a) AUTHORITY.—

17 “(1) IN GENERAL.—The Secretary may make
18 demonstration grants to eligible State partnerships
19 to develop, implement, and provide support for pro-
20 grams that enable and sustain meaningful relation-
21 ships between covered foster children and the incar-
22 cerated parents of the children.

23 “(2) PAYMENT OF ANNUAL INSTALLMENTS.—

24 The Secretary shall pay each demonstration grant in
25 5 annual installments.

1 “(3) 1-YEAR PLANNING GRANTS.—The Sec-
2 retary may make a planning grant to a recipient of
3 a demonstration grant, to be paid to the recipient 1
4 year before payment of the 1st annual installment of
5 the demonstration grant and in an amount not
6 greater than any installment of the demonstration
7 grant, if—

8 “(A) the recipient includes a request for a
9 planning grant in the application under sub-
10 section (c); and

11 “(B) the Secretary determines that a plan-
12 ning grant would assist the recipient and im-
13 prove the effectiveness of the demonstration
14 grant.

15 “(b) ELIGIBLE STATE PARTNERSHIP DEFINED.—

16 “(1) IN GENERAL.—In this section, the term
17 ‘eligible State partnership’ means an agreement en-
18 tered into by, at a minimum, the following:

19 “(A) The State child welfare agency re-
20 sponsible for the administration of the State
21 plans under this part.

22 “(B) The State agency responsible for
23 adult corrections.

24 “(2) ADDITIONAL PARTNERS.—For purposes of
25 this section, an eligible State partnership may in-

1 clude any entity with experience in serving incarcerated
2 ated parents and their children.

3 “(3) PARTNERSHIPS ENTERED INTO BY INDIAN
4 TRIBES OR TRIBAL CONSORTIA.—Notwithstanding
5 paragraph (1), if an Indian tribe or tribal consor-
6 tium enters into a partnership pursuant to this sec-
7 tion that does not consist solely of tribal child wel-
8 fare agencies (or a consortium of the agencies), the
9 partnership shall be considered an eligible State
10 partnership for purposes of this section.

11 “(c) APPLICATION REQUIREMENTS.—An eligible
12 State partnership seeking a demonstration grant under
13 this section to carry out a program described in subsection
14 (a)(1) shall submit an application to the Secretary at such
15 time, in such manner, and containing such information as
16 the Secretary may require. The application shall include
17 the following:

18 “(1) A summary of the program, including how
19 the program will support a meaningful relationship
20 between a covered foster child and an incarcerated
21 parent of the child.

22 “(2) A description of the activities to be carried
23 out by the program, which must include all of the
24 activities described in subsection (d) that are in the
25 best interest of the covered foster child.

1 “(3) A framework for identifying—

2 “(A) each covered foster child eligible for
3 services under the program, including, to the
4 extent practicable, coordination of data between
5 relevant State child welfare agencies and court
6 systems; and

7 “(B) the roles and responsibilities of the
8 entities in the partnership.

9 “(4) Documentation that the applicant is an eli-
10 gible State partnership.

11 “(5) Assurances that the applicant will partici-
12 pate fully in the evaluation described in subsection
13 (f)(2) and shall maintain records for the program,
14 including demographic information disaggregated by
15 relevant characteristics with respect to covered foster
16 children and incarcerated parents who participate in
17 the program.

18 “(d) PROGRAM ACTIVITIES.—To the extent that the
19 activities are in the best interest of the covered foster
20 child, the activities referred to in subsection (c)(2) shall
21 include the following:

22 “(1) REVISION OF POLICIES.—Through con-
23 sultation with incarcerated parents and their fami-
24 lies, grantees shall promote organizational policies of
25 participating child welfare entities and collaborating

1 correctional facilities to promote meaningful rela-
2 tionships through regular and developmentally ap-
3 propriate communication and visitation between cov-
4 ered foster children and the incarcerated parents, in-
5 cluding, when appropriate, the following:

6 “(A) For child welfare entities—

7 “(i) inclusion of parents in case plan-
8 ning and decision making for children;

9 “(ii) regular sharing of information
10 and responses to requests for information
11 between caseworkers and incarcerated par-
12 ents with respect to the case information
13 of a child, any changes to a case, perma-
14 nency plans, requirements to maintain pa-
15 rental rights, and any efforts to terminate
16 parental rights;

17 “(iii) appropriate opportunities for in-
18 carcerated parents to demonstrate their re-
19 lationship with a covered foster child given
20 their incarceration, including training and
21 courses required for a service plan; and

22 “(iv) the enhanced visitation described
23 in paragraph (2).

1 “(B) For correctional facilities, fostering
2 visitation and communication that is develop-
3 mentally appropriate in terms of—

4 “(i) the nature of communication and
5 visitation, including—

6 “(I) the ability to physically
7 touch parents;

8 “(II) engaging with parents in lo-
9 cations that are appropriate for the
10 age and development of the child;

11 “(III) exchanging items that are
12 appropriate to the age and develop-
13 ment of the child, include expectations
14 that are appropriate for the age and
15 development of the child related to be-
16 havior, attire, and wait times; and

17 “(IV) allowing appropriate adults
18 to bring children if legal guardians
19 are not available to promote regular
20 contact;

21 “(ii) reasonable inclusion of all chil-
22 dren of the parent;

23 “(iii) communication and visitation at
24 times when the children are available;

1 “(iv) security procedures to comfort
2 children and be minimally invasive; and

3 “(v) promoting parent-child relation-
4 ships regardless of the sentence imposed
5 on the parent.

6 “(2) ENHANCED VISITATION.—

7 “(A) Grantees shall facilitate weekly com-
8 munication and, for at least 9 days each year,
9 in-person visitation between a covered foster
10 child and any incarcerated parent of the child.

11 “(B) Electronic visitation (such as live
12 video visits, phone calls, and recorded books)
13 may be used but shall not be the sole method
14 to promote a meaningful relationship for pur-
15 poses of the grant.

16 “(C) Enhanced visitation programs shall—

17 “(i) integrate best practices for visita-
18 tion programs with incarcerated parents
19 and their children;

20 “(ii) adopt developmentally appro-
21 priate visitation policies and procedures
22 such as those described in paragraph
23 (1)(B);

24 “(iii) reduce or eliminate the cost of
25 developmentally appropriate communica-

1 tion and visitation for the covered foster
2 child, which may include the purchase of
3 communication technology, covering trans-
4 portation, insurance, and lodging costs,
5 costs related to providing appropriate visi-
6 tation spaces and activities, and other rel-
7 evant costs;

8 “(iv) to the extent practicable, inte-
9 grate appropriate parenting education to
10 help prepare and process visits; and

11 “(v) avoid restricting visitation and
12 communication as a punishment for the in-
13 carcerated parents.

14 “(3) TRAINING.—Grantees shall incorporate on-
15 going training for child welfare workers, correctional
16 facility staff, and other program providers to under-
17 stand the importance of promoting meaningful rela-
18 tionships between children and incarcerated parents.

19 “(4) CASE MANAGEMENT.—Grantees shall pro-
20 vide case management services for the incarcerated
21 parents of a covered foster child to promote the rela-
22 tionship, access to services, and coordination with
23 the caseworkers of the covered foster child to
24 strengthen the relationship.

1 “(5) LEGAL ASSISTANCE.—Grantees shall facili-
2 tate access to necessary legal services and may use
3 grant funds for services that are not reimbursable
4 under other Federal programs.

5 “(e) FEDERAL SHARE.—The Federal share of the
6 cost of any activity carried out using a grant made under
7 this section shall be not greater than 75 percent.

8 “(f) TECHNICAL ASSISTANCE, EVALUATIONS, AND
9 REPORTS.—

10 “(1) TECHNICAL ASSISTANCE.—The Secretary
11 shall provide technical assistance with respect to
12 grants under this section, including by—

13 “(A) assisting grantees in understanding
14 best practices in promoting meaningful relation-
15 ships between incarcerated parents and their
16 children as well as consulting with appropriate
17 stakeholders when developing their programs;

18 “(B) assisting grantees with establishing
19 and analyzing implementation and performance
20 indicators; and

21 “(C) conducting an annual technical assist-
22 ance and training meeting and an annual grant-
23 ee meeting so that grantees can learn from the
24 experiences of other grantees.

1 “(2) EVALUATIONS.—The Secretary shall con-
2 duct an evaluation of program outcomes, including
3 with respect to parent and child well-being, parent-
4 child interactions, parental involvement, awareness
5 of child development and parenting practices, place-
6 ment stability, and termination of parental rights
7 with respect to covered foster children and incarcer-
8 ated parents, to measure program effectiveness, as
9 determined by the Secretary, and identify opportuni-
10 ties for improved program practices and implemen-
11 tation.

12 “(3) REPORTS TO THE CONGRESS.—

13 “(A) INITIAL REPORT.—Not later than 3
14 years after the date of the enactment of this
15 section, the Secretary shall submit to the Com-
16 mittee on Ways and Means of the House of
17 Representatives and the Committee on Finance
18 of the Senate a report that includes—

19 “(i) the number of applications for
20 grants under this section;

21 “(ii) the number of grants awarded,
22 and the amounts for each grant; and

23 “(iii) information on the grants, in-
24 cluding—

1 “(I) interim results of the evalua-
2 tion described in paragraph (2);

3 “(II) disaggregated data on cov-
4 ered foster children and incarcerated
5 parents;

6 “(III) information on the com-
7 position of eligible State partnerships;

8 “(IV) best practices for facili-
9 tating meaningful relationships be-
10 tween covered foster children and in-
11 carcerated parents; and

12 “(V) barriers to implementation
13 or expansion of programs funded
14 under this section.

15 “(B) FINAL REPORT.—Not later than 6
16 years after the date of the enactment of this
17 section, the Secretary shall submit to the Com-
18 mittee on Ways and Means of the House of
19 Representatives and the Committee on Finance
20 of the Senate a report that includes—

21 “(i) the final results of the evaluation
22 described in paragraph (2); and

23 “(ii) recommendations for refinements
24 to grant requirements to improve program
25 outcomes.

1 “(g) AUTHORITY OF SECRETARY WITH RESPECT TO
2 INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

3 “(1) WAIVER OR MODIFICATION OF REQUIRE-
4 MENTS.—In making a grant to an Indian tribe or
5 tribal organization under this section, the Secretary
6 may waive the matching requirement of subsection
7 (e) or modify an application requirement imposed by
8 or under subsection (c) if the Secretary determines
9 that the waiver or modification is appropriate to the
10 needs, culture, and circumstances of the Indian tribe
11 or tribal organization.

12 “(2) EVALUATION.—The Secretary shall use
13 tribally relevant data in carrying out the evaluation
14 under subsection (f)(2) with respect to an Indian
15 tribe or tribal organization.

16 “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-
17 PRIATIONS.—There is authorized to be appropriated to the
18 Secretary not more than \$35,000,000 for each of fiscal
19 years 2026 through 2029 to carry out this section.

20 “(i) DEFINITION OF COVERED FOSTER CHILD.—In
21 this section, the term ‘covered foster child’ means a child
22 that—

23 “(1) is in foster care; and

24 “(2) has at least 1 parent incarcerated in a
25 Federal, State, or local correctional facility.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 431(a)(2)(B)(vii) (42 U.S.C.
3 629a(a)(2)(B)(vii)) is amended by striking “(as de-
4 fined in section 439(b)(2))”.

5 (2) Section 431(a) (42 U.S.C. 629a(a)), as
6 amended by sections 316(b)(2) and 320(a)(4) of this
7 part, is amended by adding at the end the following:

8 “(12) MENTORING.—The term ‘mentoring’
9 means a structured, managed program in which chil-
10 dren are appropriately matched with screened and
11 trained adult volunteers for one on-one relationships,
12 involving meetings and activities on a regular basis,
13 intended to meet, in part, the child’s need for in-
14 volvement with a caring and supportive adult who
15 provides a positive role model.”.

16 **SEC. 323. GUIDANCE TO STATES ON IMPROVING DATA COL-**
17 **LECTION AND REPORTING FOR YOUTH IN**
18 **RESIDENTIAL TREATMENT PROGRAMS.**

19 Within 2 years after the date of the enactment of this
20 Act, the Secretary of Health and Human Services, in con-
21 sultation with the Department of Education, the Adminis-
22 tration for Children and Families, the Centers for Medi-
23 care and Medicaid Services, the Administration for Com-
24 munity Living, the Department of Justice, and other rel-
25 evant policy experts, as determined by the Secretary, shall

1 issue and disseminate, or update and revise, as applicable,
2 guidance to State agencies in administering State plans
3 approved under parts B and E of title IV of the Social
4 Security Act on the following:

5 (1) Best practices for Federal and State agen-
6 cies to collect data and share information related to
7 the well-being of youth residing in residential treat-
8 ment facilities, including those facilities operating in
9 multiple States or serving out-of-state youth.

10 (2) Best practices on improving State collection
11 and sharing of data related to incidences of mal-
12 treatment of youth residing in residential treatment
13 facilities, including with respect to meeting the re-
14 quirement of section 471(a)(9)(A) of such Act for
15 such youth in foster care.

16 (3) Best practices on improving oversight of
17 youth residential programs receiving Federal fund-
18 ing, and research-based strategies for risk assess-
19 ment related to the health, safety, and well-being of
20 youth in the facilities.

21 **SEC. 324. STREAMLINING RESEARCH, TRAINING, AND**
22 **TECHNICAL ASSISTANCE FUNDING.**

23 (a) REPURPOSING DISCRETIONARY RESEARCH SET-
24 ASIDE.—Section 435(c) (42 U.S.C. 629e(c)) is amended
25 to read as follows:

1 “(c) EVALUATION, RESEARCH, AND TECHNICAL AS-
2 SISTANCE WITH RESPECT TO TARGETED PROGRAM RE-
3 SOURCES.—Of the amount reserved under section
4 437(b)(1) for a fiscal year, the Secretary shall use not less
5 than—

6 “(1) \$1,000,000 for technical assistance to
7 grantees under section 437(f) and to support design
8 of local site evaluations with the goal of publishing
9 and submitting evaluation findings to the clearing-
10 house established under section 476(d), or to award
11 grants to allow current or former grantees under
12 section 437(f) to analyze, publish, and submit to the
13 clearinghouse data collected during past grants; and

14 “(2) \$1,000,000 for technical assistance re-
15 quired under section 429B of this Act to support ef-
16 fective implementation of the Indian Child Welfare
17 Act of 1978 and to support development of associ-
18 ated State plan measures described pursuant to sec-
19 tion 422(b)(9) of this Act.”.

20 (b) ELIMINATION OF RESEARCH SET-ASIDE FROM
21 MANDATORY FUNDS.—

22 (1) IN GENERAL.—Section 436(b) (42 U.S.C.
23 629f(b)), as amended by the preceding provisions of
24 this Act, is amended by striking paragraph (1) and

1 redesignating paragraphs (2) through (5) as para-
2 graphs (1) through (4), respectively.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 433(a) (42 U.S.C. 629c(a)) is
5 amended by striking “436(b)(3)” and inserting
6 “436(b)(2)”.

7 (B) Section 433(e) (42 U.S.C. 629c(e)), as
8 amended by section 322(b) of this part, is
9 amended by striking “436(b)(4)(A)” and insert-
10 ing “436(b)(3)(A)” each place it appears.

11 (C) Section 434(a)(2)(A) (42 U.S.C.
12 629d(a)(2)(A)) is amended by striking
13 “436(b)(4)(B)” and inserting “436(b)(3)(B)”.

14 (D) Section 437(b)(1) (42 U.S.C.
15 629g(b)(1)) is amended by striking “436(b)(1)”
16 and inserting “435”.

17 (E) Section 437(f)(3) (42 U.S.C.
18 629g(f)(3)) is amended by striking “436(b)(5)”
19 and inserting “436(b)(4)”.

20 (F) Section 438(c) (42 U.S.C. 629g(c)) is
21 amended in each of paragraphs (1) through (3)
22 is amended by striking “436(b)(2)” and insert-
23 ing “436(b)(1)”.

1 **SEC. 325. REPORT ON POST ADOPTION AND SUBSIDIZED**
2 **GUARDIANSHIP SERVICES.**

3 (a) IN GENERAL.—Within 2 years after the date of
4 the enactment of this Act, the Secretary of Health and
5 Human Services shall prepare and submit to the Com-
6 mittee on Ways and Means of the House of Representa-
7 tives and the Committee on Finance of the Senate a report
8 on children who enter into foster care under the super-
9 vision of a State administering a plan approved under part
10 B or E of title IV of the Social Security Act after finaliza-
11 tion of an adoption or legal guardianship.

12 (b) INFORMATION.—The Secretary shall include in
13 the report information, to the extent available through the
14 Adoption and Foster Care Analysis and Reporting System
15 and other data sources, regarding the incidence of adop-
16 tion disruption and dissolution affecting children described
17 in subsection (a) and factors associated with such cir-
18 cumstances, including—

19 (1) whether affected individuals received pre- or
20 post-legal adoption services; and

21 (2) other relevant information, such as the age
22 of the child involved.

23 (c) POST-ADOPTION SERVICES AND GUARDIAN-
24 SHIP.—The Secretary shall include in the report—

25 (1) a summary of post-adoption services and
26 guardianship in each State that are available to fam-

1 ilies that adopted children from foster care and the
2 extent to which the services are evidence-based or
3 evidence-informed.

4 (2) a summary of funding and funding sources
5 for the services in each State, including set-asides
6 under the Promoting Safe and Stable Families pro-
7 gram.

8 **SEC. 326. EFFECTIVE DATE.**

9 (a) IN GENERAL.—The amendments made by this
10 part shall take effect on October 1, 2025, and shall apply
11 to payments under part B of title IV of the Social Security
12 Act for calendar quarters beginning on or after such date.

13 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
14 QUIRED.—If the Secretary of Health and Human Services
15 determines that State legislation (other than legislation
16 appropriating funds) is required in order for a State plan
17 developed pursuant to part B of title IV of the Social Se-
18 curity Act to meet the additional requirements imposed
19 by the amendments made by this part, the plan shall not
20 be regarded as failing to meet any of the additional re-
21 quirements before the 1st day of the 1st calendar quarter
22 beginning after the first regular session of the State legis-
23 lature that begins after the date of the enactment of this
24 Act. For purposes of the preceding sentence, if the State
25 has a 2-year legislative session, each year of the session

1 is deemed to be a separate regular session of the State
2 legislature.

3 (c) APPLICATION TO PROGRAMS OPERATED BY IN-
4 DIAN TRIBAL ORGANIZATIONS.—In the case of an Indian
5 tribe, tribal organization, or tribal consortium that the
6 Secretary of Health and Human Services determines re-
7 quires time to take action necessary to comply with the
8 additional requirements imposed by the amendments made
9 by this part (whether the tribe, organization, or tribal con-
10 sortium has a plan under section 479B of the Social Secu-
11 rity Act or a cooperative agreement or contract entered
12 into with a State), the Secretary shall provide the tribe,
13 organization, or tribal consortium with such additional
14 time as the Secretary determines is necessary for the tribe,
15 organization, or tribal consortium to take the action to
16 comply with the additional requirements before being re-
17 garded as failing to comply with the requirements.

18 **PART 2—STRENGTHENING STATE AND TRIBAL**

19 **CHILD SUPPORT**

20 **SEC. 331. SHORT TITLE.**

21 This part may be cited as the “Strengthening State
22 and Tribal Child Support Enforcement Act”.

1 **SEC. 332. IMPROVING THE EFFECTIVENESS OF TRIBAL**
2 **CHILD SUPPORT ENFORCEMENT AGENCIES.**

3 (a) IMPROVING THE COLLECTION OF PAST-DUE
4 CHILD SUPPORT THROUGH STATE AND TRIBAL PARITY
5 IN THE ALLOWABLE USE OF TAX INFORMATION.—

6 (1) AMENDMENT TO THE SOCIAL SECURITY
7 ACT.—Section 464 of the Social Security Act (42
8 U.S.C. 664) is amended by adding at the end the
9 following:

10 “(d) APPLICABILITY TO INDIAN TRIBES AND TRIBAL
11 ORGANIZATIONS RECEIVING A GRANT UNDER THIS
12 PART.—This section, except for the requirement to dis-
13 tribute amounts in accordance with section 457, shall
14 apply to an Indian tribe or tribal organization receiving
15 a grant under section 455(f) in the same manner in which
16 this section applies to a State with a plan approved under
17 this part.”.

18 (2) AMENDMENTS TO THE INTERNAL REVENUE
19 CODE.—

20 (A) Section 6103(a)(2) of the Internal
21 Revenue Code of 1986 is amended by striking
22 “any local child support enforcement agency”
23 and inserting “any tribal or local child support
24 enforcement agency”.

25 (B) Section 6103(a)(3) of such Code is
26 amended by inserting “, (8)” after “(6)”.

1 (C) Section 6103(l) of such Code is
2 amended—

3 (i) in paragraph (6)—

4 (I) by striking “or local” in sub-
5 paragraph (A) and inserting “tribal,
6 or local”;

7 (II) by striking “AND LOCAL” in
8 the heading thereof and inserting
9 “TRIBAL, AND LOCAL”;

10 (III) by striking “The following”
11 in subparagraph (B) and inserting
12 “The”;

13 (IV) by striking the colon and all
14 that follows in subparagraph (B) and
15 inserting a period; and

16 (V) by adding at the end the fol-
17 lowing:

18 “(D) STATE, TRIBAL, OR LOCAL CHILD
19 SUPPORT ENFORCEMENT AGENCY.—For pur-
20 poses of this paragraph, the following shall be
21 treated as a State, tribal, or local child support
22 enforcement agency:

23 “(i) Any agency of a State or political
24 subdivision thereof operating pursuant to a
25 plan described in section 454 of the Social

1 Security Act which has been approved by
2 the Secretary of Health and Human Serv-
3 ices under part D of title IV of such Act.

4 “(ii) Any child support enforcement
5 agency of an Indian tribe or tribal organi-
6 zation receiving a grant under section
7 455(f) of the Social Security Act.”;

8 (ii) in paragraph (8)—

9 (I) in subparagraph (A), by strik-
10 ing “or State or local” and inserting
11 “, State, tribal, or local”;

12 (II) in subparagraph (B), by
13 striking “enforced pursuant to a plan
14 described” and all that follows
15 through “of such Act” and inserting
16 “enforced pursuant to the provisions
17 of part D of title IV of the Social Se-
18 curity Act”;

19 (III) by adding at the end of sub-
20 paragraph (B) the following: “The in-
21 formation disclosed to any child sup-
22 port enforcement agency under sub-
23 paragraph (A) with respect to any in-
24 dividual with respect to whom child
25 support obligations are sought to be

1 established or enforced may be dis-
2 closed by such agency to any agent of
3 such agency which is under contract
4 with such agency for purposes of, and
5 to the extent necessary in, estab-
6 lishing and collecting child support
7 obligations from, and locating, individ-
8 uals owing such obligations.”;

9 (IV) by striking subparagraph
10 (C) and inserting the following:

11 “(C) STATE, TRIBAL, OR LOCAL CHILD
12 SUPPORT ENFORCEMENT AGENCY.—For pur-
13 poses of this paragraph, the term ‘State, tribal,
14 or local child support enforcement agency’ has
15 the same meaning as when used in paragraph
16 (6)(D).”; and

17 (V) by striking “AND LOCAL” in
18 the heading thereof and inserting
19 “TRIBAL, AND LOCAL”; and

20 (iii) in paragraph (10)(B), by adding
21 at the end the following new clause:

22 “(iii) The information disclosed to any
23 child support enforcement agency under
24 subparagraph (A) with respect to any indi-
25 vidual with respect to whom child support

1 obligations are sought to be established or
2 enforced may be disclosed by such agency
3 to any agent of such agency which is under
4 contract with such agency for purposes of,
5 and to the extent necessary in, establishing
6 and collecting child support obligations
7 from, and locating, individuals owing such
8 obligations.”.

9 (D) Section 6103(p)(4) of such Code is
10 amended—

11 (i) by striking “subsection (l)(10),
12 (13)(A), (13)(B), (13)(C), (13)(D)(i), (16),
13 (18), (19), or (20), or any entity” in the
14 matter preceding subparagraph (A) and in-
15 serting “subsection (l)(6), (8), (10),
16 (13)(A), (13)(B), (13)(C), (13)(D)(i), (16),
17 (18), (19), or (20), or any Indian tribe or
18 tribal organization receiving a grant under
19 section 455(f) of the Social Security Act,
20 or any entity”;

21 (ii) by striking “subsection (l)(10)” in
22 subparagraph (F)(i) and inserting “sub-
23 section (l)(6), (8), (10)”;

24 (iii) by striking “subsection (l)(10),
25 (13)(A), (13)(B), (13)(C), (13)(D)(i), (16),

1 (18), (19), or (20) or any entity” each
2 place it appears in the matter following
3 subparagraph (F)(iii) and inserting “sub-
4 section (l)(6), (8), (10), (13)(A), (13)(B),
5 (13)(C), (13)(D)(i), (16), (18), (19), or
6 (20), or any Indian tribe or tribal organi-
7 zation receiving a grant under section
8 455(f) of the Social Security Act, or any
9 entity”; and

10 (iv) by inserting “, (8)” after “para-
11 graph (6)(A)” in the matter following sub-
12 paragraph (F)(iii).

13 (E) Section 6103(p)(9) of such Code is
14 amended by striking “or local” and inserting
15 “tribal, or local”.

16 (F) Section 6402(c) of such Code is
17 amended by adding at the end the following:
18 “For purposes of this subsection, any reference
19 to a State shall include a reference to any In-
20 dian tribe or tribal organization receiving a
21 grant under section 455(f) of the Social Secu-
22 rity Act.”.

23 (b) REIMBURSEMENT FOR REPORTS.—Section
24 453(g) of the Social Security Act (42 U.S.C. 653(g)) is
25 amended—

1 (1) in the subsection heading, by striking
2 “STATE”; and

3 (2) by striking “and State” and inserting “,
4 State, and tribal”.

5 (c) TECHNICAL AMENDMENTS.—Paragraphs (7) and
6 (33) of section 454 of the Social Security Act (42 U.S.C.
7 654) are each amended by striking “450b” and inserting
8 “5304”.

9 **Subtitle B—Other Matters**

10 **SEC. 341. SEXUAL RISK AVOIDANCE EDUCATION EXTEN-** 11 **SION.**

12 Section 510 of the Social Security Act (42 U.S.C.
13 710) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) by striking “and for the period”
17 and inserting “for the period”;

18 (ii) by striking “December 31, 2024”
19 and inserting “September 30, 2025”;

20 (iii) by inserting “and for the period
21 beginning on October 1, 2025, and ending
22 on December 31, 2025,” before “allot to
23 each State”; and

1 (iv) by striking “for fiscal year 2024
2 or 2025” and inserting “for fiscal year
3 2024, 2025, or 2026”; and

4 (B) in paragraph (2), by striking “or
5 2025” each place it appears and inserting “,
6 2025, or 2026”; and

7 (2) in subsection (f)(1)—

8 (A) by striking “and for the period” and
9 inserting “for the period”;

10 (B) by striking “December 31, 2024” and
11 inserting “September 30, 2025”; and

12 (C) by inserting “, and for the period be-
13 ginning on October 1, 2025, and ending on De-
14 cember 31, 2025, an amount equal to the pro
15 rata portion of the amount appropriated for the
16 corresponding period for fiscal year 2025” after
17 “corresponding period for fiscal year 2024”.

18 **SEC. 342. PERSONAL RESPONSIBILITY EDUCATION EXTEN-**
19 **SION.**

20 Section 513 of the Social Security Act (42 U.S.C.
21 713) is amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (A), in the matter
24 preceding clause (i)—

1 (i) by striking “and for the period”
2 and inserting “for the period”;

3 (ii) by striking “December 31, 2024”
4 and inserting “September 30, 2025”; and

5 (iii) by inserting “and for the period
6 beginning on October 1, 2025, and ending
7 on December 31, 2025,” before “the Sec-
8 retary shall allot”; and

9 (B) in subparagraph (B)(i)—

10 (i) by striking “and for the period”
11 and inserting “for the period”;

12 (ii) by striking “December 31, 2024”
13 and inserting “September 30, 2025”; and

14 (iii) by inserting “, and for the period
15 beginning on October 1, 2025, and ending
16 on December 31, 2025” before the period;

17 (2) in subsection (e)(3), by striking “fiscal year
18 2024 or 2025” and inserting “fiscal year 2024,
19 2025, or 2026”; and

20 (3) in subsection (f)—

21 (A) by striking “and for the period” and
22 inserting “for the period”;

23 (B) by striking “December 31, 2024” and
24 inserting “September 30, 2025”; and

1 (C) by inserting “, and for the period be-
2 ginning on October 1, 2025, and ending on De-
3 cember 31, 2025, an amount equal to the pro
4 rata portion of the amount appropriated for the
5 corresponding period for fiscal year 2025” after
6 “corresponding period for fiscal year 2024”.

7 **SEC. 343. EXTENSION OF FUNDING FOR FAMILY-TO-FAMILY**
8 **HEALTH INFORMATION CENTERS.**

9 Section 501(c)(1)(A)(viii) of the Social Security Act
10 (42 U.S.C. 701(c)(1)(A)(viii)) is amended—

11 (1) by striking “\$1,500,000” and inserting
12 “\$7,500,000”; and

13 (2) by striking “for the portion of fiscal year
14 2025 before January 1, 2025” and inserting “for
15 the period beginning on October 1, 2024, and ending
16 on December 31, 2025”.

17 **TITLE IV—PUBLIC HEALTH**
18 **EXTENDERS**

19 **Subtitle A—Extensions**

20 **SEC. 401. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
21 **NATIONAL HEALTH SERVICE CORPS, AND**
22 **TEACHING HEALTH CENTERS THAT OPERATE**
23 **GME PROGRAMS.**

24 (a) EXTENSION FOR COMMUNITY HEALTH CEN-
25 TERS.—Section 10503(b)(1) of the Patient Protection and

1 Affordable Care Act (42 U.S.C. 254b–2(b)(1)) is amend-
2 ed—

3 (1) in subparagraph (E), by striking “and” at
4 the end;

5 (2) in subparagraph (F), by striking “,
6 \$4,000,000,000 for each of fiscal years 2019
7 through 2023” and all that follows through “and
8 ending on December 31, 2024; and” and inserting
9 a semicolon; and

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

11 “(G) \$4,000,000,000 for each of fiscal
12 years 2019 through 2023;

13 “(H) \$526,027,397 for the period begin-
14 ning on October 1, 2023, and ending on No-
15 vember 17, 2023, \$690,410,959 for the period
16 beginning on November 18, 2023, and ending
17 on January 19, 2024, \$536,986,301 for the pe-
18 riod beginning on January 20, 2024, and end-
19 ing on March 8, 2024, and \$3,592,328,767 for
20 the period beginning on October 1, 2023, and
21 ending on December 31, 2024;

22 “(I) \$3,365,753,425 for the period begin-
23 ning on January 1, 2025, and ending on Sep-
24 tember 30, 2025; and

1 “(J) \$4,600,000,000 for fiscal year 2026;
2 and”.

3 (b) EXTENSION FOR THE NATIONAL HEALTH SERV-
4 ICE CORPS.—Section 10503(b)(2) of the Patient Protec-
5 tion and Affordable Care Act (42 U.S.C. 254b–2(b)(2))
6 is amended—

7 (1) in subparagraph (H), by striking “and” at
8 the end;

9 (2) in subparagraph (I), by striking the period
10 at the end and inserting a semicolon; and

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

12 “(J) \$261,780,822 for the period begin-
13 ning on January 1, 2025, and ending on Sep-
14 tember 30, 2025; and

15 “(K) \$350,000,000 for fiscal year 2026.”.

16 (c) TEACHING HEALTH CENTERS THAT OPERATE
17 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
18 340H(g)(1) of the Public Health Service Act (42 U.S.C.
19 256h(g)(1)) is amended—

20 (1) by striking “not to exceed \$230,000,000”
21 and all that follows through “and ending on Decem-
22 ber 31, 2024,”; and

23 (2) by striking the period at the end and insert-
24 ing the following: “, not to exceed—

1 “(A) \$230,000,000, for the period of fiscal
2 years 2011 through 2015;

3 “(B) \$60,000,000 for each of fiscal years
4 2016 and 2017;

5 “(C) \$126,500,000 for each of fiscal years
6 2018 through 2023;

7 “(D) \$16,635,616 for the period beginning
8 on October 1, 2023, and ending on November
9 17, 2023, \$21,834,247 for the period beginning
10 on November 18, 2023, and ending on January
11 19, 2024, \$16,982,192 for the period beginning
12 on January 20, 2024, and ending on March 8,
13 2024, and \$164,136,986 for the period begin-
14 ning on October 1, 2023, and ending on De-
15 cember 31, 2024;

16 “(E) \$156,000,000 for the period begin-
17 ning on January 1, 2025, and ending on Sep-
18 tember 30, 2025;

19 “(F) \$225,000,000 for fiscal year 2026;

20 “(G) \$250,000,000 for fiscal year 2027;

21 “(H) \$275,000,000 for fiscal year 2028;

22 and

23 “(I) \$300,000,000 for fiscal year 2029.”.

24 (d) APPLICATION OF PROVISIONS.—Amounts appro-
25 priated pursuant to the amendments made by this section

1 shall be subject to the requirements contained in Public
2 Law 117–328 for funds for programs authorized under
3 sections 330 through 340 of the Public Health Service Act
4 (42 U.S.C. 254b et seq.).

5 (e) CONFORMING AMENDMENTS.—Section 3014(h)
6 of title 18, United States Code, is amended—

7 (1) in paragraph (1), by striking “under sub-
8 paragraphs (E) and (F) of section 10503(b)(1) of
9 the Patient Protection and Affordable Care Act (42
10 U.S.C. 254b–2(b)(1))” and inserting “under section
11 10503(b)(1) of the Patient Protection and Afford-
12 able Care Act (42 U.S.C. 254b–2(b)(1)) for fiscal
13 year 2015 and each subsequent fiscal year (or period
14 thereof)”; and

15 (2) in paragraph (4), by striking “and section
16 101(d) of the Consolidated Appropriations Act,
17 2024” and inserting “section 101(d) of the Consoli-
18 dated Appropriations Act, 2024, and section 401 of
19 the Health Improvements, Extenders, and Reauthor-
20 izations Act”.

21 **SEC. 402. EXTENSION OF SPECIAL DIABETES PROGRAMS.**

22 (a) EXTENSION OF SPECIAL DIABETES PROGRAMS
23 FOR TYPE I DIABETES.—Section 330B(b)(2) of the Pub-
24 lic Health Service Act (42 U.S.C. 254c–2(b)(2)) is amend-
25 ed—

1 (1) in subparagraph (D), by striking “and” at
2 the end;

3 (2) in subparagraph (E), by striking the period
4 at the end and inserting a semicolon; and

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

6 “(F) \$149,589,041 for the period begin-
7 ning on January 1, 2025, and ending on Sep-
8 tember 30, 2025, to remain available until ex-
9 pended; and

10 “(G) \$200,000,000 for fiscal year 2026, to
11 remain available until expended.”.

12 (b) EXTENDING FUNDING FOR SPECIAL DIABETES
13 PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the
14 Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is
15 amended—

16 (1) in subparagraph (D), by striking “and” at
17 the end;

18 (2) in subparagraph (E), by striking the period
19 at the end and inserting a semicolon; and

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

21 “(F) \$149,589,041 for the period begin-
22 ning on January 1, 2025, and ending on Sep-
23 tember 30, 2025, to remain available until ex-
24 pended; and

1 “(G) \$200,000,000 for fiscal year 2026, to
2 remain available until expended.”.

3 **Subtitle B—World Trade Center**
4 **Health Program**

5 **SEC. 411. 9/11 RESPONDER AND SURVIVOR HEALTH FUND-**
6 **ING CORRECTIONS.**

7 (a) IN GENERAL.—Section 3351(a)(2)(A) of the
8 Public Health Service Act (42 U.S.C. 300mm–
9 61(a)(2)(A)) is amended—

10 (1) in clause (x), by striking “; and” and insert-
11 ing a semicolon;

12 (2) by redesignating clause (xi) as clause (xii);
13 and

14 (3) by inserting after clause (x), the following:

15 “(xi) for each of fiscal years 2026
16 through 2040—

17 “(I) the amount determined
18 under this subparagraph for the pre-
19 vious fiscal year multiplied by 1.05;
20 multiplied by

21 “(II) the ratio of—

22 “(aa) the total number of
23 individuals enrolled in the WTC
24 Program on July 1 of such pre-
25 vious fiscal year; to

1 “(bb) the total number of
2 individuals so enrolled on July 1
3 of the fiscal year prior to such
4 previous fiscal year; and”.

5 (b) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 3 years after
7 the date of enactment of this Act, the Secretary of
8 Health and Human Services (referred to in this sub-
9 section as the “Secretary”) shall conduct an assess-
10 ment of anticipated budget authority and outlays of
11 the World Trade Center Health Program (referred
12 to in this subsection as the “Program”) through the
13 duration of the Program and submit a report sum-
14 marizing such assessment to—

15 (A) the Speaker and minority leader of the
16 House of Representatives;

17 (B) the majority and minority leaders of
18 the Senate;

19 (C) the Committee on Health, Education,
20 Labor, and Pensions and Committee on the
21 Budget of the Senate; and

22 (D) the Committee on Energy and Com-
23 merce and the Committee on the Budget of the
24 House of Representatives.

1 (2) INCLUSIONS.—The report required under
2 paragraph (1) shall include—

3 (A) a projection of Program budgetary
4 needs on a per-fiscal year basis through fiscal
5 year 2090;

6 (B) a review of Program modeling for each
7 of fiscal years 2017 through the fiscal year
8 prior to the fiscal year in which the report is
9 issued to assess how anticipated budgetary
10 needs compared to actual expenditures;

11 (C) an assessment of the projected budget
12 authority and expenditures of the Program
13 through fiscal year 2090 by comparing—

14 (i) such projected authority and ex-
15 penditures resulting from application of
16 section 3351(a)(2)(A) of the Public Health
17 Service Act (42 U.S.C. 300mm-
18 61(a)(2)(A)), as amended by subsection
19 (a); and

20 (ii) such projected authority and ex-
21 penditures that would result if such section
22 were amended so that the formula under
23 clause (xi) of such section, as amended by
24 subsection (a), were to be extended
25 through fiscal year 2090; and

1 (D) any recommendations of the Secretary
2 to make changes to the formula under such sec-
3 tion 3351(a)(2)(A), as so amended, to fully off-
4 set anticipated Program expenditures through
5 fiscal year 2090.

6 (c) TECHNICAL AMENDMENTS.—Title XXXIII of the
7 Public Health Service Act (42 U.S.C. 300mm et seq.) is
8 amended—

9 (1) in section 3352(d) (42 U.S.C. 300mm–
10 62(d)), by striking “Any amounts” and inserting
11 “Any unobligated amounts”;

12 (2) in section 3353(d) (42 U.S.C. 300mm–
13 63(d)), by striking “Any amounts” and inserting
14 “Any unobligated amounts”; and

15 (3) in section 3354(d) (42 U.S.C. 300mm–
16 64(d)), by striking “Any amounts” and inserting
17 “Any unobligated amounts”.

18 **TITLE V—SUPPORT ACT**
19 **REAUTHORIZATION**

20 **SEC. 501. SHORT TITLE.**

21 This title may be cited as the “SUPPORT for Pa-
22 tients and Communities Reauthorization Act of 2024”.

1 **Subtitle A—Prevention**

2 **SEC. 511. PRENATAL AND POSTNATAL HEALTH.**

3 Section 317L(d) of the Public Health Service Act (42
4 U.S.C. 247b–13(d)) is amended by striking “such sums
5 as may be necessary for each of the fiscal years 2019
6 through 2023” and inserting “\$4,250,000 for each of fis-
7 cal years 2025 through 2029”.

8 **SEC. 512. MONITORING AND EDUCATION REGARDING IN-** 9 **FECTIONS ASSOCIATED WITH ILLICIT DRUG** 10 **USE AND OTHER RISK FACTORS.**

11 Section 317N(d) of the Public Health Service Act (42
12 U.S.C. 247b–15(d)) is amended by striking “fiscal years
13 2019 through 2023” and inserting “fiscal years 2025
14 through 2029”.

15 **SEC. 513. PREVENTING OVERDOSES OF CONTROLLED SUB-** 16 **STANCES.**

17 (a) IN GENERAL.—Section 392A of the Public
18 Health Service Act (42 U.S.C. 280b–1) is amended—

19 (1) in subsection (a)(2)—

20 (A) in subparagraph (C), by inserting “and
21 associated risks” before the period at the end;
22 and

23 (B) in subparagraph (D), by striking
24 “opioids” and inserting “substances causing
25 overdose”; and

1 (2) in subsection (b)(2)—

2 (A) in subparagraph (B), by inserting “,
3 and associated risk factors,” after “such
4 overdoses”;

5 (B) in subparagraph (C), by striking “cod-
6 ing” and inserting “monitoring and identi-
7 fying”;

8 (C) in subparagraph (E)—

9 (i) by inserting a comma after “public
10 health laboratories”; and

11 (ii) by inserting “and other emerging
12 substances related” after “analogues”; and

13 (D) in subparagraph (F), by inserting
14 “and associated risk factors” after “overdoses”.

15 (b) ADDITIONAL GRANTS.—Section 392A(a)(3) of
16 the Public Health Service Act (42 U.S.C. 280b–1(a)(3))
17 is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “and Indian Tribes—” and inserting
20 “and Indian Tribes for the following purposes.”;

21 (2) by amending subparagraph (A) to read as
22 follows:

23 “(A) To carry out innovative projects for
24 grantees to detect, identify, and rapidly respond
25 to controlled substance misuse, abuse, and

1 overdoses, and associated risk factors, including
2 changes in patterns of such controlled sub-
3 stance use. Such projects may include the use
4 of innovative, evidence-based strategies for de-
5 tecting such patterns, such as wastewater sur-
6 veillance, if proven to support actionable pre-
7 vention strategies, in a manner consistent with
8 applicable Federal and State privacy laws.”;
9 and

10 (3) in subparagraph (B), by striking “for any”
11 and inserting “For any”.

12 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section
13 392A(e) of the Public Health Service Act (42 U.S.C.
14 280b–1(e)) is amended by striking “\$496,000,000 for
15 each of fiscal years 2019 through 2023” and inserting
16 “\$505,579,000 for each of fiscal years 2025 through
17 2029”.

18 **SEC. 514. SUPPORT FOR INDIVIDUALS AND FAMILIES IM-**
19 **PACTED BY FETAL ALCOHOL SPECTRUM DIS-**
20 **ORDER.**

21 (a) **IN GENERAL.**—Part O of title III of the Public
22 Health Service Act (42 U.S.C. 280f et seq.) is amended
23 to read as follows:

1 **“PART O—FETAL ALCOHOL SYNDROME**
2 **PREVENTION AND SERVICES PROGRAM**
3 **“SEC. 399H. FETAL ALCOHOL SPECTRUM DISORDERS PRE-**
4 **VENTION, INTERVENTION, AND SERVICES DE-**
5 **LIVERY PROGRAM.**

6 “(a) IN GENERAL.—The Secretary shall establish or
7 continue activities to support a comprehensive fetal alcohol
8 spectrum disorders (referred to in this section as ‘FASD’)
9 education, prevention, identification, intervention, and
10 services delivery program, which may include—

11 “(1) an education and public awareness pro-
12 gram to support, conduct, and evaluate the effective-
13 ness of—

14 “(A) educational programs targeting
15 health professions schools, social and other sup-
16 portive services, educators and counselors and
17 other service providers in all phases of child-
18 hood development, and other relevant service
19 providers, concerning the prevention, identifica-
20 tion, and provision of services for infants, chil-
21 dren, adolescents and adults with FASD;

22 “(B) strategies to educate school-age chil-
23 dren, including pregnant and high-risk youth,
24 concerning FASD;

25 “(C) public and community awareness pro-
26 grams concerning FASD; and

1 “(D) strategies to coordinate information
2 and services across affected community agen-
3 cies, including agencies providing social services
4 such as foster care, adoption, and social work,
5 agencies providing health services, and agencies
6 involved in education, vocational training and
7 civil and criminal justice;

8 “(2) supporting and conducting research on
9 FASD, as appropriate, including to—

10 “(A) develop appropriate medical diag-
11 nostic methods for identifying FASD; and

12 “(B) develop effective culturally and lin-
13 guistically appropriate evidence-based or evi-
14 dence-informed interventions and appropriate
15 supports for preventing prenatal alcohol expo-
16 sure, which may co-occur with exposure to other
17 substances;

18 “(3) building State and Tribal capacity for the
19 identification, treatment, and support of individuals
20 with FASD and their families, which may include—

21 “(A) utilizing and adapting existing Fed-
22 eral, State, or Tribal programs to include
23 FASD identification and FASD-informed sup-
24 port;

1 “(B) developing and expanding screening
2 and diagnostic capacity for FASD;

3 “(C) developing, implementing, and evalu-
4 ating targeted FASD-informed intervention
5 programs for FASD;

6 “(D) providing training with respect to
7 FASD for professionals across relevant sectors;
8 and

9 “(E) disseminating information about
10 FASD and support services to affected individ-
11 uals and their families; and

12 “(4) an applied research program concerning
13 intervention and prevention to support and conduct
14 service demonstration projects, clinical studies and
15 other research models providing advocacy, edu-
16 cational and vocational training, counseling, medical
17 and mental health, and other supportive services, as
18 well as models that integrate and coordinate such
19 services, that are aimed at the unique challenges fac-
20 ing individuals with Fetal Alcohol Syndrome or
21 Fetal Alcohol Effect and their families.

22 “(b) GRANTS AND TECHNICAL ASSISTANCE.—

23 “(1) IN GENERAL.—The Secretary may award
24 grants, cooperative agreements and contracts and

1 provide technical assistance to eligible entities to
2 carry out subsection (a).

3 “(2) ELIGIBLE ENTITIES.—To be eligible to re-
4 ceive a grant, or enter into a cooperative agreement
5 or contract, under this section, an entity shall—

6 “(A) be a State, Indian Tribe or Tribal or-
7 ganization, local government, scientific or aca-
8 demic institution, or nonprofit organization;
9 and

10 “(B) prepare and submit to the Secretary
11 an application at such time, in such manner,
12 and containing such information as the Sec-
13 retary may require, including a description of
14 the activities that the entity intends to carry
15 out using amounts received under this section.

16 “(3) ADDITIONAL APPLICATION CONTENTS.—
17 The Secretary may require that an eligible entity in-
18 clude in the application submitted under paragraph
19 (2)(B)—

20 “(A) a designation of an individual to
21 serve as a FASD State or Tribal coordinator of
22 activities such eligible entity proposes to carry
23 out through a grant, cooperative agreement, or
24 contract under this section; and

1 “(B) a description of an advisory com-
2 mittee the entity will establish to provide guid-
3 ance for the entity on developing and imple-
4 menting a statewide or Tribal strategic plan to
5 prevent FASD and provide for the identifica-
6 tion, treatment, and support of individuals with
7 FASD and their families.

8 “(c) DEFINITION OF FASD-INFORMED.—For pur-
9 poses of this section, the term ‘FASD-informed’, with re-
10 spect to support or an intervention program, means that
11 such support or intervention program uses culturally and
12 linguistically informed evidence-based or practice-based
13 interventions and appropriate resources to support an im-
14 proved quality of life for an individual with FASD and
15 the family of such individual.

16 **“SEC. 399I. STRENGTHENING CAPACITY AND EDUCATION**
17 **FOR FETAL ALCOHOL SPECTRUM DIS-**
18 **ORDERS.**

19 “(a) IN GENERAL.—The Secretary shall award
20 grants, contracts, or cooperative agreements, as the Sec-
21 retary determines appropriate, to public or nonprofit pri-
22 vate entities with demonstrated expertise in the field of
23 fetal alcohol spectrum disorders (referred to in this section
24 as ‘FASD’). Such awards shall be for the purposes of
25 building local, Tribal, State, and nationwide capacities to

1 prevent the occurrence of FASD by carrying out the pro-
2 grams described in subsection (b).

3 “(b) PROGRAMS.—An entity receiving an award
4 under subsection (a) may use such award for the following
5 purposes:

6 “(1) Developing and supporting public edu-
7 cation and outreach activities to raise public aware-
8 ness of the risks associated with alcohol consumption
9 during pregnancy.

10 “(2) Acting as a clearinghouse for evidence-
11 based resources on FASD prevention, identification,
12 and culturally and linguistically appropriate best
13 practices to help inform systems of care for individ-
14 uals with FASD across their lifespan.

15 “(3) Increasing awareness and understanding
16 of efficacious, evidence-based screening tools and
17 culturally and linguistically appropriate evidence-
18 based intervention services and best practices, which
19 may include improving the capacity for State, Trib-
20 al, and local affiliates.

21 “(4) Providing technical assistance to recipients
22 of grants, cooperative agreements, or contracts
23 under section 399H, as appropriate.

24 “(c) APPLICATION.—To be eligible for a grant, con-
25 tract, or cooperative agreement under this section, an enti-

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

4 “(d) SUBCONTRACTING.—A public or private non-
5 profit entity may carry out the following activities required
6 under this section through contracts or cooperative agree-
7 ments with other public and private nonprofit entities with
8 demonstrated expertise in FASD:

9 “(1) Resource development and dissemination.

10 “(2) Intervention services.

11 “(3) Training and technical assistance.

12 **“SEC. 399J. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this part \$12,500,000 for each of fiscal years 2025
15 through 2029.”.

16 (b) REPORT.—Not later than 4 years after the date
17 of enactment of this Act, and every year thereafter, the
18 Secretary of Health and Human Services shall prepare
19 and submit to the Committee on Health, Education,
20 Labor, and Pensions of the Senate and the Committee on
21 Energy and Commerce of the House of Representatives
22 a report containing—

23 (1) a review of the activities carried out pursu-
24 ant to sections 399H and 399I of the Public Health
25 Service Act, as amended, to advance public edu-

1 cation and awareness of fetal alcohol spectrum dis-
2 orders (referred to in this section as “FASD”);

3 (2) a description of—

4 (A) the activities carried out pursuant to
5 such sections 399H and 399I to identify, pre-
6 vent, and treat FASD; and

7 (B) methods used to evaluate the outcomes
8 of such activities; and

9 (3) an assessment of activities carried out pur-
10 suant to such sections 399H and 399I to support in-
11 dividuals with FASD.

12 **SEC. 515. PROMOTING STATE CHOICE IN PDMP SYSTEMS.**

13 Section 399O(h) of the Public Health Service Act (42
14 U.S.C. 280g–3(h)) is amended by adding at the end the
15 following:

16 “(5) PROMOTING STATE CHOICE.—Nothing in
17 this section shall be construed to authorize the Sec-
18 retary to require States to use a specific vendor or
19 a specific interoperability connection other than to
20 align with nationally recognized, consensus-based
21 open standards, such as in accordance with sections
22 3001 and 3004.”.

23 **SEC. 516. FIRST RESPONDER TRAINING PROGRAM.**

24 Section 546 of the Public Health Service Act (42
25 U.S.C. 290ee–1) is amended—

- 1 (1) in subsection (a), by striking “tribes and
2 tribal” and inserting “Tribes and Tribal”;
- 3 (2) in subsections (a), (c), and (d)—
- 4 (A) by striking “approved or cleared” each
5 place it appears and inserting “approved,
6 cleared, or otherwise legally marketed”; and
- 7 (B) by striking “opioid” each place it ap-
8 pears;
- 9 (3) in subsection (f)—
- 10 (A) by striking “approved or cleared” each
11 place it appears and inserting “approved,
12 cleared, or otherwise legally marketed”;
- 13 (B) in paragraph (1), by striking “opioid”;
- 14 (C) in paragraph (2)—
- 15 (i) by striking “opioid and heroin”
16 and inserting “opioid, heroin, and other
17 drug”; and
- 18 (ii) by striking “opioid overdose” and
19 inserting “overdose”; and
- 20 (D) in paragraph (3), by striking “opioid
21 and heroin”; and
- 22 (4) in subsection (h), by striking “\$36,000,000
23 for each of fiscal years 2019 through 2023” and in-
24 serting “\$56,000,000 for each of fiscal years 2025
25 through 2029”.

1 **SEC. 517. DONALD J. COHEN NATIONAL CHILD TRAUMATIC**
2 **STRESS INITIATIVE.**

3 (a) **TECHNICAL AMENDMENT.**—The second part G of
4 title V of the Public Health Service Act (42 U.S.C. 290kk
5 et seq.), as added by section 144 of the Community Re-
6 newal Tax Relief Act (Public Law 106–554), is amend-
7 ed—

8 (1) by redesignating such part as part J; and

9 (2) by redesignating sections 581 through 584
10 as sections 596 through 596C, respectively.

11 (b) **IN GENERAL.**—Section 582 of the Public Health
12 Service Act (42 U.S.C. 290hh–1) is amended—

13 (1) in the section heading, by striking “**VIO-**
14 **LENCE RELATED STRESS**” and inserting “**TRAU-**
15 **MATIC EVENTS**”;

16 (2) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
18 by striking “tribes and tribal” and inserting
19 “Tribes and Tribal”; and

20 (B) in paragraph (2), by inserting “and
21 dissemination” after “the development”;

22 (3) in subsection (b), by inserting “and dissemi-
23 nation” after “the development”;

24 (4) in subsection (d)—

25 (A) by striking “The NCTSI” and insert-
26 ing the following:

1 “(1) COORDINATING CENTER.—The NCTSI”;

2 and

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

4 “(2) NCTSI GRANTEES.—In carrying out sub-
5 section (a)(2), NCTSI grantees shall develop
6 trainings and other resources, as applicable and ap-
7 propriate, to support implementation of the evi-
8 dence-based practices developed and disseminated
9 under such subsection.”;

10 (5) in subsection (e)—

11 (A) by redesignating paragraphs (1) and
12 (2) as subparagraphs (A) and (B), respectively,
13 and adjusting the margins accordingly;

14 (B) in subparagraph (A), as so redesign-
15 ated, by inserting “and implementation” after
16 “the dissemination”;

17 (C) by striking “The NCTSI” and insert-
18 ing the following:

19 “(1) COORDINATING CENTER.—The NCTSI”;

20 and

21 (D) by adding at the end the following:

22 “(2) NCTSI GRANTEES.—NCTSI grantees shall,
23 as appropriate, collaborate with other such grantees,
24 the NCTSI coordinating center, and the Secretary in
25 carrying out subsections (a)(2) and (d)(2).”;

1 (6) by amending subsection (h) to read as fol-
2 lows:

3 “(h) APPLICATION AND EVALUATION.—To be eligible
4 to receive a grant, contract, or cooperative agreement
5 under subsection (a), a public or nonprofit private entity
6 or an Indian Tribe or Tribal organization shall submit to
7 the Secretary an application at such time, in such manner,
8 and containing such information and assurances as the
9 Secretary may require, including—

10 “(1) a plan for the evaluation of the activities
11 funded under the grant, contract, or agreement, in-
12 cluding both process and outcomes evaluation, and
13 the submission of an evaluation at the end of the
14 project period; and

15 “(2) a description of how such entity, Indian
16 Tribe, or Tribal organization will support efforts led
17 by the Secretary or the NCTSI coordinating center,
18 as applicable, to evaluate activities carried out under
19 this section.”; and

20 (7) by amending subsection (j) to read as fol-
21 lows:

22 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section—

24 “(1) \$93,887,000 for fiscal year 2025;

25 “(2) \$95,000,000 for fiscal year 2026;

1 “(3) \$97,000,000 for fiscal year 2027;

2 “(4) \$100,000,000 for fiscal year 2028; and

3 “(5) \$100,000,000 for fiscal year 2029.”.

4 **SEC. 518. PROTECTING SUICIDE PREVENTION LIFELINE**
5 **FROM CYBERSECURITY INCIDENTS.**

6 (a) NATIONAL SUICIDE PREVENTION LIFELINE PRO-
7 GRAM.—Section 520E–3(b) of the Public Health Service
8 Act (42 U.S.C. 290bb–36c(b)) is amended—

9 (1) in paragraph (4), by striking “and” at the
10 end;

11 (2) in paragraph (5), by striking the period at
12 the end and inserting “; and”; and

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

14 “(6) taking such steps as may be necessary to
15 ensure the suicide prevention hotline is protected
16 from cybersecurity incidents and eliminates known
17 cybersecurity vulnerabilities.”.

18 (b) REPORTING.—Section 520E–3 of the Public
19 Health Service Act (42 U.S.C. 290bb–36c) is amended—

20 (1) by redesignating subsection (f) as sub-
21 section (g); and

22 (2) by inserting after subsection (e) the fol-
23 lowing:

24 “(f) CYBERSECURITY REPORTING.—

25 “(1) NOTIFICATION.—

1 “(A) IN GENERAL.—The program’s net-
2 work administrator receiving Federal funding
3 pursuant to subsection (a) shall report to the
4 Assistant Secretary, in a manner that protects
5 personal privacy, consistent with applicable
6 Federal and State privacy laws—

7 “(i) any identified cybersecurity
8 vulnerabilities to the program within a rea-
9 sonable amount of time after identification
10 of such a vulnerability; and

11 “(ii) any identified cybersecurity inci-
12 dents to the program within a reasonable
13 amount of time after identification of such
14 incident.

15 “(B) LOCAL AND REGIONAL CRISIS CEN-
16 TERS.—Local and regional crisis centers par-
17 ticipating in the program shall report to the
18 program’s network administrator identified
19 under subparagraph (A), in a manner that pro-
20 tects personal privacy, consistent with applica-
21 ble Federal and State privacy laws—

22 “(i) any identified cybersecurity
23 vulnerabilities to the program within a rea-
24 sonable amount of time after identification
25 of such vulnerability; and

1 “(ii) any identified cybersecurity inci-
2 dents to the program within a reasonable
3 amount of time after identification of such
4 incident.

5 “(2) NOTIFICATION.—If the program’s network
6 administrator receiving funding pursuant to sub-
7 section (a) discovers, or is informed by a local or re-
8 gional crisis center pursuant to paragraph (1)(B) of,
9 a cybersecurity vulnerability or incident, within a
10 reasonable amount of time after such discovery or
11 receipt of information, such entity shall report the
12 vulnerability or incident to the Assistant Secretary.

13 “(3) CLARIFICATION.—

14 “(A) OVERSIGHT.—

15 “(i) LOCAL AND REGIONAL CRISIS
16 CENTERS.—Except as provided in clause
17 (ii), local and regional crisis centers par-
18 ticipating in the program shall oversee all
19 technology each center employs in the pro-
20 vision of services as a participant in the
21 program.

22 “(ii) NETWORK ADMINISTRATOR.—
23 The program’s network administrator re-
24 ceiving Federal funding pursuant to sub-
25 section (a) shall oversee the technology

1 each crisis center employs in the provision
2 of services as a participant in the program
3 if such oversight responsibilities are estab-
4 lished in the applicable network participa-
5 tion agreement.

6 “(B) SUPPLEMENT, NOT SUPPLANT.—The
7 cybersecurity incident reporting requirements
8 under this subsection shall supplement, and not
9 supplant, cybersecurity incident reporting re-
10 quirements under other provisions of applicable
11 Federal law that are in effect on the date of the
12 enactment of the SUPPORT for Patients and
13 Communities Reauthorization Act of 2024.”.

14 (c) STUDY.—Not later than 180 days after the date
15 of the enactment of this Act, the Comptroller General of
16 the United States shall—

17 (1) conduct and complete a study that evaluates
18 cybersecurity risks and vulnerabilities associated
19 with the 9–8–8 National Suicide Prevention Lifeline;
20 and

21 (2) submit a report on the findings of such
22 study to the Committee on Health, Education,
23 Labor, and Pensions of the Senate and the Com-
24 mittee on Energy and Commerce of the House of
25 Representatives.

1 **SEC. 519. BRUCE’S LAW.**

2 (a) YOUTH PREVENTION AND RECOVERY.—Section
3 7102(c) of the SUPPORT for Patients and Communities
4 Act (42 U.S.C. 290bb–7a(c)) is amended—

5 (1) in paragraph (3)(A)(i), by inserting “,
6 which may include strategies to increase education
7 and awareness of the potency and dangers of syn-
8 thetic opioids (including drugs contaminated with
9 fentanyl) and, as appropriate, other emerging drug
10 use or misuse issues” before the semicolon; and

11 (2) in paragraph (4)(A), by inserting “and
12 strategies to increase education and awareness of
13 the potency and dangers of synthetic opioids (includ-
14 ing drugs contaminated with fentanyl) and, as ap-
15 propriate, emerging drug use or misuse issues” be-
16 fore the semicolon.

17 (b) INTERDEPARTMENTAL SUBSTANCE USE DIS-
18 ORDERS COORDINATING COMMITTEE.—Section 7022 of
19 the SUPPORT for Patients and Communities Act (42
20 U.S.C. 290aa note) is amended—

21 (1) by striking subsection (g) and inserting the
22 following:

23 “(g) WORKING GROUPS.—

24 “(1) IN GENERAL.—The Committee may estab-
25 lish working groups for purposes of carrying out the
26 duties described in subsection (e). Any such working

1 group shall be composed of members of the Com-
2 mittee (or the designees of such members) and may
3 hold such meetings as are necessary to carry out the
4 duties delegated to the working group.

5 “(2) ADDITIONAL FEDERAL INTERAGENCY
6 WORK GROUP ON FENTANYL CONTAMINATION OF IL-
7 LEGAL DRUGS.—

8 “(A) ESTABLISHMENT.—The Secretary,
9 acting through the Committee, shall establish a
10 Federal Interagency Work Group on Fentanyl
11 Contamination of Illegal Drugs (referred to in
12 this paragraph as the ‘Work Group’) consisting
13 of representatives from relevant Federal depart-
14 ments and agencies on the Committee.

15 “(B) CONSULTATION.—The Work Group
16 shall consult with relevant stakeholders and
17 subject matter experts, including—

18 “(i) State, Tribal, and local subject
19 matter experts in reducing, preventing, and
20 responding to drug overdose caused by
21 fentanyl contamination of illicit drugs; and

22 “(ii) family members of both adults
23 and youth who have overdosed by fentanyl
24 contaminated illicit drugs.

25 “(C) DUTIES.—The Work Group shall—

1 “(i) examine Federal efforts to reduce
2 and prevent drug overdose by fentanyl-con-
3 taminated illicit drugs;

4 “(ii) identify strategies to improve
5 State, Tribal, and local responses to over-
6 dose by fentanyl-contaminated illicit drugs;

7 “(iii) coordinate with the Secretary, as
8 appropriate, in carrying out activities to
9 raise public awareness of synthetic opioids
10 and other emerging drug use and misuse
11 issues;

12 “(iv) make recommendations to Con-
13 gress for improving Federal programs, in-
14 cluding with respect to the coordination of
15 efforts across such programs; and

16 “(v) make recommendations for edu-
17 cating youth on the potency and dangers of
18 drugs contaminated by fentanyl.

19 “(D) ANNUAL REPORT TO SECRETARY.—
20 The Work Group shall annually prepare and
21 submit to the Secretary, the Committee on
22 Health, Education, Labor, and Pensions of the
23 Senate, and the Committee on Energy and
24 Commerce and the Committee on Education
25 and the Workforce of the House of Representa-

1 tives, a report on the activities carried out by
2 the Work Group under subparagraph (C), in-
3 cluding recommendations to reduce and prevent
4 drug overdose by fentanyl contamination of ille-
5 gal drugs, in all populations, and specifically
6 among youth at risk for substance misuse.”;
7 and

8 (2) by striking subsection (i) and inserting the
9 following:

10 “(i) SUNSET.—The Committee shall
11 terminate on September 30, 2029.”.

12 **SEC. 520. GUIDANCE ON AT-HOME DRUG DISPOSAL SYS-**
13 **TEMS.**

14 (a) IN GENERAL.—Not later than one year after the
15 date of enactment of this Act, the Secretary of Health and
16 Human Services, in consultation with the Administrator
17 of the Drug Enforcement Administration, shall publish
18 guidance to facilitate the use of at-home safe disposal sys-
19 tems for applicable drugs.

20 (b) CONTENTS.—The guidance under subsection (a)
21 shall include—

22 (1) recommended standards for effective at-
23 home drug disposal systems to meet applicable re-
24 quirements enforced by the Food and Drug Adminis-
25 tration;

1 (2) recommended information to include as in-
2 structions for use to disseminate with at-home drug
3 disposal systems;

4 (3) best practices and educational tools to sup-
5 port the use of an at-home drug disposal system, as
6 appropriate; and

7 (4) recommended use of licensed health pro-
8 viders for the dissemination of education, instruc-
9 tion, and at-home drug disposal systems, as appro-
10 prium.

11 **SEC. 521. ASSESSMENT OF OPIOID DRUGS AND ACTIONS.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of enactment of this Act, the Secretary of Health and
14 Human Services (referred to in this section as the “Sec-
15 retary”) shall publish on the website of the Food and
16 Drug Administration (referred to in this section as the
17 “FDA”) a report that outlines a plan for assessing opioid
18 analgesic drugs that are approved under section 505 of
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
20 355) that addresses the public health effects of such opioid
21 analgesic drugs as part of the benefit-risk assessment and
22 the activities of the FDA that relate to facilitating the de-
23 velopment of nonaddictive medical products intended to
24 treat pain or addiction. Such report shall include—

1 (1) an update on the actions taken by the FDA
2 to consider the effectiveness, safety, benefit-risk pro-
3 file, and use of approved opioid analgesic drugs;

4 (2) a timeline for an assessment of the potential
5 need, as appropriate, for labeling changes, revised or
6 additional postmarketing requirements, enforcement
7 actions, or withdrawals for opioid analgesic drugs;

8 (3) an overview of the steps that the FDA has
9 taken to support the development and approval of
10 nonaddictive medical products intended to treat pain
11 or addiction, and actions planned to further support
12 the development and approval of such products; and

13 (4) an overview of the consideration by the
14 FDA of clinical trial methodologies for analgesic
15 drugs, including the enriched enrollment randomized
16 withdrawal methodology, and the benefits and draw-
17 backs associated with different trial methodologies
18 for such drugs, incorporating any public input re-
19 ceived under subsection (b).

20 (b) PUBLIC INPUT.—In carrying out subsection (a),
21 the Secretary shall provide an opportunity for public input
22 concerning the regulation by the FDA of opioid analgesic
23 drugs, including scientific evidence that relates to condi-
24 tions of use, safety, or benefit-risk assessment (including

1 consideration of the public health effects) of such opioid
2 analgesic drugs.

3 **SEC. 522. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
4 **SPONSE TO OPIOID USE DISORDERS.**

5 The activities carried out pursuant to section
6 1003(b)(4)(A) of the 21st Century Cures Act (42 U.S.C.
7 290ee–3a(b)(4)(A)) may include facilitating access to
8 products used to prevent overdose deaths by detecting the
9 presence of one or more substances, such as fentanyl and
10 xylazine test strips, to the extent the purchase and posses-
11 sion of such products is consistent with Federal and State
12 law.

13 **Subtitle B—Treatment**

14 **SEC. 531. RESIDENTIAL TREATMENT PROGRAM FOR PREG-**
15 **NANT AND POSTPARTUM WOMEN.**

16 Section 508 of the Public Health Service Act (42
17 U.S.C. 290bb–1) is amended—

18 (1) in subsection (d)(11)(C), by striking “pro-
19 viding health services” and inserting “providing
20 health care services”;

21 (2) in subsection (g)—

22 (A) by inserting “a plan describing” after
23 “will provide”; and

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

25 “Such plan may include a description of how

1 such applicant will target outreach to women
2 disproportionately impacted by maternal sub-
3 stance use disorder.”; and

4 (3) in subsection (s), by striking “\$29,931,000
5 for each of fiscal years 2019 through 2023” and in-
6 serting “\$38,931,000 for each of fiscal years 2025
7 through 2029”.

8 **SEC. 532. IMPROVING ACCESS TO ADDICTION MEDICINE**
9 **PROVIDERS.**

10 Section 597 of the Public Health Service Act (42
11 U.S.C. 2901l) is amended—

12 (1) in subsection (a)(1), by inserting “diag-
13 nosis,” after “related to”; and

14 (2) in subsection (b), by inserting “addiction
15 medicine,” after “psychiatry,”.

16 **SEC. 533. MENTAL AND BEHAVIORAL HEALTH EDUCATION**
17 **AND TRAINING GRANTS.**

18 Section 756(f) of the Public Health Service Act (42
19 U.S.C. 294e–1(f)) is amended by striking “fiscal years
20 2023 through 2027” and inserting “fiscal years 2025
21 through 2029”.

22 **SEC. 534. LOAN REPAYMENT PROGRAM FOR SUBSTANCE**
23 **USE DISORDER TREATMENT WORKFORCE.**

24 Section 781(j) of the Public Health Service Act (42
25 U.S.C. 295h(j)) is amended by striking “\$25,000,000 for

1 each of fiscal years 2019 through 2023” and inserting
2 “\$40,000,000 for each of fiscal years 2025 through
3 2029”.

4 **SEC. 535. DEVELOPMENT AND DISSEMINATION OF MODEL**
5 **TRAINING PROGRAMS FOR SUBSTANCE USE**
6 **DISORDER PATIENT RECORDS.**

7 Section 7053 of the SUPPORT for Patients and
8 Communities Act (42 U.S.C. 290dd–2 note) is amended
9 by striking subsection (e).

10 **SEC. 536. TASK FORCE ON BEST PRACTICES FOR TRAUMA-**
11 **INFORMED IDENTIFICATION, REFERRAL, AND**
12 **SUPPORT.**

13 Section 7132 of the SUPPORT for Patients and
14 Communities Act (Public Law 115–271; 132 Stat. 4046)
15 is amended—

16 (1) in subsection (b)(1)—

17 (A) by redesignating subparagraph (CC) as
18 subparagraph (DD); and

19 (B) by inserting after subparagraph (BB)
20 the following:

21 “(CC) The Administration for Community
22 Living.”;

23 (2) in subsection (d)(1), in the matter pre-
24 ceding subparagraph (A), by inserting “, develop-

1 mental disability service providers” before “, individ-
2 uals who are”; and

3 (3) in subsection (i), by striking “2023” and in-
4 serting “2029”.

5 **SEC. 537. GRANTS TO ENHANCE ACCESS TO SUBSTANCE**
6 **USE DISORDER TREATMENT.**

7 Section 3203 of the SUPPORT for Patients and
8 Communities Act (21 U.S.C. 823 note) is amended—

9 (1) by striking subsection (b); and

10 (2) by striking “(a) IN GENERAL.—The Sec-
11 retary” and inserting the following: “The Sec-
12 retary”.

13 **SEC. 538. STATE GUIDANCE RELATED TO INDIVIDUALS**
14 **WITH SERIOUS MENTAL ILLNESS AND CHIL-**
15 **DREN WITH SERIOUS EMOTIONAL DISTURB-**
16 **ANCE.**

17 (a) REVIEW OF USE OF CERTAIN FUNDING.—Not
18 later than 1 year after the date of enactment of this Act,
19 the Secretary of Health and Human Services (referred to
20 in this section as the “Secretary”), acting through the As-
21 sistant Secretary for Mental Health and Substance Use,
22 shall conduct a review of State use of funds made available
23 under the Community Mental Health Services Block
24 Grant program under subpart I of part B of title XIX
25 of the Public Health Service Act (42 U.S.C. 300x et seq.)

1 (referred to in this section as the “block grant program”)
2 for first episode psychosis activities. Such review shall con-
3 sider the following:

4 (1) How States use funds for evidence-based
5 treatments and services according to the standard of
6 care for individuals with early serious mental illness
7 and children with a serious emotional disturbance.

8 (2) The percentages of the State funding under
9 the block grant program expended on early serious
10 mental illness and first episode psychosis, and the
11 number of individuals served under such funds.

12 (b) REPORT AND GUIDANCE.—

13 (1) REPORT.—Not later than 180 days after
14 the completion of the review under subsection (a),
15 the Secretary shall submit to the Committee on
16 Health, Education, Labor, and Pensions and the
17 Committee on Appropriations of the Senate and the
18 Committee on Energy and Commerce and the Com-
19 mittee on Appropriations of the House of Represent-
20 atives a report describing—

21 (A) the findings of the review under sub-
22 section (a); and

23 (B) any recommendations for changes to
24 the block grant program that would facilitate
25 improved outcomes for individuals with serious

1 mental illness and children with serious emo-
2 tional disturbance.

3 (2) GUIDANCE.—Not later than 1 year after
4 the date on which the report is submitted under
5 paragraph (1), the Secretary shall update the guid-
6 ance provided to States under the block grant pro-
7 gram on coordinated specialty care and other evi-
8 dence-based mental health care services for individ-
9 uals with serious mental illness and children with a
10 serious emotional disturbance, based on the findings
11 and recommendations of such report.

12 **SEC. 539. REVIEWING THE SCHEDULING OF APPROVED**
13 **PRODUCTS CONTAINING A COMBINATION OF**
14 **BUPRENORPHINE AND NALOXONE.**

15 (a) SECRETARY OF HHS.—The Secretary of Health
16 and Human Services shall, consistent with the require-
17 ments and procedures set forth in sections 201 and 202
18 of the Controlled Substances Act (21 U.S.C. 811, 812)—

19 (1) review the relevant data pertaining to the
20 scheduling of products containing a combination of
21 buprenorphine and naloxone that have been ap-
22 proved under section 505 of the Federal Food,
23 Drug, and Cosmetic Act (21 U.S.C. 355); and

1 (2) if appropriate, request that the Attorney
2 General initiate rulemaking proceedings to revise the
3 schedules accordingly with respect to such products.

4 (b) ATTORNEY GENERAL.—The Attorney General
5 shall review any request made by the Secretary of Health
6 and Human Services under subsection (a)(2) and deter-
7 mine whether to initiate proceedings to revise the sched-
8 ules in accordance with the criteria set forth in sections
9 201 and 202 of the Controlled Substances Act (21 U.S.C.
10 811, 812).

11 **Subtitle C—Recovery**

12 **SEC. 541. BUILDING COMMUNITIES OF RECOVERY.**

13 Section 547(f) of the Public Health Service Act (42
14 U.S.C. 290ee–2(f)) is amended by striking “\$5,000,000
15 for each of fiscal years 2019 through 2023” and inserting
16 “\$16,000,000 for each of fiscal years 2025 through
17 2029”.

18 **SEC. 542. PEER SUPPORT TECHNICAL ASSISTANCE CEN-** 19 **TER.**

20 Section 547A of the Public Health Service Act (42
21 U.S.C. 290ee–2a) is amended—

22 (1) in subsection (b)(4), by striking “building;
23 and” and inserting the following: “building, such
24 as—

1 “(A) professional development of peer sup-
2 port specialists; and

3 “(B) making recovery support services
4 available in nonclinical settings; and”;

5 (2) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively;

7 (3) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) REGIONAL CENTERS.—

10 “(1) IN GENERAL.—The Secretary may estab-
11 lish one regional technical assistance center (referred
12 to in this subsection as the ‘Regional Center’), with
13 existing resources, to assist the Center in carrying
14 out activities described in subsection (b) within the
15 geographic region of such Regional Center in a man-
16 ner that is tailored to the needs of such region.

17 “(2) EVALUATION.—Not later than 4 years
18 after the date of enactment of the SUPPORT for
19 Patients and Communities Reauthorization Act of
20 2024, the Secretary shall evaluate the activities of
21 the Regional Center and submit to the Committee
22 on Health, Education, Labor, and Pensions of the
23 Senate and the Committee on Energy and Com-
24 merce of the House of Representatives a report on
25 the findings of such evaluation, including—

1 “(A) a description of the distinct roles and
2 responsibilities of the Regional Center and the
3 Center;

4 “(B) available information relating to the
5 outcomes of the Regional Center under this
6 subsection, such as any impact on the oper-
7 ations and efficiency of the Center relating to
8 requests for technical assistance and support
9 within the region of such Regional Center;

10 “(C) a description of any gaps or areas of
11 duplication relating to the activities of the Re-
12 gional Center and the Center within such re-
13 gion; and

14 “(D) recommendations relating to the
15 modification, expansion, or termination of the
16 Regional Center under this subsection.

17 “(3) TERMINATION.—This subsection shall ter-
18 minate on September 30, 2029.”; and

19 (4) in subsection (f), as so redesignated, by
20 striking “\$1,000,000 for each of fiscal years 2019
21 through 2023” and inserting “\$2,000,000 for each
22 of fiscal years 2025 through 2029”.

23 **SEC. 543. COMPREHENSIVE OPIOID RECOVERY CENTERS.**

24 Section 552 of the Public Health Service Act (42
25 U.S.C. 290ee–7) is amended—

1 (1) in subsection (d)(2)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “and in such manner” and in-
4 serting “, in such manner, and containing such
5 information and assurances, including relevant
6 documentation,”; and

7 (B) in subparagraph (A), by striking “is
8 capable of coordinating with other entities to
9 carry out” and inserting “has the demonstrated
10 capability to carry out, through referral or con-
11 tractual arrangements”;

12 (2) in subsection (h)—

13 (A) by redesignating paragraphs (1)
14 through (4) as subparagraphs (A) through (D),
15 respectively, and adjusting the margins accord-
16 ingly;

17 (B) by striking “With respect to” and in-
18 serting the following:

19 “(1) IN GENERAL.—With respect to”; and

20 (C) by adding at the end the following:

21 “(2) ADDITIONAL REPORTING FOR CERTAIN EL-
22 IGIBLE ENTITIES.—An entity carrying out activities
23 described in subsection (g) through referral or con-
24 tractual arrangements shall include in the submis-
25 sions required under paragraph (1) information re-

1 lated to the status of such referrals or contractual
2 arrangements, including an assessment of whether
3 such referrals or contractual arrangements are sup-
4 porting the ability of such entity to carry out such
5 activities.”; and

6 (3) in subsection (j), by striking “2019 through
7 2023” and inserting “2025 through 2029”.

8 **SEC. 544. YOUTH PREVENTION AND RECOVERY.**

9 Section 7102(c) of the SUPPORT for Patients and
10 Communities Act (42 U.S.C. 290bb–7a(c)) (as amended
11 by section 110(a)) is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) in clause (i)—

15 (I) by inserting “, or a consor-
16 tium of local educational agencies,”
17 after “a local educational agency”;
18 and

19 (II) by striking “high schools”
20 and inserting “secondary schools”;
21 and

22 (ii) in clause (vi), by striking “tribe,
23 or tribal” and inserting “Tribe, or Tribal”;

24 (B) by amending subparagraph (E) to read
25 as follows:

1 “(E) INDIAN TRIBE; TRIBAL ORGANIZA-
2 TION.—The terms ‘Indian Tribe’ and ‘Tribal
3 organization’ have the meanings given such
4 terms in section 4 of the Indian Self-Deter-
5 mination and Education Assistance Act (25
6 U.S.C. 5304).”;

7 (C) by redesignating subparagraph (K) as
8 subparagraph (L); and

9 (D) by inserting after subparagraph (J)
10 the following:

11 “(K) SECONDARY SCHOOL.—The term
12 ‘secondary school’ has the meaning given such
13 term in section 8101 of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C.
15 7801).”;

16 (2) in paragraph (3)(A), in the matter pre-
17 ceding clause (i)—

18 (A) by striking “and abuse”; and

19 (B) by inserting “at increased risk for sub-
20 stance misuse” after “specific populations”;

21 (3) in paragraph (4)—

22 (A) in the matter preceding subparagraph
23 (A), by striking “Indian tribes” and inserting
24 “Indian Tribes”;

1 (B) in subparagraph (A), by striking “and
2 abuse”; and

3 (C) in subparagraph (B), by striking “peer
4 mentoring” and inserting “peer-to-peer sup-
5 port”;

6 (4) in paragraph (5), by striking “tribal” and
7 inserting “Tribal”;

8 (5) in paragraph (6)(A)—

9 (A) in clause (iv), by striking “; and” and
10 inserting a semicolon; and

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

12 “(vi) a plan to sustain the activities
13 carried out under the grant program, after
14 the grant program has ended; and”;

15 (6) in paragraph (8), by striking “2022” and
16 inserting “2027”; and

17 (7) by amending paragraph (9) to read as fol-
18 lows:

19 “(9) AUTHORIZATION OF APPROPRIATIONS.—
20 To carry out this subsection, there are authorized to
21 be appropriated—

22 “(A) \$10,000,000 for fiscal year 2025;

23 “(B) \$12,000,000 for fiscal year 2026;

24 “(C) \$13,000,000 for fiscal year 2027;

1 “(D) \$14,000,000 for fiscal year 2028;

2 and

3 “(E) \$15,000,000 for fiscal year 2029.”.

4 **SEC. 545. CAREER ACT.**

5 (a) IN GENERAL.—Section 7183 of the SUPPORT
6 for Patients and Communities Act (42 U.S.C. 290ee–8)
7 is amended—

8 (1) in the section heading, by inserting “;
9 **TREATMENT, RECOVERY, AND WORKFORCE**
10 **SUPPORT GRANTS**” after “**CAREER ACT**”;

11 (2) in subsection (b), by inserting “each” before
12 “for a period”;

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “the
15 rates described in paragraph (2)” and inserting
16 “the average rates for calendar years 2018
17 through 2022 described in paragraph (2)”; and

18 (B) by amending paragraph (2) to read as
19 follows:

20 “(2) **RATES.**—The rates described in this para-
21 graph are the following:

22 “(A) The highest age-adjusted average
23 rates of drug overdose deaths for calendar years
24 2018 through 2022 based on data from the
25 Centers for Disease Control and Prevention, in-

1 including, if necessary, provisional data for cal-
2 endar year 2022.

3 “(B) The highest average rates of unem-
4 ployment for calendar years 2018 through 2022
5 based on data provided by the Bureau of Labor
6 Statistics.

7 “(C) The lowest average labor force par-
8 ticipation rates for calendar years 2018 through
9 2022 based on data provided by the Bureau of
10 Labor Statistics.”;

11 (4) in subsection (g)—

12 (A) in each of paragraphs (1) and (3), by
13 redesignating subparagraphs (A) and (B) as
14 clauses (i) and (ii), respectively, and adjusting
15 the margins accordingly;

16 (B) by redesignating paragraphs (1)
17 through (3) as subparagraphs (A) through (C),
18 respectively, and adjusting the margins accord-
19 ingly;

20 (C) in the matter preceding subparagraph
21 (A) (as so redesignated), by striking “An enti-
22 ty” and inserting the following:

23 “(1) IN GENERAL.—An entity”; and

24 (D) by adding at the end the following:

1 “(2) TRANSPORTATION SERVICES.—An entity
2 receiving a grant under this section may use not
3 more than 5 percent of the funds for providing
4 transportation for individuals to participate in an ac-
5 tivity supported by a grant under this section, which
6 transportation shall be to or from a place of work
7 or a place where the individual is receiving voca-
8 tional education or job training services or receiving
9 services directly linked to treatment of or recovery
10 from a substance use disorder.

11 “(3) LIMITATION.—The Secretary may not re-
12 quire an entity to, or give priority to an entity that
13 plans to, use the funds of a grant under this section
14 for activities that are not specified in this sub-
15 section.”;

16 (5) in subsection (i)(2), by inserting “, which
17 shall include employment and earnings outcomes de-
18 scribed in subclauses (I) and (III) of section
19 116(b)(2)(A)(i) of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3141(b)(2)(A)(i)) with
21 respect to the participation of such individuals with
22 a substance use disorder in programs and activities
23 funded by the grant under this section” after “sub-
24 section (g)”;

25 (6) in subsection (j)—

1 (A) in paragraph (1), by inserting “for
2 grants awarded prior to the date of enactment
3 of the SUPPORT for Patients and Commu-
4 nities Reauthorization Act of 2024” after
5 “grant period under this section”; and

6 (B) in paragraph (2)—

7 (i) in the matter preceding subpara-
8 graph (A), by striking “2 years after sub-
9 mitting the preliminary report required
10 under paragraph (1)” and inserting “Sep-
11 tember 30, 2029”; and

12 (ii) in subparagraph (A), by striking
13 “(g)(3)” and inserting “(g)(1)(C)”; and

14 (7) in subsection (k), by striking “\$5,000,000
15 for each of fiscal years 2019 through 2023” and in-
16 serting “\$12,000,000 for each of fiscal years 2025
17 through 2029”.

18 (b) REAUTHORIZATION OF THE CAREER ACT; RE-
19 COVERY HOUSING PILOT PROGRAM.—

20 (1) IN GENERAL.—Section 8071 of the SUP-
21 PORT for Patients and Communities Act (42
22 U.S.C. 5301 note; Public Law 115–271) is amend-
23 ed—

1 (A) by striking the section heading and in-
2 sserting “**CAREER ACT; RECOVERY HOUSING**
3 **PILOT PROGRAM**”;

4 (B) in subsection (a), by striking “through
5 2023” and inserting “through 2029”;

6 (C) in subsection (b)—

7 (i) in paragraph (1), by striking “not
8 later than 60 days after the date of enact-
9 ment of this Act” and inserting “not later
10 than 60 days after the date of enactment
11 of the SUPPORT for Patients and Com-
12 munities Reauthorization Act of 2024”;
13 and

14 (ii) in paragraph (2)(B)(i)—

15 (I) in subclause (I)—

16 (aa) by striking “for cal-
17 endar years 2013 through 2017”;
18 and

19 (bb) by inserting “for cal-
20 endar years 2018 through 2022”
21 after “rates of unemployment”;

22 (II) in subclause (II)—

23 (aa) by striking “for cal-
24 endar years 2013 through 2017”;
25 and

1 (bb) by inserting “for cal-
2 endar years 2018 through 2022”
3 after “participation rates”; and
4 (III) by striking subclause (III)
5 and inserting the following:

6 “(III) The highest age-adjusted
7 average rates of drug overdose deaths
8 for calendar years 2018 through 2022
9 based on data from the Centers for
10 Disease Control and Prevention, in-
11 cluding, if necessary, provisional data
12 for calendar year 2022.”; and

13 (D) in subsection (f), by striking “For the
14 2-year period following the date of enactment of
15 this Act, the” and inserting “The”.

16 (2) CONFORMING AMENDMENT.—Subtitle F of
17 title VIII of the SUPPORT for Patients and Com-
18 munities Act (Public Law 115–271; 132 Stat. 4095)
19 is amended by striking the subtitle heading and in-
20 serting the following: “**Subtitle F—CAREER**
21 **Act; Recovery Housing Pilot Program**” .

22 (c) CLERICAL AMENDMENTS.—The table of contents
23 in section 1(b) of the SUPPORT for Patients and Com-
24 munities Act (Public Law 115–271; 132 Stat. 3894) is
25 amended—

1 (1) by striking the item relating to section 7183
2 and inserting the following:

“Sec. 7183. CAREER Act; treatment, recovery, and workforce support grants.”;

3 (2) by striking the item relating to subtitle F
4 of title VIII and inserting the following:

“Subtitle F—CAREER Act; Recovery Housing Pilot Program”; and

5 (3) by striking the item relating to section 8071
6 and inserting the following:

“Sec. 8071. CAREER Act; Recovery Housing Pilot Program.”.

7 **SEC. 546. ADDRESSING ECONOMIC AND WORKFORCE IM-**
8 **PACTS OF THE OPIOID CRISIS.**

9 Section 8041(g)(1) of the SUPPORT for Patients
10 and Communities Act (29 U.S.C. 3225a(g)(1)) is amended
11 by striking “2023” and inserting “2029”.

12 **Subtitle D—Miscellaneous Matters**

13 **SEC. 551. DELIVERY OF A CONTROLLED SUBSTANCE BY A**
14 **PHARMACY TO A PRESCRIBING PRACTI-**
15 **TIONER.**

16 Section 309A(a) of the Controlled Substances Act
17 (21 U.S.C. 829a(a)) is amended by striking paragraph (2)
18 and inserting the following:

19 “(2) the controlled substance is a drug in
20 schedule III, IV, or V to be administered—

1 “(A) by injection or implantation for the
2 purpose of maintenance or detoxification treat-
3 ment; or

4 “(B) subject to a risk evaluation and miti-
5 gation strategy pursuant to section 505–1 of
6 the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 355–1) that includes elements to assure
8 safe use of the drug described in subsection
9 (f)(3)(E) of such section, including a require-
10 ment for post-administration monitoring by a
11 health care provider.”.

12 **SEC. 552. TECHNICAL CORRECTION ON CONTROLLED SUB-**
13 **STANCES DISPENSING.**

14 Effective as if included in the enactment of Public
15 Law 117–328—

16 (1) section 1252(a) of division FF of Public
17 Law 117–328 (136 Stat. 5681) is amended, in the
18 matter being inserted into section 302(e) of the Con-
19 trolled Substances Act, by striking “303(g)” and in-
20 serting “303(h)”;

21 (2) section 1262 of division FF of Public Law
22 117–328 (136 Stat. 5681) is amended—

23 (A) in subsection (a)—

1 (i) in the matter preceding paragraph
2 (1), by striking “303(g)” and inserting
3 “303(h)”;

4 (ii) in the matter being stricken by
5 subsection (a)(2), by striking “(g)(1)” and
6 inserting “(h)(1)”; and

7 (iii) in the matter being inserted by
8 subsection (a)(2), by striking “(g) Practi-
9 tioners” and inserting “(h) Practitioners”;
10 and

11 (B) in subsection (b)—

12 (i) in the matter being stricken by
13 paragraph (1), by striking “303(g)(1)”
14 and inserting “303(h)(1)”;

15 (ii) in the matter being inserted by
16 paragraph (1), by striking “303(g)” and
17 inserting “303(h)”;

18 (iii) in the matter being stricken by
19 paragraph (2)(A), by striking “303(g)(2)”
20 and inserting “303(h)(2)”;

21 (iv) in the matter being stricken by
22 paragraph (3), by striking “303(g)(2)(B)”
23 and inserting “303(h)(2)(B)”;

1 (v) in the matter being stricken by
2 paragraph (5), by striking “303(g)” and
3 inserting “303(h)”; and

4 (vi) in the matter being stricken by
5 paragraph (6), by striking “303(g)” and
6 inserting “303(h)”; and

7 (3) section 1263(b) of division FF of Public
8 Law 117–328 (136 Stat. 5685) is amended—

9 (A) by striking “303(g)(2)” and inserting
10 “303(h)(2)”; and

11 (B) by striking “(21 U.S.C. 823(g)(2))”
12 and inserting “(21 U.S.C. 823(h)(2))”.

13 **SEC. 553. REQUIRED TRAINING FOR PRESCRIBERS OF CON-**
14 **TROLLED SUBSTANCES.**

15 (a) IN GENERAL.—Section 303 of the Controlled
16 Substances Act (21 U.S.C. 823) is amended—

17 (1) by redesignating the second subsection des-
18 ignated as subsection (l) as subsection (m); and

19 (2) in subsection (m)(1), as so redesignated—

20 (A) in subparagraph (A)—

21 (i) in clause (iv)—

22 (I) in subclause (I)—

23 (aa) by inserting “the Amer-
24 ican Academy of Family Physi-
25 cians, the American Podiatric

1 Medical Association, the Acad-
2 emy of General Dentistry, the
3 American Optometric Associa-
4 tion,” before “or any other orga-
5 nization”;

6 (bb) by striking “or the
7 Commission” and inserting “the
8 Commission”; and

9 (cc) by inserting “, or the
10 Council on Podiatric Medical
11 Education” before the semicolon
12 at the end; and

13 (II) in subclause (III), by insert-
14 ing “or the American Academy of
15 Family Physicians” after “Associa-
16 tion”; and

17 (ii) in clause (v), in the matter pre-
18 ceding subclause (I)—

19 (I) by striking “osteopathic medi-
20 cine, dental surgery” and inserting
21 “osteopathic medicine, podiatric medi-
22 cine, dental surgery”; and

23 (II) by striking “or dental medi-
24 cine curriculum” and inserting “or

1 dental or podiatric medicine cur-
2 riculum”; and

3 (B) in subparagraph (B)—

4 (i) in clause (i)—

5 (I) by inserting “the American
6 Pharmacists Association, the Accredi-
7 tation Council on Pharmacy Edu-
8 cation, the American Psychiatric
9 Nurses Association, the American
10 Academy of Nursing, the American
11 Academy of Family Physicians,” be-
12 fore “or any other organization”; and

13 (II) by inserting “, the American
14 Academy of Family Physicians,” be-
15 fore “or the Accreditation Council”;
16 and

17 (ii) in clause (ii)—

18 (I) by striking “or accredited
19 school” and inserting “, an accredited
20 school”; and

21 (II) by inserting “, or an accred-
22 ited school of pharmacy” before “in
23 the United States”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect as if enacted on December
3 29, 2022.

4 **SEC. 554. EXTENSION OF TEMPORARY ORDER FOR**
5 **FENTANYL-RELATED SUBSTANCES.**

6 Effective as if included in the enactment of the Tem-
7 porary Reauthorization and Study of the Emergency
8 Scheduling of Fentanyl Analogues Act (Public Law 116–
9 114), section 2 of such Act is amended by striking “De-
10 cember 31, 2024” and inserting “September 30, 2026”.

11 **TITLE VI—PANDEMIC AND ALL-**
12 **HAZARDS PREPAREDNESS**
13 **AND RESPONSE**

14 **SEC. 601. SHORT TITLE.**

15 This title may be cited as the “Pandemic and All-
16 Hazards Preparedness and Response Act”.

17 **Subtitle A—State and Local**
18 **Readiness and Response**

19 **SEC. 611. TEMPORARY REASSIGNMENT OF STATE AND**
20 **LOCAL PERSONNEL DURING A PUBLIC**
21 **HEALTH EMERGENCY.**

22 Section 319(e) of the Public Health Service Act (42
23 U.S.C. 247d(e)) is amended—

24 (1) in paragraph (1), by striking “tribal organi-
25 zation or such Governor or tribal organization’s des-

1 ignee” and inserting “Tribal organization or the des-
2 ignee of the Governor or Tribal organization, or the
3 State or Tribal health official”;

4 (2) in paragraph (2)(B)—

5 (A) in the matter preceding clause (i), by
6 striking “tribal organization” and inserting
7 “Tribal organization, or the State or Tribal
8 health official”; and

9 (B) in clause (v), by striking “tribal orga-
10 nization” and inserting “Tribal organization or
11 State or Tribal health official”;

12 (3) in paragraph (6)—

13 (A) in the matter preceding subparagraph

14 (A)—

15 (i) by striking “Reauthorization Act
16 of 2013” and inserting “and Response
17 Act”; and

18 (ii) by striking “appropriate commit-
19 tees of the Congress” and inserting “Com-
20 mittee on Health, Education, Labor, and
21 Pensions of the Senate and the Committee
22 on Energy and Commerce of the House of
23 Representatives”; and

1 (B) in subparagraph (A), by inserting “,
2 including requests from State or Tribal health
3 officials” before the semicolon;

4 (4) in paragraph (7)(A), by striking “tribal or-
5 ganization” and inserting “Tribal organization”; and

6 (5) in paragraph (8), by striking “December
7 31, 2024” and inserting “December 31, 2026”.

8 **SEC. 612. PUBLIC HEALTH EMERGENCY PREPAREDNESS**
9 **PROGRAM.**

10 Section 319C–1 of the Public Health Service Act (42
11 U.S.C. 247d–3a) is amended—

12 (1) in subsection (b)(2)—

13 (A) in subparagraph (A)(ii), by striking
14 “influenza” and inserting “response planning”;
15 and

16 (B) in subparagraph (H), by inserting “,
17 such as community-based organizations, includ-
18 ing faith-based organizations, and other public
19 and private entities” after “stakeholders”;

20 (2) in subsection (g)—

21 (A) in paragraph (1), in the matter pre-
22 ceding subparagraph (A), by inserting “and the
23 ability of each entity receiving an award under
24 subsection (a) to respond to all-hazards

1 threats” before the period at the end of the
2 first sentence;

3 (B) in paragraph (2)—

4 (i) in the paragraph heading, by strik-
5 ing “INFLUENZA” and inserting “RE-
6 SPONSE”; and

7 (ii) in subparagraph (A)—

8 (I) by striking “to pandemic in-
9 fluenza” and inserting “to a pathogen
10 causing a pandemic, including pan-
11 demic influenza”; and

12 (II) by striking “such pandemic
13 influenza” and inserting “such pan-
14 demic response”;

15 (C) in paragraph (5)—

16 (i) in the paragraph heading, by strik-
17 ing “INFLUENZA” and inserting “PAN-
18 DEMIC RESPONSE”;

19 (ii) in the matter preceding subpara-
20 graph (A), by striking “2019” and insert-
21 ing “2026”;

22 (iii) in subparagraph (A), by striking
23 “2018” and inserting “2025”; and

1 (iv) in subparagraph (B), by striking
2 “pandemic influenza” and inserting “a
3 pathogen causing a pandemic”; and

4 (D) in paragraph (6)—

5 (i) in subparagraph (A), in the matter
6 preceding clause (i), by striking “The
7 amounts described in this paragraph are
8 the following amounts that are payable to
9 an entity for activities described in this
10 section or section 319C–2” and inserting
11 “The Secretary shall withhold from an en-
12 tity pursuant to paragraph (5) for non-
13 compliance with the requirements of this
14 section or section 319C–2 as follows”; and

15 (ii) in subparagraph (B), by inserting
16 “with respect to the requirements of this
17 section or section 319C–2” after “para-
18 graph (5)”; and

19 (3) in subsection (h)(1)(A), by striking
20 “\$685,000,000 for each of fiscal years 2019 through
21 2023” and inserting “\$735,000,000 for each of fis-
22 cal years 2025 and 2026, to remain available
23 through December 31, 2026”.

1 **SEC. 613. HOSPITAL PREPAREDNESS PROGRAM.**

2 (a) INCREASING PARTICIPATION BY EMS IN THE
3 HOSPITAL PREPAREDNESS PROGRAM.—

4 (1) IN GENERAL.—Section 319C–2 of the Pub-
5 lic Health Service Act (42 U.S.C. 247d–3b) is
6 amended—

7 (A) in subsection (b)(1)(A)—

8 (i) in clause (iii)(III), by striking “;
9 and” and inserting a semicolon; and

10 (ii) by striking clause (iv) and insert-
11 ing the following:

12 “(iv) one or more emergency medical
13 service organizations; and

14 “(v) to the extent practicable, one or
15 more emergency management organiza-
16 tions; and”; and

17 (B) in subsection (g)(1)—

18 (i) by striking “(1) LOCAL RESPONSE
19 CAPABILITIES” and inserting:

20 “(1) LOCAL RESPONSE CAPABILITIES.—

21 “(A) PROGRAM COORDINATION.—”;

22 (ii) by striking “extent practicable,
23 ensure” and inserting the following: “ex-
24 tent practicable—

25 “(i) ensure”;

1 (iii) by striking the period and insert-
2 ing “; and”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(ii) seek to increase participation of
6 eligible entities described in subsection
7 (b)(1)(A) with lower participation rates
8 relative to other eligible entities, such as
9 emergency medical services organizations
10 and health care facilities in underserved
11 areas.”.

12 (2) PREFERENCES.—Section 319C–
13 2(d)(1)(A)(iii) of the Public Health Service Act (42
14 U.S.C. 247d–3b(d)(1)(A)(iii)) is amended by strik-
15 ing “subsection (b)(1)(A)(ii)” and inserting “clauses
16 (ii) and (iv) of subsection (b)(1)(A)”.

17 (b) IMPROVING MEDICAL READINESS AND RESPONSE
18 CAPABILITIES.—Section 319C–2 of the Public Health
19 Service Act (42 U.S.C. 247d–3b) is amended—

20 (1) in subsection (b)(2)—

21 (A) in subparagraph (A), by striking
22 “and” at the end;

23 (B) in subparagraph (B), by striking the
24 period and inserting “; and”; and

25 (C) by inserting at the end the following:

1 “(C) designate a lead entity to administer such
2 award and support coordination between entities de-
3 scribed in this subsection.”;

4 (2) in subsection (g)(1), as amended by sub-
5 section (a)(1)(B), by adding at the end the fol-
6 lowing:

7 “(B) REGIONAL OPERATIONS.—An eligible
8 entity shall establish and maintain, or leverage
9 an existing, capability to enable coordination of
10 regional medical operations, which may include
11 systems to facilitate information sharing and
12 coordination, within a coalition described under
13 subsection (b)(1)(A) and, as appropriate,
14 among multiple coalitions that are in close geo-
15 graphic proximity to each other.”; and

16 (3) in subsection (j)(1)—

17 (A) in subparagraph (A), by striking “for
18 each of fiscal years 2019 through 2023” and
19 inserting “for each of fiscal years 2025 and
20 2026, to remain available through December
21 31, 2026”; and

22 (B) in subparagraph (B)(iii), by striking
23 “September 30, 2023” and inserting “Decem-
24 ber 31, 2026”.

1 **SEC. 614. FACILITIES AND CAPACITIES OF THE CENTERS**
2 **FOR DISEASE CONTROL AND PREVENTION TO**
3 **COMBAT PUBLIC HEALTH SECURITY**
4 **THREATS.**

5 Section 319D(h) of the Public Health Service Act (42
6 U.S.C. 247d–4(h)) is amended—

7 (1) in paragraph (1), by striking “\$25,000,000
8 for each of fiscal years 2022 and 2023” and insert-
9 ing “\$40,000,000 for each of fiscal years 2025 and
10 2026”, to remain available through December 31,
11 2026; and

12 (2) in paragraph (2), by striking “2022 and
13 2023” and inserting “2025 and 2026, to remain
14 available through December 31, 2026”.

15 **SEC. 615. PILOT PROGRAM TO SUPPORT STATE MEDICAL**
16 **STOCKPILES.**

17 (a) **IN GENERAL.**—Section 319F–2(i) of the Public
18 Health Service Act (42 U.S.C. 247d–6b(i)) is amended—

19 (1) in paragraph (2)(B)(i)—

20 (A) in subclause (I), by striking “and
21 2024” and inserting “through 2025”; and

22 (B) in subclause (II), by striking “2025”
23 and inserting “2026”;

24 (2) in paragraph (4)—

25 (A) in subparagraph (G), by striking “;
26 and” at the end and inserting a semicolon;

1 (B) by redesignating subparagraph (H) as
2 subparagraph (I);

3 (C) by inserting after subparagraph (G)
4 the following:

5 “(H) facilitate the sharing of best practices
6 among States within a consortia of States in re-
7 ceipt of funding related to establishing and
8 maintaining a stockpile of medical products;
9 and”;

10 (D) in subparagraph (I), as so redesi-
11 gnated, by striking “State efforts” and inserting
12 “State or regional efforts”;

13 (3) by redesignating paragraphs (5) through
14 (9) as paragraphs (6) through (10), respectively;

15 (4) by inserting after paragraph (4) the fol-
16 lowing:

17 “(5) COORDINATION.—An entity in receipt of
18 an award under paragraph (1), in carrying out the
19 activities under this subsection, shall coordinate with
20 appropriate health care entities, health officials, and
21 emergency management officials within the jurisdic-
22 tion of such State or States.”;

23 (5) in paragraph (10), as so redesignated, by
24 striking “\$3,500,000,000 for each of fiscal years
25 2023 and 2024” and inserting “\$3,365,000,000 for

1 fiscal year 2025, and \$3,265,000,000 for fiscal year
2 2026”.

3 (b) GAO REPORT.—Section 2409(b) of the PRE-
4 VENT Pandemics Act (Public Law 117–328) is amend-
5 ed—

6 (1) in paragraph (2), by striking “; and” and
7 inserting a semicolon;

8 (2) in paragraph (3), by striking the period and
9 inserting “; and”; and

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

11 “(4) the impact of any regional stockpiling ap-
12 proaches carried out under subsection (i)(1) of sec-
13 tion 319F–2 of the Public Health Service Act (42
14 U.S.C. 247d–6b).”.

15 **SEC. 616. ENHANCING DOMESTIC WASTEWATER SURVEIL-**
16 **LANCE FOR PATHOGEN DETECTION.**

17 (a) IN GENERAL.—Title III of the Public Health
18 Service Act is amended by inserting after section 317V
19 (42 U.S.C. 247b–24) the following:

20 **“SEC. 317W. WASTEWATER SURVEILLANCE FOR PATHOGEN**
21 **DETECTION.**

22 “(a) WASTEWATER SURVEILLANCE SYSTEM.—The
23 Secretary, acting through the Director of the Centers for
24 Disease Control and Prevention and in coordination with
25 other Federal departments and agencies, shall award

1 grants, contracts, or cooperative agreements to eligible en-
2 tities to establish, maintain, or improve activities related
3 to the detection and monitoring of infectious diseases
4 through wastewater for public health emergency prepared-
5 ness and response purposes.

6 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
7 an award under this section, an entity shall—

8 “(1) be a State, Tribal, or local health depart-
9 ment, or a partnership between such a health de-
10 partment and other public and private entities; and

11 “(2) submit to the Secretary an application at
12 such time, in such manner, and containing such in-
13 formation as the Secretary may reasonably require,
14 which shall include—

15 “(A) a description of activities proposed to
16 be carried out pursuant to an award under sub-
17 section (a);

18 “(B) factors such entity proposes to use to
19 select wastewater sampling sites;

20 “(C) factors such entity proposes to use to
21 determine whether a response to findings from
22 such wastewater sampling may be warranted,
23 and a plan for responding, as appropriate, con-
24 sistent with applicable plans developed by such
25 entity pursuant to section 319C–1;

1 “(D) a plan to sustain such wastewater
2 surveillance activities described in such applica-
3 tion following the conclusion of the award pe-
4 riod; and

5 “(E) any additional information the Sec-
6 retary may require.

7 “(c) CONSIDERATION.—In making awards under sub-
8 section (a), the Secretary may give priority to eligible enti-
9 ties that have submitted an application that—

10 “(1) details plans to provide public access to
11 deidentified data generated through such wastewater
12 surveillance activities in a manner that allows for
13 comparison to such data generated by other recipi-
14 ents of an award under subsection (a); and

15 “(2) provides an assessment of community
16 needs related to ongoing infectious disease moni-
17 toring, including estimates of the incidence and
18 prevalence of infectious diseases that can be detected
19 in wastewater and availability, at the time of the ap-
20 plication, of other forms of infectious disease detec-
21 tion in the jurisdiction.

22 “(d) USE OF FUNDS.—An eligible entity shall, as ap-
23 propriate, use amounts awarded under this section to—

1 “(1) establish or enhance existing capacity and
2 capabilities to conduct wastewater sampling, testing,
3 and related analysis;

4 “(2) conduct wastewater surveillance, as appro-
5 priate, in areas or facilities with increased risk of in-
6 fectious disease outbreaks and limited ability to uti-
7 lize other forms of infectious disease detection, such
8 as at individual facilities, institutions, and locations
9 in rural areas or areas in which wastewater is not
10 treated through the relevant local utility of the juris-
11 diction; and

12 “(3) implement projects that use evidence-based
13 or innovative practices to conduct wastewater sur-
14 veillance activities.

15 “(e) PARTNERSHIPS.—In carrying out activities
16 under this section, eligible entities shall identify opportuni-
17 ties to partner with other public or private entities to le-
18 verage relevant capabilities maintained by such entities,
19 as appropriate and consistent with this section.

20 “(f) TECHNICAL ASSISTANCE.—The Secretary, in
21 consultation with the heads of other applicable Federal
22 agencies and departments, as appropriate, shall provide
23 technical assistance to recipients of awards under this sec-
24 tion to facilitate the planning, development, and imple-
25 mentation of activities described in subsection (d).

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
2 carry out this section, there is authorized to be appro-
3 priated \$20,000,000 for each of fiscal years 2025 and
4 2026, to remain available through December 31, 2026.”.

5 (b) WASTEWATER SURVEILLANCE RESEARCH.—

6 (1) IN GENERAL.—The Secretary of Health and
7 Human Services (in this subsection referred to as
8 the “Secretary”) shall continue to conduct or sup-
9 port research on the use of wastewater surveillance
10 to detect and monitor emerging infectious diseases,
11 which may include—

12 (A) research to improve the efficiency and
13 effectiveness of wastewater sample collection
14 and analysis and increase the sensitivity and
15 specificity of wastewater testing methods; and

16 (B) implementation and development of
17 evidence-based practices to facilitate the esti-
18 mation of the incidence and prevalence of infec-
19 tious disease within a community.

20 (2) NON-DUPLICATION OF EFFORT.—The Sec-
21 retary shall ensure that activities carried out under
22 this subsection do not unnecessarily duplicate efforts
23 of other agencies and offices within the Department
24 of Health and Human Services related to wastewater
25 surveillance.

1 **SEC. 617. REAUTHORIZATION OF MOSQUITO ABATEMENT**
2 **FOR SAFETY AND HEALTH PROGRAM.**

3 Section 317S of the Public Health Service Act (42
4 U.S.C. 247b–21) is amended—

5 (1) in subsection (a)(3)(A), by striking “sub-
6 section (b)(3)” and inserting “subsection (b)(4)”;

7 (2) in subsection (b)—

8 (A) by redesignating paragraphs (3)
9 through (6) as paragraphs (4) through (7), re-
10 spectively; and

11 (B) by inserting after paragraph (2) the
12 following:

13 “(3) CONSIDERATIONS.—The Secretary may
14 consider the use of innovative and novel technology
15 for mosquito prevention and control in making
16 grants under paragraph (1).”;

17 (3) by amending subsection (d) to read as fol-
18 lows:

19 “(d) USES OF FUNDS.—Amounts appropriated under
20 subsection (f) may be used by the Secretary to provide
21 training and technical assistance with respect to the plan-
22 ning, development, and operation of assessments and
23 plans under subsection (a) and control programs under
24 subsection (b). The Secretary may provide such training
25 and technical assistance directly or through awards of
26 grants or contracts to public and private entities.”; and

1 (4) in subsection (f)(1), by striking “2019
2 through 2023” and inserting “2025 and 2026, to re-
3 main available through December 31, 2026”.

4 **Subtitle B—Federal Planning and**
5 **Coordination**

6 **SEC. 621. ALL-HAZARDS EMERGENCY PREPAREDNESS AND**
7 **RESPONSE.**

8 Section 2811 of the Public Health Service Act (42
9 U.S.C. 300hh–10) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (3)—

12 (i) by striking “Oversee advanced re-
13 search, development, and procurement”
14 and inserting the following:

15 “(A) IN GENERAL.—Oversee advanced re-
16 search, development, procurement, and replen-
17 ishment”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) DEVELOPMENT OF REQUIRE-
21 MENTS.—Lead the development and approval,
22 and, on a routine basis, the review and update,
23 of requirements for such countermeasures and
24 products, including related capabilities, to in-
25 form the advanced research, development, pro-

1 curement, and replenishment decisions of the
2 Secretary.”;

3 (B) in paragraph (4)—

4 (i) in subparagraph (F)—

5 (I) in the matter preceding clause
6 (i), by striking “and in consultation
7 with the Secretary of Homeland Secu-
8 rity,”; and

9 (II) in clause (i), by inserting
10 “enhance” after “capabilities and”;

11 (ii) in subparagraph (G)—

12 (I) in the matter preceding clause
13 (i), by inserting “the Office of Pan-
14 demic Preparedness and Response
15 Policy,” after “Veterans Affairs,”;

16 (II) in clause (i), by striking
17 “based on” and inserting “based on—
18 ”;

19 (III) in clause (ii), by striking “;
20 and” at the end and inserting a semi-
21 colon;

22 (IV) in clause (iii), by striking
23 the period and inserting “; and”; and

24 (V) by adding at the end the fol-
25 lowing:

1 “(iv) that include, as appropriate, par-
2 ticipation by relevant industry, academia,
3 professional societies, and other stake-
4 holders.”;

5 (iii) in subparagraph (H)—

6 (I) by inserting “and the Direc-
7 tor of the Office of Pandemic Pre-
8 paredness and Response Policy” after
9 “Security Affairs”; and

10 (II) by inserting “and medical
11 product and supply capacity planning
12 pursuant to subparagraph (J), includ-
13 ing discussion of any relevant identi-
14 fied supply chain vulnerabilities” be-
15 fore the period at the end;

16 (iv) in subparagraph (I), by inserting
17 “the Director of the Office of Pandemic
18 Preparedness and Response Policy,” after
19 “Security Affairs,”; and

20 (v) in subparagraph (J)(i), in the
21 matter preceding subclause (I), by insert-
22 ing “(including ancillary medical supplies
23 and components of medical products, such
24 as active pharmaceutical ingredients, key
25 starting materials, medical device compo-

1 nents, testing kits, reagents, and other
2 testing supplies)” after “supply needs”;
3 and

4 (C) in paragraph (7)—

5 (i) in the matter preceding subpara-
6 graph (A), by inserting “and the require-
7 ments developed pursuant to paragraph
8 (3)(B)” after “subsection (d)”;

9 (ii) by redesignating subparagraphs
10 (E) and (F) as subparagraphs (F) and
11 (G), respectively; and

12 (iii) by inserting after subparagraph
13 (D) the following:

14 “(E) include a professional judgment of
15 anticipated budget needs for each future fiscal
16 year accounted for in such plan to account for
17 the full range of anticipated medical counter-
18 measure needs and life-cycle costs to address
19 such priorities and requirements;”;

20 (2) in subsection (d)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) IN GENERAL.—Not later than March 15,
24 2020, and biennially thereafter, the Assistant Sec-
25 retary for Preparedness and Response shall develop

1 and submit to the Committee on Health, Education,
2 Labor, and Pensions of the Senate and the Com-
3 mittee on Energy and Commerce of the House of
4 Representatives a coordinated strategy for medical
5 countermeasures to address chemical, biological, ra-
6 diological, and nuclear threats, informed by the re-
7 quirements developed pursuant to subsection
8 (b)(3)(B). Not later than 180 days after the submis-
9 sion of such strategy to such committees, the Assist-
10 ant Secretary for Preparedness and Response shall
11 submit an accompanying implementation plan to
12 such committees. In developing such a strategy and
13 plan, the Assistant Secretary for Preparedness and
14 Response shall consult with the Public Health Emer-
15 gency Medical Countermeasures Enterprise estab-
16 lished under section 2811–1. Such strategy and plan
17 shall be known as the Public Health Emergency
18 Medical Countermeasures Enterprise Strategy and
19 Implementation Plan.”; and

20 (B) in paragraph (2), in the matter pre-
21 ceding subparagraph (A), by inserting “strategy
22 and” before “plan”; and

23 (3) in subsection (f)—

24 (A) in paragraph (1), in the matter pre-
25 ceding subparagraph (A), by inserting “, includ-

1 ing such agents that are an emerging infectious
2 disease” after “become a pandemic”; and

3 (B) in paragraph (2)(A), by striking
4 “\$250,000,000 for each of fiscal years 2019
5 through 2023” and inserting “\$335,000,000
6 for each of fiscal years 2025 and 2026, to re-
7 main available through December 31, 2026”.

8 **SEC. 622. NATIONAL HEALTH SECURITY STRATEGY.**

9 Section 2802 of the Public Health Service Act (42
10 U.S.C. 300hh–1) is amended—

11 (1) in subsection (a)(3)—

12 (A) by striking “In 2022, the” and insert-
13 ing “The”; and

14 (B) by inserting “, maintaining, and sus-
15 taining” after “establishing”; and

16 (2) in subsection (b)—

17 (A) in paragraph (2)—

18 (i) in subparagraph (A), by inserting
19 “that support interagency coordination and
20 availability of information, as appropriate”
21 before the period;

22 (ii) in subparagraph (B), by inserting
23 “rapid testing,” after “and supplies,”;

24 (B) in paragraph (3)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “and blood banks”
3 after “dental health facilities”;

4 (ii) in subparagraph (C), by inserting
5 “and current capacity of facilities within
6 such systems, as applicable” before the pe-
7 riod; and

8 (iii) in subparagraph (D), by inserting
9 “and other medical products and medical
10 supplies consistent with the activities car-
11 ried out under section 2811(b)(4)(J)” be-
12 fore the period;

13 (C) in paragraph (5), by inserting “appli-
14 cable federally funded activities and” after “(in-
15 cluding”;

16 (D) in paragraph (8)—

17 (i) in subparagraph (A), by inserting
18 “public health and medical” before “activi-
19 ties”; and

20 (ii) in subparagraph (B), by striking
21 “familiarity with” and inserting “under-
22 standing of, and coordination between,”;

23 (E) by redesignating paragraphs (9) and
24 (10) as paragraphs (10) and (12), respectively;

1 (F) by inserting after paragraph (8) the
2 following:

3 “(9) OTHER SETTINGS.—Supporting Federal,
4 State, local, and Tribal coordination and planning
5 with respect to facilities in which there is an in-
6 creased risk of infectious disease outbreaks, includ-
7 ing such facilities that address the needs of at-risk
8 individuals, in the event of a public health emer-
9 gency declared under section 319.”;

10 (G) by inserting after subparagraph (10),
11 as so redesignated, the following:

12 “(11) OTHER HAZARDS.—Assessing current
13 and potential health security threats from natural
14 disasters with respect to public health and medical
15 preparedness and response.”;

16 (H) by inserting after paragraph (12), as
17 so redesignated, the following:

18 “(13) CYBERSECURITY RESILIENCY OF HEALTH
19 CARE SYSTEMS.—Consistent with the requirements
20 of section 2218 of the Homeland Security Act of
21 2002, strengthening the ability of States, local com-
22 munities, and Tribal communities to prepare for, re-
23 spond to, and be resilient against cybersecurity
24 vulnerabilities or cybersecurity attacks that affect
25 public health and health information technology, and

1 encouraging health care facilities to use recognized
2 security practices meeting or exceeding the ap-
3 proaches established under section 405(d) of the Cy-
4 bersecurity Act of 2015.”; and

5 (I) by striking “tribal” each place it ap-
6 pears and inserting “Tribal”.

7 **SEC. 623. IMPROVING DEVELOPMENT AND DISTRIBUTION**
8 **OF DIAGNOSTIC TESTS.**

9 Section 319B of the Public Health Service Act (42
10 U.S.C. 247d–2) is amended to read as follows:

11 **“SEC. 319B. IMPROVING DEVELOPMENT AND DISTRIBUTION**
12 **OF DIAGNOSTIC TESTS.**

13 “(a) **DIAGNOSTIC TESTING PREPAREDNESS PLAN.**—
14 The Secretary shall develop, make publicly available, not
15 later than 1 year after the date of enactment of the Pan-
16 demic and All-Hazards Preparedness and Response Act,
17 and update not less frequently than every 3 years there-
18 after, a plan for the rapid development, validation, author-
19 ization, manufacture, procurement, and distribution of di-
20 agnostic tests, and for rapid scaling of testing capacity,
21 in response to chemical, biological, radiological, or nuclear
22 threats, including emerging infectious diseases, for which
23 a public health emergency is declared under section 319,
24 or that has significant potential to cause such a public
25 health emergency.

1 “(b) PURPOSES.—The purpose of the plan under sub-
2 section (a) shall be to—

3 “(1) facilitate the development and utilization
4 of diagnostic tests;

5 “(2) describe the processes for the rapid devel-
6 opment, validation, authorization, manufacture, pro-
7 curement, and distribution of diagnostic tests, and
8 for rapid scaling of testing capacity; and

9 “(3) facilitate coordination and collaboration
10 among public and private entities to improve the
11 rapid development and utilization of diagnostic test-
12 ing during a public health emergency.

13 “(c) CONSIDERATIONS.—The plan under subsection
14 (a) shall take into consideration—

15 “(1) domestic capacity, including any such ca-
16 pacity established through partnerships with public
17 and private entities pursuant to subsection (e), to
18 support the development, validation, manufacture,
19 procurement, and distribution of tests, and the rapid
20 scaling of testing capacity;

21 “(2) novel technologies and platforms that—

22 “(A) may be used to improve testing capa-
23 bilities, including—

24 “(i) high-throughput laboratory
25 diagnostics;

1 “(ii) point-of-care diagnostics; and

2 “(iii) rapid at-home diagnostics;

3 “(B) improve the accessibility of diagnostic
4 tests; and

5 “(C) facilitate the development and manu-
6 facture of diagnostic tests;

7 “(3) medical supply needs related to testing, in-
8 cluding diagnostic testing, equipment, supplies, and
9 component parts, and any potential vulnerabilities
10 related to the availability of such medical supplies
11 and related planning needs, consistent with section
12 2811(b)(4)(J);

13 “(4) strategies for the rapid and efficient dis-
14 tribution of tests locally, regionally, or nationwide
15 and appropriate scaling of laboratory testing capac-
16 ity; and

17 “(5) assessment of such strategies through
18 drills and operational exercises carried out under
19 section 2811(b)(4)(G), as appropriate.

20 “(d) COORDINATION.—To inform the development
21 and update of the plan under subsection (a), and in car-
22 rying out activities to implement such plan, the Secretary
23 shall coordinate with industry, such as device manufactur-
24 ers, clinical and reference laboratories, and medical prod-
25 uct distributors, States, local governmental entities, In-

1 dian Tribes and Tribal organizations, and other relevant
2 public and private entities.

3 “(e) CAPACITY BUILDING.—The Secretary may con-
4 tract with public and private entities, as appropriate, to
5 increase domestic capacity in the rapid development, vali-
6 dation, authorization, manufacture, procurement, and dis-
7 tribution of diagnostic tests, as appropriate, to State,
8 local, and Tribal health departments and other appro-
9 priate entities for immediate public health response activi-
10 ties to address an infectious disease with respect to which
11 a public health emergency is declared under section 319,
12 or that has significant potential to cause such a public
13 health emergency.”.

14 **SEC. 624. COMBATING ANTIMICROBIAL RESISTANCE.**

15 (a) IN GENERAL.—Section 319E of the Public
16 Health Service Act (42 U.S.C. 247d–5) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by inserting “and ac-
19 tivities” after “Federal programs”;

20 (B) in paragraph (2)—

21 (i) by striking “public health constitu-
22 encies, manufacturers, veterinary and med-
23 ical professional societies and others” and
24 inserting “the Advisory Council described

1 in subsection (b) and relevant public and
2 private entities”; and

3 (ii) by inserting “, pursuant to para-
4 graph (4),” after “comprehensive plan”;

5 (C) by amending paragraph (3) to read as
6 follows:

7 “(3) AGENDA.—The task force described in
8 paragraph (1) shall consider factors the Secretary
9 considers appropriate, including factors to—

10 “(A) slow the emergence of resistant bac-
11 teria and fungi and prevent the spread of re-
12 sistant infections;

13 “(B) strengthen activities to combat resist-
14 ance with respect to zoonotic diseases;

15 “(C) advance development and use of rapid
16 and innovative capabilities, including diagnostic
17 tests, for identification and characterization of
18 resistant bacteria and fungi;

19 “(D) accelerate basic and applied research
20 and development for new antibiotics,
21 antifungals, and other related therapeutics and
22 vaccines; and

23 “(E) support international collaboration
24 and capacities for antimicrobial-resistance pre-
25 vention, detection, and control.”;

1 (D) by redesignating paragraph (4) as
2 paragraph (5);

3 (E) by inserting after paragraph (3) the
4 following:

5 “(4) ACTION PLAN.—Not later than October 1,
6 2026, and every 5 years thereafter, the task force
7 described in paragraph (1) shall develop and submit
8 to the Committee on Health, Education, Labor, and
9 Pensions and the Committee on Appropriations of
10 the Senate and the Committee on Energy and Com-
11 merce and the Committee on Appropriations of the
12 House of Representatives a plan regarding Federal
13 programs and activities to combat antimicrobial re-
14 sistance, including measurable outcomes, as appro-
15 priate, informed by—

16 “(A) the agenda described in paragraph
17 (3);

18 “(B) input provided by the Advisory Coun-
19 cil described in subsection (b); and

20 “(C) input from other relevant stake-
21 holders provided pursuant to paragraph (2).”;

22 (2) by redesignating subsections (b) through (o)
23 as subsections (c) through (p), respectively;

24 (3) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) ADVISORY COUNCIL.—

2 “(1) IN GENERAL.—The Secretary may con-
3 tinue the Presidential Advisory Council on Com-
4 bating Antibiotic-Resistant Bacteria, referred to in
5 this subsection as the ‘Advisory Council’.

6 “(2) DUTIES.—The Advisory Council shall ad-
7 vise and provide information and recommendations
8 to the Secretary, acting through the Task Force es-
9 tablished under subsection (a), regarding Federal
10 programs and activities intended to reduce or com-
11 bat antimicrobial-resistant bacteria or fungi that
12 may present a public health threat and improve ca-
13 pabilities to prevent, diagnose, mitigate, or treat
14 such resistance. Such advice, information, and rec-
15 ommendations may be related to improving Federal
16 efforts related to factors described in subsection
17 (a)(3) and other topics related to antimicrobial re-
18 sistance, as appropriate.

19 “(3) MEETINGS AND COORDINATION.—

20 “(A) MEETINGS.—The Advisory Council
21 shall meet not less frequently than biannually
22 and, to the extent practicable, in coordination
23 with meetings of the task force established
24 under subsection (a).

1 “(B) COORDINATION.—The Advisory
2 Council shall, to the greatest extent practicable,
3 coordinate activities carried out by the Council
4 with the task force established under subsection
5 (a).

6 “(4) FACA.—Chapter 10 of title 5, United
7 States Code, shall apply to the activities and duties
8 of the Advisory Council.

9 “(5) SUNSET.—

10 “(A) IN GENERAL.—The Advisory Council
11 under this subsection shall terminate on De-
12 cember 31, 2026.

13 “(B) EXTENSION OF ADVISORY COUN-
14 CIL.—Not later than October 1, 2026, the Sec-
15 retary shall submit to the Committee on
16 Health, Education, Labor, and Pensions of the
17 Senate and the Committee on Energy and Com-
18 merce of the House of Representatives a report
19 that includes a recommendation on whether the
20 Advisory Council should be extended, and iden-
21 tifying whether there are other committees,
22 councils, or task forces that have overlapping or
23 similar duties to that of the Advisory Council,
24 and whether such committees, councils, or task
25 forces should be combined, restructured, or

1 eliminated, including with respect to the task
2 force established under subsection (a).”; and
3 (4) in subsection (n), as so redesignated, by
4 striking “(f) through (j)” and inserting “(g) through
5 (k)”.

6 (b) CONFORMING AMENDMENT.—Section 505 of the
7 Pandemic and All-Hazards Preparedness and Advancing
8 Innovation Act of 2019 (42 U.S.C. 247d–5 note; Public
9 Law 116–22) is amended by striking subsection (a) and
10 all that follows through “Not later” in subsection (e) and
11 inserting the following:

12 “Not later”.

13 **SEC. 625. STRATEGIC NATIONAL STOCKPILE AND MATE-**
14 **RIAL THREATS.**

15 Section 319F–2 of the Public Health Service Act (42
16 U.S.C. 247d–6b) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2)—

19 (i) in subparagraph (A), by inserting
20 “Such review shall include a description of
21 how the Secretary manages and mitigates
22 risks associated with gaps between current
23 inventory levels and stockpiling goals,
24 prioritizes such risks, and tracks progress

1 toward mitigation of such risks.” after the
2 first sentence; and

3 (ii) in subparagraph (B)(i), by amend-
4 ing subclause (IV) to read as follows:

5 “(IV) the emergency health secu-
6 rity threat or threats such counter-
7 measure procurement is intended to
8 address, including—

9 “(aa) whether such procure-
10 ment is consistent with meeting
11 emergency health security needs
12 associated with such threat or
13 threats; and

14 “(bb) in the case of a coun-
15 termeasure that addresses a bio-
16 logical agent, whether such agent
17 has an increased likelihood to be-
18 come resistant to, more resistant
19 to, or evade, such counter-
20 measure relative to other avail-
21 able medical countermeasures;”;

22 (B) in paragraph (3)—

23 (i) in subparagraph (B), by striking
24 “are followed, regularly reviewed, and up-
25 dated with respect to such stockpile” and

1 inserting “with respect to such stockpile
2 are followed, regularly reviewed, and up-
3 dated to reflect best practices”;

4 (ii) in subparagraph (I), by inserting
5 “, through a standard operating proce-
6 dure,” after “ensure”;

7 (iii) by redesignating subparagraphs
8 (H) through (K) as subparagraphs (I)
9 through (L), respectively;

10 (iv) by inserting after subparagraph
11 (G) the following:

12 “(H) utilize tools to enable the timely and
13 accurate tracking of the contents of the stock-
14 pile throughout the deployment of such con-
15 tents, including tracking of the location and ge-
16 ographic distribution and utilization of such
17 contents;”;

18 (v) in subparagraph (K), as so reded-
19 icated, by striking “; and” at the end and
20 inserting a semicolon;

21 (vi) in subparagraph (L), as so reded-
22 icated, by striking the period and insert-
23 ing “; and”; and

24 (vii) by adding at the end the fol-
25 lowing:

1 “(M) communicate to relevant vendors re-
2 garding modifications, renewals, extensions, or
3 terminations of contracts, or the intent to exer-
4 cise options for such contracts, within 30 days,
5 as practicable, of such determination, including
6 through the development of a contract notifica-
7 tion process.”;

8 (C) in paragraph (5)(B), in the matter
9 preceding clause (i), by inserting “, which may
10 accompany the review required under paragraph
11 (2),” after “Representatives a report”; and

12 (D) in paragraph (6)(A)—

13 (i) by redesignating clauses (viii)
14 through (x) as clauses (ix) through (xi), re-
15 spectively; and

16 (ii) by inserting after clause (vii) the
17 following:

18 “(viii) with respect to any change in
19 the Federal organizational management of
20 the stockpile, an assessment and compari-
21 son of any differences in the processes and
22 operations resulting from such change, in-
23 cluding—

1 “(I) planning for potential coun-
2 termeasure deployment, distribution,
3 or dispensing capabilities;

4 “(II) organizational structure;

5 “(III) communication with rel-
6 evant stakeholders related to procure-
7 ment decisions;

8 “(IV) processes related to pro-
9 curement, deployment, and use of
10 stockpiled countermeasures;

11 “(V) communication and coordi-
12 nation with the Public Health Emer-
13 gency Medical Countermeasures En-
14 terprise and other related Federal en-
15 tities;

16 “(VI) inventory management;
17 and

18 “(VII) availability and use of re-
19 sources for such activities;” and

20 (2) in subsection (c)(2)(C), by striking
21 “promptly” and inserting “, not later than 60 days
22 after each such determination,”;

23 (3) in subsection (f)(1), by striking
24 “\$610,000,000 for each of fiscal years 2019 through
25 2021, and \$750,000,000 for each of fiscal years

1 2022 and 2023” and inserting “\$1,100,000,000 for
2 fiscal year 2025, and \$1,210,000,000 for fiscal year
3 2026”; and

4 (4) in subsection (g)(1), by striking “2019
5 through 2028” and inserting “2025 through 2034”.

6 **SEC. 626. MEDICAL COUNTERMEASURES FOR VIRAL**
7 **THREATS WITH PANDEMIC POTENTIAL.**

8 Section 319L of the Public Health Service Act (42
9 U.S.C. 247d–7e) is amended—

10 (1) in subsection (c)—

11 (A) in paragraph (4)—

12 (i) in subparagraph (D)—

13 (I) in clause (ii), by striking “;
14 and” and inserting a semicolon; and

15 (II) by redesignating clause (iii)
16 as clause (iv); and

17 (III) by inserting after clause (ii)
18 the following:

19 “(iii) research and development of
20 medical countermeasures for priority virus
21 families that have significant potential to
22 cause a pandemic, including such counter-
23 measures that take either pathogen-specific
24 or pathogen-agnostic approaches, and plat-
25 form technologies to improve the develop-

1 ment and manufacture of such medical
2 countermeasures; and”;

3 (ii) in subparagraph (F)(ii), by insert-
4 ing “or priority virus families and other
5 viral pathogens that pose a threat due to
6 their significant potential to cause a pan-
7 demic,” after “pandemic influenza,”; and

8 (B) in paragraph (5), by adding at the end
9 the following:

10 “(I) NOTIFICATION.—In awarding con-
11 tracts, grants, cooperative agreements, or other
12 transactions under this section, the Secretary
13 shall communicate to relevant vendors regard-
14 ing modifications, renewals, extensions, or ter-
15 minations of contracts, including through the
16 development of a contract notification process,
17 within 30 days of such determination, as prac-
18 ticable.”;

19 (2) in subsection (d)(2), by striking
20 “\$611,700,000 for each of fiscal years 2019 through
21 2023” and inserting “\$950,000,000 for each of fis-
22 cal years 2025 and 2026”; and

23 (3) in subsection (e)(1), by amending subpara-
24 graph (D) to read as follows:

1 “(D) SUNSET.—This paragraph shall cease
2 to have force or effect after December 31,
3 2026.”.

4 **SEC. 627. PUBLIC HEALTH EMERGENCY MEDICAL COUN-**
5 **TERMEASURES ENTERPRISE.**

6 Section 2811–1 of the Public Health Service Act (42
7 U.S.C. 300hh–10a) is amended—

8 (1) in subsection (b)—

9 (A) by redesignating paragraph (11) as
10 paragraph (13);

11 (B) by inserting after paragraph (10) the
12 following:

13 “(11) The Director of the Biomedical Advanced
14 Research and Development Authority.

15 “(12) The Director of the Strategic National
16 Stockpile.”; and

17 (C) in paragraph (13), as so redesignated,
18 by striking “the Director of the Biomedical Ad-
19 vanced Research and Development Authority,
20 the Director of the Strategic National Stock-
21 pile, the Director of the National Institute of
22 Allergy and Infectious Diseases,” and inserting
23 “the Director of the National Institute of Al-
24 lergy and Infectious Diseases”; and

25 (2) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by redesignating subparagraph (D)

3 as subparagraph (E); and

4 (ii) by inserting after subparagraph

5 (C) the following:

6 “(D) Assist the Secretary in developing
7 strategies for appropriate and evidence-based
8 allocation and distribution of countermeasures
9 to jurisdictions, in a manner that supports the
10 availability and use of such countermeasures,
11 for public health and medical preparedness and
12 response needs.”;

13 (B) in paragraph (2), by inserting “rel-
14 evant stakeholders, including industry,” after
15 “consider input from”; and

16 (C) by adding at the end the following:

17 “(3) INFORMATION SHARING.—The Secretary
18 shall, as appropriate and in a manner that does not
19 compromise national security, communicate and
20 share information related to recommendations made
21 and strategies developed under paragraph (1) with
22 relevant stakeholders, including industry and State,
23 local, and Tribal public health departments.”.

1 **SEC. 628. FELLOWSHIP AND TRAINING PROGRAMS.**

2 Section 317G of the Public Health Service Act (42
3 U.S.C. 247b–8) is amended—

4 (1) by striking “The Secretary,” and inserting
5 the following:

6 “(a) IN GENERAL.—The Secretary,”; and

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

8 “(b) NONCOMPETITIVE CONVERSION.—

9 “(1) IN GENERAL.—The Secretary may non-
10 competitively convert an individual who has com-
11 pleted an epidemiology, surveillance, or laboratory
12 fellowship or training program under subsection (a)
13 to a career-conditional appointment without regard
14 to the provisions of subchapter I of chapter 33 of
15 title 5, United States Code, provided that such indi-
16 vidual meets qualification requirements for the ap-
17 pointment.”.

18 **SEC. 629. REGIONAL BIOCONTAINMENT RESEARCH LAB-**
19 **ORATORIES.**

20 (a) IN GENERAL.—The Secretary of Health and
21 Human Services (referred to in this section as the “Sec-
22 retary”) shall make awards to establish or maintain, as
23 applicable, not fewer than 12 regional biocontainment lab-
24 oratories, for purposes of—

25 (1) conducting biomedical research to support
26 public health and medical preparedness for, and

1 rapid response to, biological agents, including emerg-
2 ing infectious diseases;

3 (2) ensuring the availability of surge capacity
4 for purposes of responding to such biological agents;

5 (3) supporting information sharing between,
6 and the dissemination of findings to, researchers and
7 other relevant individuals to facilitate collaboration
8 between industry and academia; and

9 (4) providing, as appropriate and applicable,
10 technical assistance and training to researchers and
11 other relevant individuals to support the biomedical
12 research workforce in improving the management
13 and mitigation of safety and security risks in the
14 conduct of research involving such biological agents.

15 (b) REQUIREMENTS.—As a condition of receiving a
16 grant under this section, a regional biocontainment labora-
17 tory shall agree to such oversight activities as the Sec-
18 retary determines appropriate, including periodic meetings
19 with relevant officials of the Department of Health and
20 Human Services, facility inspections, and other activities
21 as necessary and appropriate to ensure compliance with
22 the terms and conditions of such award.

23 (c) WORKING GROUP.—The Secretary shall establish
24 a Working Group, consisting of a representative from each
25 entity in receipt of an award under subsection (a). The

1 Working Group shall make recommendations to the Sec-
2 retary in administering awards under this section, for pur-
3 poses of—

4 (1) improving the quality and consistency of ap-
5 plicable procedures and practices within laboratories
6 funded pursuant to subsection (a); and

7 (2) ensuring coordination, as appropriate, of
8 federally funded activities carried out at such labora-
9 tories.

10 (d) DEFINITION.—In this section, the term “regional
11 biocontainment laboratory” means a Biosafety or Animal
12 Biosafety Level–3 and Level–2 facility located at an insti-
13 tution in the United States that is designated by the Sec-
14 retary to carry out the activities described in subsection
15 (a).

16 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there are authorized to be appropriated
18 \$52,000,000 for each of fiscal years 2025 and 2026, to
19 remain available through December 31, 2026.

20 (f) ADMINISTRATIVE EXPENSES.—Of the amount
21 available to carry out this section for a fiscal year, the
22 Secretary may use not more than 5 percent for the admin-
23 istrative expenses of carrying out this section, including
24 expenses related to carrying out subsection (c).

1 (g) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of the enactment of this Act, and biannually
3 thereafter, the Secretary, in consultation with the heads
4 of applicable Federal departments and agencies shall re-
5 port to the Committee on Health, Education, Labor, and
6 Pensions of the Senate and the Committee on Energy and
7 Commerce of the House of Representatives on—

8 (1) the activities and accomplishments of the
9 regional biocontainment laboratories;

10 (2) any published or disseminated research
11 findings based on research conducted in such labora-
12 tories in the applicable year;

13 (3) oversight activities carried out by the Sec-
14 retary pursuant to subsection (b);

15 (4) activities undertaken by the Secretary to
16 take into consideration the capacity and capabilities
17 of the network of regional biocontainment labora-
18 tories in activities to prepare for and respond to bio-
19 logical agents, which may include leveraging such ca-
20 pacity and capabilities to support the Laboratory
21 Response Network, as applicable and appropriate;

22 (5) plans for the maintenance and sustainment
23 of federally funded activities conducted at the re-
24 gional biocontainment laboratories, consistent with
25 the strategy required under section 2312 of the

1 PREVENT Pandemics Act (Public Law 117–328);
2 and

3 (6) activities undertaken by the Secretary to co-
4 ordinate with the heads of other relevant Federal de-
5 partments and agencies to ensure that work carried
6 out by each such facility on behalf of the Secretary
7 and such other relevant heads is prioritized, is com-
8plementary to the work carried out by other such fa-
9cilities and other relevant federally funded activities,
10 and avoids unnecessary duplication.

11 **SEC. 629A. LIMITATION RELATED TO COUNTRIES OF CON-**
12 **CERN CONDUCTING CERTAIN RESEARCH.**

13 Section 2315(c) of the PREVENT Pandemics Act
14 (42 U.S.C. 6627) is amended to read as follows:

15 “(c) LIMITATIONS ON COUNTRIES OF CONCERN CON-
16 DUCTING CERTAIN RESEARCH.—

17 “(1) IN GENERAL.—The Secretary of Health
18 and Human Services (referred to in this subsection
19 as the ‘Secretary’) shall not fund research that may
20 reasonably be anticipated to involve the creation,
21 transfer, and use of enhanced pathogens of pan-
22demic potential or biological agents or toxins listed
23 pursuant to section 351A(a)(1) of the Public Health
24 Service Act if such research is conducted by a for-
25eign entity at a facility located in a country that is

1 determined to be a country of concern as defined in
2 paragraph (2).

3 “(2) COUNTRIES OF CONCERN.—

4 “(A) DEFINITION.—For purposes of this
5 subsection, a ‘country of concern’ means the
6 People’s Republic of China, the Democratic
7 People’s Republic of Korea, the Russian Fed-
8 eration, the Islamic Republic of Iran, and any
9 other country as determined pursuant to sub-
10 paragraph (B).

11 “(B) ADDITIONAL COUNTRIES.—The Di-
12 rector of National Intelligence (referred to in
13 this subsection as the ‘Director’) shall, in con-
14 sultation with the Secretary, add additional
15 countries of concern for purposes of paragraph
16 (1), only if—

17 “(i) the Director determines that evi-
18 dence exists that a country has malicious
19 intent related to the creation, enhance-
20 ment, transfer, or use of pathogens of pan-
21 demic potential or biological agents or tox-
22 ins listed pursuant to such section
23 351A(a)(1); and

24 “(ii) in a manner that does not com-
25 promise national security, the Director

1 provides such evidence in a report sub-
2 mitted to the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate
4 and the Committee on Energy and Com-
5 merce of the House of Representatives.

6 “(C) LIMITATION.—Paragraph (1) shall
7 not take effect with respect to a country of con-
8 cern identified under subparagraph (B) until
9 the date that is 15 days after the date on which
10 the Director submits the report described in
11 subparagraph (B)(ii).

12 “(3) CLARIFICATION.—

13 “(A) IN GENERAL.—The requirement of
14 paragraph (1) may be waived by the President
15 for the duration of the initial response to an
16 outbreak of a novel emerging infectious disease
17 if the President determines that such require-
18 ment impedes the ability of the Federal Govern-
19 ment to immediately respond to such outbreak.

20 “(B) NOTIFICATION.—The President shall
21 notify such committees of Congress not later
22 than 48 hours after exercising the waiver under
23 subparagraph (A), and shall provide updates to
24 such committees related to the use of such
25 waiver every 15 days thereafter.

1 “(4) SUNSET.—The limitation under this sub-
2 section shall expire on December 31, 2026.”.

3 **Subtitle C—Addressing the Needs**
4 **of All Individuals**

5 **SEC. 631. IMPROVING ACCESS TO CERTAIN PROGRAMS.**

6 (a) PROCEDURES RELATED TO THE TRANSITION OF
7 CERTAIN CLAIMS.—

8 (1) PROCEDURES FOR CORRECTING SUBMIS-
9 SIONS.—

10 (A) REQUESTS INITIALLY SUBMITTED
11 UNDER SECTION 319F–4.—

12 (i) IN GENERAL.—In the case of a re-
13 quest for compensation submitted under
14 section 319F–4 of the Public Health Serv-
15 ice Act (42 U.S.C. 247d–6e) for an injury
16 or death related to a medical product for
17 active immunization to prevent coronavirus
18 disease 2019 that the Secretary determines
19 to be ineligible pursuant to subsection
20 (b)(4)(B) of such section 319F–4, the Sec-
21 retary shall, not later than 30 days after
22 such determination, notify the individual
23 submitting the request of such determina-
24 tion.

1 (ii) SUBMISSION OF PETITION.—An
2 individual who receives a notification de-
3 scribed in clause (i) shall be eligible to sub-
4 mit a petition to the United States Court
5 of Federal Claims under section 2111 of
6 the Public Health Service Act (42 U.S.C.
7 300aa–11) with respect to the same med-
8 ical product administration claimed in the
9 request submitted under section 319F–4 of
10 such Act (42 U.S.C. 247d–6e), provided
11 such petition is submitted not later than
12 the later of—

13 (I) 1 year after receiving such
14 notification under clause (i); or

15 (II) the last date on which the
16 individual otherwise would be eligible
17 to submit a petition relating to such
18 injury, as specified in section 2116 of
19 such Act (42 U.S.C. 300aa–16).

20 (iii) ELIGIBILITY.—To be eligible to
21 submit a petition in accordance with clause
22 (ii), the petitioner shall have submitted the
23 request that was determined to be ineli-
24 gible as described in clause (i) not later

1 than the applicable deadline for filing a pe-
2 tition under such section 2116.

3 (B) REQUESTS INITIALLY SUBMITTED
4 UNDER SECTION 2111.—

5 (i) IN GENERAL.—If a special master
6 determines that—

7 (I) a petition submitted under
8 section 2111 of the Public Health
9 Service Act (42 U.S.C. 300aa–11) re-
10 lated to a medical product for active
11 immunization to prevent coronavirus
12 disease 2019 that is ineligible for the
13 program under subtitle 2 of title XXI
14 of the Public Health Service Act (42
15 U.S.C. 300aa–10 et seq.) because it
16 relates to a medical product adminis-
17 tered at a time when the medical
18 product was not included in the table
19 under section 2114 of such Act (42
20 U.S.C. 300aa–14); and

21 (II) the medical product was ad-
22 ministered when it was a covered
23 countermeasure subject to a declara-
24 tion under section 319F–3(b) of such
25 Act (42 U.S.C. 247d–6d(b)),

1 the special master shall, not later than 30
2 days after such determination, notify the
3 petitioner of such determination.

4 (ii) SUBMISSION OF REQUEST.—An
5 individual who receives a notification de-
6 scribed in clause (i) shall be eligible to sub-
7 mit a request for compensation under sec-
8 tion 319F–4(b) of the Public Health Serv-
9 ice Act (42 U.S.C. 247d–6e(b)) with re-
10 spect to the same medical product adminis-
11 tration claimed in the petition submitted
12 under section 2111 of such Act (42 U.S.C.
13 300aa–11)—

14 (I) not later than 1 year after re-
15 ceiving such notification; or

16 (II) in the case that the notifica-
17 tion is issued after judicial review of
18 the petition under subsection (e) or
19 (f) of section 2112 of such Act (42
20 U.S.C. 300aa–12), not later than 1
21 year after the judgment of the United
22 States Court of Federal Claims or the
23 mandate is issued by the United
24 States Court of Appeals for the Fed-

1 eral Circuit pursuant to such sub-
2 section (e) or (f).

3 (iii) ELIGIBILITY.—To be eligible to
4 submit a request for compensation in ac-
5 cordance with clause (ii), the individual
6 submitting the request shall have sub-
7 mitted the petition under section 2111 of
8 the Public Health Service Act (42 U.S.C.
9 300aa–11) that was determined to be ineli-
10 gible not later than 1 year after the date
11 of administration of the medical product.

12 (2) CHANGES TO CERTAIN PROGRAMS.—

13 (A) SECTION 319F–4.—Section 319F–4 of
14 the Public Health Service Act (42 U.S.C.
15 247d–6e) is amended—

16 (i) in subsection (b)(4)—

17 (I) by striking “Except as pro-
18 vided” and inserting the following:

19 “(A) IN GENERAL.—Except as provided”;

20 and

21 (II) by adding at the end the fol-
22 lowing:

23 “(B) EXCLUSION OF INJURIES ELIGIBLE
24 FOR PETITION UNDER TITLE XXI.—Notwith-
25 standing any other provision of this section, no

1 individual may be eligible for compensation
2 under this section with respect to a vaccine
3 that, at the time it was administered, was in-
4 cluded in the Vaccine Injury Table under sec-
5 tion 2114.”; and

6 (ii) in subsection (d)(3)—

7 (I) by striking “This section”
8 and inserting the following:

9 “(A) IN GENERAL.—This section”; and

10 (II) by adding at the end the fol-
11 lowing:

12 “(B) EXHAUSTION OF REMEDIES.—A cov-
13 ered individual shall not be considered to have
14 exhausted remedies as described in paragraph
15 (1), nor be eligible to seek remedy under section
16 319F–3(d), unless such individual has provided
17 to the Secretary all supporting documentation
18 necessary to facilitate the determinations re-
19 quired under subsection (b)(4).”.

20 (B) TITLE XXI.—Title XXI of the Public
21 Health Service Act (42 U.S.C. 300aa–1 et seq.)
22 is amended—

23 (i) in section 2111(a)(2)(A) (42
24 U.S.C. 300aa–11(a)(2)(A)), in the matter
25 preceding clause (i), by inserting “con-

1 taining the information required under
2 subsection (c)” after “unless a petition”;

3 (ii) in section 2112(d) (42 U.S.C.
4 300aa–12(d))—

5 (I) by adding at the end of para-
6 graph (1) the following: “Such des-
7 ignation shall not occur until the peti-
8 tioner has filed all materials required
9 under section 2111(c).”; and

10 (II) in paragraph (3)(A)(ii), by
11 striking “the petition was filed” and
12 inserting “on which the chief special
13 master makes the designation pursu-
14 ant to paragraph (1)”;

15 (iii) in section 2114(e) (42 U.S.C.
16 300aa–14(e)), by adding at the end the
17 following:

18 “(4) LICENSURE REQUIREMENT.—Notwith-
19 standing paragraphs (2) and (3), the Secretary may
20 not revise the Vaccine Injury Table to include a vac-
21 cine for which the Centers for Disease Control and
22 Prevention has issued a recommendation for routine
23 use in children or pregnant women until at least one
24 application for such vaccine has been approved
25 under section 351. Upon such revision of the Vac-

1 cine Injury Table, all vaccines in a vaccine category
2 on the Vaccine Injury Table, including vaccines au-
3 thorized under emergency use pursuant to section
4 564 of the Federal Food, Drug, and Cosmetic Act,
5 shall be considered included in the Vaccine Injury
6 Table.”; and

7 (iv) in section 2116 (42 U.S.C.
8 300aa–16), by adding at the end the fol-
9 lowing:

10 “(d) CLARIFICATION.—Notwithstanding subsections
11 (a) and (b), an injury or death related to a vaccine admin-
12 istered at a time when the vaccine was a covered counter-
13 measure subject to a declaration under section 319F–3(b)
14 shall not be eligible for compensation under the Pro-
15 gram.”.

16 (b) ACCELERATING INJURY COMPENSATION PRO-
17 GRAM ADMINISTRATION AND ENSURING PROGRAM INTEG-
18 RITY.—

19 (1) PETITIONS FOR COMPENSATION.—Section
20 2111(a)(2)(A)(i) of the Public Health Service Act
21 (42 U.S.C. 300aa–11(a)(2)(A)(i)) is amended—

22 (A) in subclause (I), by striking “, and”
23 and inserting a semicolon;

24 (B) in subclause (II)—

1 (i) by moving the margin 2 ems to the
2 right; and

3 (ii) by striking “, or” and inserting “;
4 and”; and

5 (C) by adding at the end the following:

6 “(III) the judgment described in subclause
7 (I) does not result from a petitioner’s motion to
8 dismiss the case; or”.

9 (2) DETERMINATION OF GOOD FAITH.—Section
10 2115(e)(1) of the Public Health Service Act (42
11 U.S.C. 300aa–15(e)(1)) is amended by adding at the
12 end the following: “When making a determination of
13 good faith under this paragraph, the special master
14 or court may consider whether the petitioner dem-
15 onstrated an intention to obtain compensation on
16 such petition and was not merely seeking to satisfy
17 the exhaustion requirement under section 2121(b).”.

18 (c) EXTENSION OF DEADLINES TO SUBMIT RE-
19 QUESTS FOR COMPENSATION FOR CERTAIN INJURIES.—

20 (1) IN GENERAL.—With respect to claims filed
21 under section 319F–4 of the Public Health Service
22 Act (42 U.S.C. 247d–6e) alleging a covered injury
23 caused by the administration or use of a covered
24 countermeasure pursuant to a declaration under sec-
25 tion 319F–3(b) of such Act (42 U.S.C. 247d–6d(b))

1 relating to coronavirus disease 2019, the following
2 shall apply:

3 (A) Notwithstanding the filing deadline ap-
4 plicable under such section 319F-4, the claim
5 shall be filed within 3 years of the administra-
6 tion or use of the covered countermeasure, or 1
7 year after the date of enactment of this Act,
8 whichever is later, and, if a claim filed under
9 such section 319F-4 with respect to such ad-
10 ministration or use was filed before the date of
11 enactment of this Act and denied on the basis
12 of having not been filed within the time period
13 required under subsection (b)(4) of such section
14 319F-4, such claim may be refiled pursuant to
15 this subparagraph.

16 (B) With respect to a claim relating to the
17 administration of a medical product for active
18 immunization to prevent coronavirus disease
19 2019 such a claim may be filed under the such
20 section 319F-4 only if the administration of
21 such vaccine occurred prior to the addition of
22 the vaccine to the Vaccine Injury Table under
23 section 2114 of the Public Health Service Act
24 (42 U.S.C. 300aa-14).

1 **SEC. 632. SUPPORTING AT-RISK INDIVIDUALS DURING**
2 **EMERGENCY RESPONSES.**

3 (a) TECHNICAL ASSISTANCE FOR AT-RISK INDIVID-
4 UALS AND DISASTERS.—

5 (1) IN GENERAL.—The Secretary of Health and
6 Human Services (referred to in this section as the
7 “Secretary”) may provide appropriate technical as-
8 sistance to States, localities, Tribes, and other appli-
9 cable entities related to addressing the unique needs
10 and considerations of at-risk individuals, as defined
11 in section 2802(b)(4) of the Public Health Service
12 Act (42 U.S.C. 300hh–1(b)(4)), in the event of a
13 public health emergency declared by the Secretary
14 pursuant to section 319 of the Public Health Service
15 Act (42 U.S.C. 247d).

16 (2) TECHNICAL ASSISTANCE.—The technical
17 assistance described in paragraph (1) shall include—

18 (A) developing, identifying, evaluating, and
19 disseminating evidence-based or evidence-in-
20 formed strategies to improve health and address
21 other near-term or long-term outcomes for at-
22 risk individuals related to public health emer-
23 gencies, including by addressing such unique
24 needs and considerations in carrying out public
25 health and medical activities to prepare for, re-

1 spond to, and recover from, such public health
2 emergencies; and

3 (B) assisting applicable entities, through
4 contracts or cooperative agreements, as appro-
5 priate, in the implementation of such evidence-
6 based strategies.

7 (3) CONSULTATION.—In carrying out activities
8 under paragraph (2), the Secretary shall take into
9 consideration relevant findings and recommendations
10 of, and, as appropriate, consult with, the National
11 Advisory Committee on Individuals with Disabilities
12 and Disasters established under section 2811C of
13 the Public Health Service Act (42 U.S.C. 300hh–
14 10d), the National Advisory Committee on Children
15 and Disasters under section 2811A of such Act (42
16 U.S.C. 300hh–10b), and the National Advisory
17 Committee on Seniors and Disasters under section
18 2811B of such Act (42 U.S.C. 300hh–10e).

19 (b) CRISIS STANDARDS OF CARE.—Not later than 2
20 years after the date of enactment of this Act, the Sec-
21 retary, acting through the Director of the Office for Civil
22 Rights of the Department of Health and Human Services,
23 shall issue guidance to States and localities on the develop-
24 ment or modification of State and local crisis standards
25 of care for use during the response to a public health

1 emergency declared by the Governor of a State or by the
2 Secretary under section 319 of the Public Health Service
3 Act (42 U.S.C. 247d), or a major disaster or emergency
4 declared by the President under section 401 or 501, re-
5 spectively, of the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5170, 5191) to en-
7 sure that such standards of care are consistent with the
8 nondiscrimination requirements of section 504 of the Re-
9 habilitation Act of 1973 (29 U.S.C. 794), title II of the
10 Americans with Disabilities Act of 1990 (42 U.S.C. 12131
11 et seq.), and the Age Discrimination Act of 1975 (42
12 U.S.C. 6101 et seq.).

13 **SEC. 633. NATIONAL ADVISORY COMMITTEES.**

14 (a) NATIONAL ADVISORY COMMITTEE ON CHILDREN
15 AND DISASTERS.—Subsection (g) of section 2811A of the
16 Public Health Service Act (42 U.S.C. 300hh–10b) is
17 amended to read as follows:

18 “(g) SUNSET.—

19 “(1) IN GENERAL.—The Advisory Committee
20 shall terminate on December 31, 2026.

21 “(2) EXTENSION OF ADVISORY COMMITTEE.—

22 Not later than October 1, 2025, the Secretary shall
23 submit to Congress a recommendation on whether
24 the Advisory Committee should be extended beyond
25 the date described in paragraph (1).”.

1 (b) NATIONAL ADVISORY COMMITTEE ON SENIORS
2 AND DISASTERS.—Section 2811B of the Public Health
3 Service Act (42 U.S.C. 300hh–10c) is amended—

4 (1) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) by inserting “and departments”
7 after “agencies”; and

8 (ii) by striking “17 members” and in-
9 serting “25 members”; and

10 (B) in paragraph (2)—

11 (i) by striking subparagraphs (J) and
12 (K);

13 (ii) by redesignating subparagraphs
14 (A) through (I) and (L) as clauses (i)
15 through (x), respectively, and adjusting the
16 margins accordingly;

17 (iii) by inserting before clause (i), as
18 so redesignated, the following:

19 “(B) FEDERAL MEMBERS.—The Federal
20 members shall include the following:”; and

21 (iv) by inserting before subparagraph
22 (B), as so designated, the following:

23 “(A) NON-FEDERAL MEMBERS.—The Sec-
24 retary in consultation with such other heads of
25 agencies and departments as may be appro-

1 priate, shall appoint to the Advisory Committee
2 under paragraph (1) at least 13 individuals, in-
3 cluding the following:

4 “(i) At least 3 non-Federal health
5 care providers with expertise in geriatric
6 medical disaster planning, preparedness,
7 response, or recovery.

8 “(ii) At least 3 representatives of
9 State, local, territorial, or Tribal agencies
10 with expertise in geriatric disaster plan-
11 ning, preparedness, response, or recovery.

12 “(iii) At least 2 non-Federal profes-
13 sionals with training in gerontology, such
14 as social workers, scientists, human serv-
15 ices specialists, or other non-medical pro-
16 fessionals, with experience in disaster plan-
17 ning, preparedness, response, or recovery
18 among other adults.”; and

19 (2) by amending subsection (g) to read as fol-
20 lows:

21 “(g) SUNSET.—The Advisory Committee shall termi-
22 nate on December 31, 2026.”.

23 (c) NATIONAL ADVISORY COMMITTEE ON INDIVID-
24 UALS WITH DISABILITIES AND DISASTERS.—Section

1 2811C of the Public Health Service Act (42 U.S.C.
2 300hh–10d) is amended—

3 (1) by redesignating subsections (c) through (g)
4 as subsections (d) through (h), respectively;

5 (2) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) ADDITIONAL DUTIES.—The Advisory Committee
8 may provide advice and recommendations to the Secretary
9 with respect to individuals with disabilities and the med-
10 ical and public health grants and cooperative agreements
11 as applicable to preparedness and response activities
12 under this title and title III.”;

13 (3) in subsection (d), as so redesignated—

14 (A) in paragraph (1), by striking “17
15 members” and inserting “25 members”;

16 (B) in paragraph (2)—

17 (i) by striking subparagraphs (K)
18 through (M);

19 (ii) by redesignating subparagraphs
20 (A) through (J) as clauses (i) through (x),
21 respectively, and adjusting the margins ac-
22 cordingly;

23 (iii) by inserting before clause (i), as
24 so redesignated, the following:

1 “(B) FEDERAL MEMBERS.—The Federal
2 members shall include the following:”;

3 (iv) by adding at the end of subpara-
4 graph (B), as so designated, the following:

5 “(xi) Representatives of such other
6 Federal agencies as the Secretary deter-
7 mines necessary to fulfill the duties of the
8 Advisory Committee.”; and

9 (v) by inserting before subparagraph
10 (B), as so designated, the following:

11 “(A) NON-FEDERAL MEMBERS.—The Sec-
12 retary in consultation with such other heads of
13 agencies and departments as may be appro-
14 priate, shall appoint to the Advisory Committee
15 under paragraph (1) at least 13 individuals, in-
16 cluding the following:

17 “(i) At least 4 non-Federal health
18 care professionals with expertise in dis-
19 ability accessibility before, during, and
20 after disasters, medical and mass care dis-
21 aster planning, preparedness, response, or
22 recovery.

23 “(ii) At least 3 representatives of
24 State, local, Tribal, or territorial agencies
25 with expertise in disaster planning, pre-

1 paredness, response, or recovery for indi-
2 viduals with disabilities.

3 “(iii) At least 4 individuals with a dis-
4 ability with expertise in disaster planning,
5 preparedness, response, or recovery for in-
6 dividuals with disabilities.

7 “(iv) Other members as the Secretary
8 determines appropriate, of whom—

9 “(I) at least one such member
10 shall represent a local, State, or na-
11 tional organization with expertise in
12 individuals with disabilities;

13 “(II) at least one such member
14 shall be an individual with a dis-
15 ability; and

16 “(III) at least one such member
17 shall be an individual with expertise in
18 the needs of housing services, includ-
19 ing during the response to, and recov-
20 ery from, disasters.”; and

21 (C) by adding at the end the following:

22 “(3) CONSIDERATION.—In appointing members,
23 including the Chair, to the Committee under this
24 subsection, the Secretary may give consideration to
25 disability status.”; and

1 (4) by amending subsection (h), as so redesign-
2 nated, to read as follows:

3 “(h) SUNSET.—The Advisory Committee shall termi-
4 nate on December 31, 2026.”.

5 **SEC. 634. NATIONAL ACADEMIES STUDY ON PRIZES.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary of Health and
8 Human Services shall seek to enter into an agreement
9 with the National Academies of Sciences, Engineering,
10 and Medicine (referred to in this section as the “National
11 Academies”) to conduct a study to examine—

12 (1) alternative models for directly funding, or
13 stimulating investment in, biomedical research and
14 development that delink research and development
15 costs from the prices of drugs, including the pro-
16 gressive replacement of patents and regulatory
17 exclusivities on new drugs with a combination of ex-
18 panded support for research and innovation prizes to
19 reward the successful development of drugs or
20 achievement of related milestones;

21 (2) the dollar amount of innovation prizes for
22 different stages of research and development of dif-
23 ferent classes or types of drugs, and total annual
24 funding, that would be necessary to stimulate invest-

1 ment sufficient to achieve such successful drug de-
2 velopment and related milestones;

3 (3) the relative effectiveness and efficiency of
4 such alternative models in stimulating innovation,
5 compared to the status quo that includes patents
6 and regulatory exclusivities;

7 (4) strategies to implement such alternative
8 models described in paragraph (1), including a
9 phased transition; and

10 (5) the anticipated economic and societal im-
11 pacts of such alternative models, including an as-
12 sessment of impact on—

13 (A) the number and variety of new drugs
14 that would be developed, approved, and mar-
15 keted in the United States, including such new
16 drugs intended to prevent, diagnose, or treat a
17 rare disease or condition;

18 (B) the rate at which new drugs would be
19 developed, approved, and marketed in the
20 United States;

21 (C) access to medication;

22 (D) health outcomes;

23 (E) average lifespan and disease burden in
24 the United States;

1 (F) the number of manufacturers that
2 would be seeking approval for a drug or bring-
3 ing a drug to market for the first time;

4 (G) Federal discretionary and mandatory
5 spending; and

6 (H) public and private insurance markets.

7 (b) REQUIREMENTS.—In conducting the study pursu-
8 ant to subsection (a), the National Academies shall hold
9 not fewer than 2 public listening sessions to solicit feed-
10 back from interested parties, including representatives of
11 academia, professional societies, patient advocates, public
12 health organizations, relevant Federal departments and
13 agencies, drug developers, representatives of other rel-
14 evant industries, and subject matter experts.

15 (c) REPORT.—Not later than 2 years after the agree-
16 ment under subsection (a), the National Academies shall
17 submit to the Committee on Health, Education, Labor,
18 and Pensions and the Committee on Appropriations of the
19 Senate and the Committee on Energy and Commerce and
20 the Committee on Appropriations of the House of Rep-
21 resentatives a report on the study conducted pursuant to
22 subsection (a).

1 **Subtitle D—Additional**
2 **Reauthorizations**

3 **SEC. 641. MEDICAL COUNTERMEASURE PRIORITY REVIEW**
4 **VOUCHER.**

5 Section 565A(g) of the Federal Food, Drug, and Cos-
6 metic Act (21 U.S.C. 360bbb–4a) is amended by striking
7 “October 1, 2023” and inserting “December 31, 2026”.

8 **SEC. 642. EPIDEMIC INTELLIGENCE SERVICE.**

9 Section 317F(c)(2) of the Public Health Service Act
10 (42 U.S.C. 247b–7(c)(2)) is amended by striking “2019
11 through 2023” and inserting “2025 and 2026, to remain
12 available through December 31, 2026”.

13 **SEC. 643. MONITORING AND DISTRIBUTION OF CERTAIN**
14 **MEDICAL COUNTERMEASURES.**

15 Section 319A(e) of the Public Health Service Act (42
16 U.S.C. 247d–1(e)) is amended by striking “2019 through
17 2023” and inserting “2025 and 2026, to remain available
18 through December 31, 2026”.

19 **SEC. 644. REGIONAL HEALTH CARE EMERGENCY PRE-**
20 **PAREDNESS AND RESPONSE SYSTEMS.**

21 Section 319C–3 of the Public Health Service Act (42
22 U.S.C. 247d–3c) is amended—

23 (1) in subsection (b)(3), by striking “under
24 the” and all that follows through “such Act)” and
25 inserting “under law”; and

1 (2) in subsection (e)(2), by striking “September
2 30, 2023” and inserting “December 31, 2026”.

3 **SEC. 645. EMERGENCY SYSTEM FOR ADVANCE REGISTRA-**
4 **TION OF VOLUNTEER HEALTH PROFES-**
5 **SIONALS.**

6 (1) IN GENERAL.—Section 319I of the Public
7 Health Service Act (42 U.S.C. 247d–7b) is amend-
8 ed—

9 (A) in subsection (a), by striking “Not
10 later than 12 months after the date of enact-
11 ment of the Pandemic and All-Hazards Pre-
12 paredness Act, the Secretary shall link existing
13 State verification systems to maintain a single
14 national interoperable network of systems,” and
15 inserting “The Secretary shall continue to
16 maintain a single national interoperable net-
17 work of verification systems,” and

18 (B) in subsection (k), by striking “2019
19 through 2023” and inserting “2025 and 2026,
20 to remain available through December 31,
21 2026”.

1 **SEC. 646. ENSURING COLLABORATION AND COORDINATION**
2 **IN MEDICAL COUNTERMEASURE DEVELOP-**
3 **MENT.**

4 Section 319L–1(b) of the Public Health Service Act
5 (42 U.S.C. 247d–7f(b)) is amended by striking “Decem-
6 ber 31, 2024” and inserting “December 31, 2026”.

7 **SEC. 647. MILITARY AND CIVILIAN PARTNERSHIP FOR**
8 **TRAUMA READINESS.**

9 Section 1291(g) of the Public Health Service Act (42
10 U.S.C. 300d–91(g)) is amended by striking “2019
11 through 2023” and inserting “2025 and 2026, to remain
12 available through December 31, 2026”.

13 **SEC. 648. NATIONAL DISASTER MEDICAL SYSTEM.**

14 Section 2812 of the Public Health Service Act (42
15 U.S.C. 300hh–11) is amended—

16 (1) in subsection (c)(4)(B), by striking “Decem-
17 ber 31, 2024” and inserting “December 31, 2026”;
18 and

19 (2) in subsection (g), by striking “\$57,400,000
20 for each of fiscal years 2019 through 2023” and in-
21 serting “\$65,900,000 for each of fiscal years 2025
22 and 2026, to remain available through December 31,
23 2026”.

24 **SEC. 649. VOLUNTEER MEDICAL RESERVE CORPS.**

25 Section 2813(i) of the Public Health Service Act (42
26 U.S.C. 300hh–15(i)) is amended by striking “2019

1 through 2023” and inserting “2025 through 2026, to re-
2 main available through December 31, 2026”.

3 **SEC. 649A. EPIDEMIOLOGY-LABORATORY CAPACITY.**

4 Section 2821(b) of the Public Health Service Act (42
5 U.S.C. 300hh–31(b)) is amended, in the matter preceding
6 paragraph (1), by striking “2019 through 2023” and in-
7 serting “2025 and 2026, to remain available through De-
8 cember 31, 2026”.

9 **TITLE VII—PUBLIC HEALTH**
10 **PROGRAMS**

11 **SEC. 701. ACTION FOR DENTAL HEALTH.**

12 Section 340G(f) of the Public Health Service Act (42
13 U.S.C. 256g(f)) is amended by striking “\$13,903,000 for
14 each of fiscal years 2019 through 2023” and inserting
15 “\$15,000,000 for each of fiscal years 2025 through 2029,
16 to remain available until expended”.

17 **SEC. 702. PREEMIE.**

18 (a) RESEARCH RELATING TO PRETERM LABOR AND
19 DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES
20 OF PRETERM AND LOW BIRTHWEIGHT INFANTS.—

21 (1) IN GENERAL.—Section 3(e) of the Pre-
22 maturity Research Expansion and Education for
23 Mothers who deliver Infants Early Act (42 U.S.C.
24 247b–4f(e)) is amended by striking “fiscal years

1 2019 through 2023” and inserting “fiscal years
2 2025 through 2029”.

3 (2) TECHNICAL CORRECTION.—Effective as if
4 included in the enactment of the PREEMIE Reau-
5 thorization Act of 2018 (Public Law 115–328), sec-
6 tion 2 of such Act is amended, in the matter pre-
7 ceding paragraph (1), by striking “Section 2” and
8 inserting “Section 3”.

9 (b) INTERAGENCY WORKING GROUP.—Section 5(a)
10 of the PREEMIE Reauthorization Act of 2018 (Public
11 Law 115–328) is amended by striking “The Secretary of
12 Health and Human Services, in collaboration with other
13 departments, as appropriate, may establish” and inserting
14 “Not later than 18 months after the date of the enactment
15 of the Health Improvements, Extenders, and Reauthoriza-
16 tions Act, the Secretary of Health and Human Services,
17 in collaboration with other departments, as appropriate,
18 shall establish”.

19 (c) STUDY ON PRETERM BIRTHS.—

20 (1) IN GENERAL.—The Secretary of Health and
21 Human Services shall enter into appropriate ar-
22 rangements with the National Academies of
23 Sciences, Engineering, and Medicine under which
24 the National Academies shall—

1 (A) not later than 30 days after the date
2 of enactment of this Act, convene a committee
3 of experts in maternal health to study pre-
4 mature births in the United States; and

5 (B) upon completion of the study under
6 subparagraph (A)—

7 (i) approve by consensus a report on
8 the results of such study;

9 (ii) include in such report—

10 (I) an assessment of each of the
11 topics listed in paragraph (2);

12 (II) the analysis required by
13 paragraph (3); and

14 (III) the raw data used to de-
15 velop such report; and

16 (iii) not later than 24 months after
17 the date of enactment of this Act, transmit
18 such report to—

19 (I) the Secretary of Health and
20 Human Services;

21 (II) the Committee on Energy
22 and Commerce of the House of Rep-
23 resentatives; and

24 (III) the Committee on Finance
25 and the Committee on Health, Edu-

1 cation, Labor, and Pensions of the
2 Senate.

3 (2) ASSESSMENT TOPICS.—The topics listed in
4 this subsection are each of the following:

5 (A) The financial costs of premature birth
6 to society, including—

7 (i) an analysis of stays in neonatal in-
8 tensive care units and the cost of such
9 stays;

10 (ii) long-term costs of stays in such
11 units to society and the family involved
12 post-discharge; and

13 (iii) health care costs for families
14 post-discharge from such units (such as
15 medications, therapeutic services, co-pay-
16 ments for visits, and specialty equipment).

17 (B) The factors that impact preterm birth
18 rates.

19 (C) Opportunities for earlier detection of
20 premature birth risk factors, including—

21 (i) opportunities to improve maternal
22 and infant health; and

23 (ii) opportunities for public health
24 programs to provide support and resources

1 for parents in-hospital, in non-hospital set-
2 tings, and post-discharge.

3 (3) ANALYSIS.—The analysis required by this
4 subsection is an analysis of—

5 (A) targeted research strategies to develop
6 effective drugs, treatments, or interventions to
7 bring at-risk pregnancies to term;

8 (B) State and other programs’ best prac-
9 tices with respect to reducing premature birth
10 rates; and

11 (C) precision medicine and preventative
12 care approaches starting early in the life course
13 (including during pregnancy) with a focus on
14 behavioral and biological influences on pre-
15 mature birth, child health, and the trajectory of
16 such approaches into adulthood.

17 **SEC. 703. PREVENTING MATERNAL DEATHS.**

18 (a) MATERNAL MORTALITY REVIEW COMMITTEE.—
19 Section 317K(d) of the Public Health Service Act (42
20 U.S.C. 247b–12(d)) is amended—

21 (1) in paragraph (1)(A), by inserting “(includ-
22 ing obstetricians and gynecologists)” after “clinical
23 specialties”; and

24 (2) in paragraph (3)(A)(i)—

1 (A) in subclause (I), by striking “as appli-
2 cable” and inserting “if available”; and

3 (B) in subclause (III), by striking “, as ap-
4 propriate” and inserting “and coordinating with
5 death certifiers to improve the collection of
6 death record reports and the quality of death
7 records, including by amending cause-of-death
8 information on a death certificate, as appro-
9 priate”.

10 (b) BEST PRACTICES RELATING TO THE PREVEN-
11 TION OF MATERNAL MORTALITY.—Section 317K of the
12 Public Health Service Act (42 U.S.C. 247b–12) is amend-
13 ed—

14 (1) by redesignating subsections (e) and (f) as
15 subsections (f) and (g), respectively; and

16 (2) by inserting after subsection (d) the fol-
17 lowing:

18 “(e) BEST PRACTICES RELATING TO THE PREVEN-
19 TION OF MATERNAL MORTALITY.—

20 “(1) IN GENERAL.—The Secretary, acting
21 through the Director of the Centers for Disease
22 Control and Prevention, shall, in consultation with
23 the Administrator of the Health Resources and Serv-
24 ices Administration, disseminate to hospitals, State
25 professional society groups, and perinatal quality

1 collaboratives, best practices on how to prevent ma-
2 ternal mortality and morbidity that consider and re-
3 flect best practices identified through other relevant
4 Federal maternal health programs.

5 “(2) FREQUENCY.—The Secretary, acting
6 through the Director of the Centers for Disease
7 Control and Prevention, shall disseminate the best
8 practices referred to in paragraph (1) not less than
9 once per fiscal year.”.

10 (c) EXTENSION.—Subsection (g) of section 317K of
11 the Public Health Service Act (42 U.S.C. 247b–12), as
12 redesignated by subsection (b), is amended by striking
13 “\$58,000,000 for each of fiscal years 2019 through 2023”
14 and inserting “\$100,000,000 for each of fiscal years 2025
15 through 2029”.

16 **SEC. 704. SICKLE CELL DISEASE PREVENTION AND TREAT-**
17 **MENT.**

18 (a) IN GENERAL.—Section 1106(b) of the Public
19 Health Service Act (42 U.S.C. 300b–5(b)) is amended—

20 (1) in paragraph (1)(A)(iii), by striking “pre-
21 vention and treatment of sickle cell disease” and in-
22 serting “treatment of sickle cell disease and the pre-
23 vention and treatment of complications of sickle cell
24 disease”;

1 (2) in paragraph (2)(D), by striking “preven-
2 tion and treatment of sickle cell disease” and insert-
3 ing “treatment of sickle cell disease and the preven-
4 tion and treatment of complications of sickle cell dis-
5 ease”;

6 (3) in paragraph (3)—

7 (A) in subparagraph (A), by striking
8 “enter into a contract with” and inserting
9 “make a grant to, or enter into a contract or
10 cooperative agreement with,”; and

11 (B) in subparagraph (B), in each of
12 clauses (ii) and (iii), by striking “prevention
13 and treatment of sickle cell disease” and insert-
14 ing “treatment of sickle cell disease and the
15 prevention and treatment of complications of
16 sickle cell disease”; and

17 (4) in paragraph (6), by striking “\$4,455,000
18 for each of fiscal years 2019 through 2023” and in-
19 serting “\$8,205,000 for each of fiscal years 2025
20 through 2029”.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that further research should be undertaken to ex-
23 pand the understanding of the causes of, and to find cures
24 for, heritable blood disorders, including sickle cell disease.

1 **SEC. 705. TRAUMATIC BRAIN INJURIES.**

2 (a) THE BILL PASCRELL, JR., NATIONAL PROGRAM
3 FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND
4 REGISTRIES.—

5 (1) PREVENTION OF TRAUMATIC BRAIN IN-
6 JURY.—Section 393B of the Public Health Service
7 Act (42 U.S.C. 280b–1c) is amended—

8 (A) in subsection (a), by inserting “and
9 prevalence” after “incidence”;

10 (B) in subsection (b)—

11 (i) in paragraph (1), by inserting
12 “and reduction of associated injuries and
13 fatalities” before the semicolon;

14 (ii) in paragraph (2), by inserting
15 “and related risk factors” before the semi-
16 colon; and

17 (iii) in paragraph (3)—

18 (I) in the matter preceding sub-
19 paragraph (A), by striking “2020”
20 each place it appears and inserting
21 “2030”; and

22 (II) in subparagraph (A)—

23 (aa) in clause (i), by striking
24 “; and” and inserting a semi-
25 colon;

1 (bb) by redesignating clause

2 (ii) as clause (iv);

3 (cc) by inserting after clause

4 (i) the following:

5 “(ii) populations at higher risk of
6 traumatic brain injury, including popu-
7 lations whose increased risk is due to occu-
8 pational or circumstantial factors;

9 “(iii) causes of, and risk factors for,
10 traumatic brain injury; and”;

11 (dd) in clause (iv), as so re-
12 designated, by striking “arising
13 from traumatic brain injury” and
14 inserting “, which may include
15 related mental health and other
16 conditions, arising from trau-
17 matic brain injury, including”;
18 and

19 (C) in subsection (c), by inserting “, and
20 other relevant Federal departments and agen-
21 cies” before the period at the end.

22 (2) NATIONAL PROGRAM FOR TRAUMATIC
23 BRAIN INJURY SURVEILLANCE AND REGISTRIES.—
24 Section 393C of the Public Health Service Act (42
25 U.S.C. 280b–1d) is amended—

1 (A) by amending the section heading to
2 read as follows: “**THE BILL PASCRELL, JR.,**
3 **NATIONAL PROGRAM FOR TRAUMATIC**
4 **BRAIN INJURY SURVEILLANCE AND REG-**
5 **ISTRIES**”;

6 (B) in subsection (a)—

7 (i) in the matter preceding paragraph
8 (1), by inserting “to identify populations
9 that may be at higher risk for traumatic
10 brain injuries, to collect data on the causes
11 of, and risk factors for, traumatic brain in-
12 juries,” after “related disability,”;

13 (ii) in paragraph (1), by inserting “,
14 including the occupation of the individual,
15 when relevant to the circumstances sur-
16 rounding the injury” before the semicolon;
17 and

18 (iii) in paragraph (4), by inserting
19 “short- and long-term” before “outcomes”;

20 (C) by striking subsection (b);

21 (D) by redesignating subsection (c) as sub-
22 section (b);

23 (E) in subsection (b), as so redesignated,
24 by inserting “and evidence-based practices to

1 identify and address concussion” before the pe-
2 riod at the end; and

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

4 “(c) AVAILABILITY OF INFORMATION.—The Sec-
5 retary, acting through the Director of the Centers for Dis-
6 ease Control and Prevention, shall make publicly available
7 aggregated information on traumatic brain injury and
8 concussion described in this section, including on the
9 website of the Centers for Disease Control and Prevention.
10 Such website, to the extent feasible, shall include aggre-
11 gated information on populations that may be at higher
12 risk for traumatic brain injuries and strategies for pre-
13 venting or reducing risk of traumatic brain injury that are
14 tailored to such populations.”.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 Section 394A of the Public Health Service Act (42
17 U.S.C. 280b–3) is amended—

18 (A) in subsection (a), by striking “1994,
19 and” and inserting “1994,”; and

20 (B) in subsection (b), by striking “2020
21 through 2024” and inserting “2025 through
22 2029”.

23 (b) STATE GRANT PROGRAMS.—

24 (1) STATE GRANTS FOR PROJECTS REGARDING
25 TRAUMATIC BRAIN INJURY.—Section 1252 of the

1 Public Health Service Act (42 U.S.C. 300d–52) is
2 amended—

3 (A) in subsection (b)(2)—

4 (i) by inserting “, taking into consid-
5 eration populations that may be at higher
6 risk for traumatic brain injuries” after
7 “outreach programs”; and

8 (ii) by inserting “Tribal,” after
9 “State,”;

10 (B) in subsection (c), by adding at the end
11 the following:

12 “(3) MAINTENANCE OF EFFORT.—With respect
13 to activities for which a grant awarded under sub-
14 section (a) is to be expended, a State or American
15 Indian consortium shall agree to maintain expendi-
16 tures of non-Federal amounts for such activities at
17 a level that is not less than the level of such expendi-
18 tures maintained by the State or American Indian
19 consortium for the fiscal year preceding the fiscal
20 year for which the State or American Indian consor-
21 tium receives such a grant.

22 “(4) WAIVER.—The Secretary may, upon the
23 request of a State or American Indian consortium,
24 waive not more than 50 percent of the matching
25 fund amount under paragraph (1), if the Secretary

1 determines that such matching fund amount would
2 result in an inability of the State or American In-
3 dian consortium to carry out the purposes under
4 subsection (a). A waiver provided by the Secretary
5 under this paragraph shall apply only to the fiscal
6 year involved.”;

7 (C) in subsection (e)(3)(B)—

8 (i) by striking “(such as third party
9 payers, State agencies, community-based
10 providers, schools, and educators)”;

11 (ii) by inserting “(such as third party
12 payers, State agencies, community-based
13 providers, schools, and educators)” after
14 “professionals”;

15 (D) in subsection (h), by striking para-
16 graphs (1) and (2) and inserting the following:

17 “(1) AMERICAN INDIAN CONSORTIUM; STATE.—

18 The terms ‘American Indian consortium’ and ‘State’
19 have the meanings given such terms in section 1253.

20 “(2) TRAUMATIC BRAIN INJURY.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the term ‘traumatic brain injury’—

23 “(i) means an acquired injury to the
24 brain;

25 “(ii) may include—

1 “(I) brain injuries caused by an-
2 oxia due to trauma; and

3 “(II) damage to the brain from
4 an internal or external source that re-
5 sults in infection, toxicity, surgery, or
6 vascular disorders not associated with
7 aging; and

8 “(iii) does not include brain dysfunc-
9 tion caused by congenital or degenerative
10 disorders, or birth trauma.

11 “(B) REVISIONS TO DEFINITION.—The
12 Secretary may revise the definition of the term
13 ‘traumatic brain injury’ under this paragraph,
14 as the Secretary determines necessary, after
15 consultation with States and other appropriate
16 public or nonprofit private entities.”; and

17 (E) in subsection (i), by striking “2020
18 through 2024” and inserting “2025 through
19 2029”.

20 (2) STATE GRANTS FOR PROTECTION AND AD-
21 VOCACY SERVICES.—Section 1253(l) of the Public
22 Health Service Act (42 U.S.C. 300d–53(l)) is
23 amended by striking “2020 through 2024” and in-
24 serting “2025 through 2029”.

1 (c) REPORT TO CONGRESS.—Not later than 2 years
2 after the date of enactment of this Act, the Secretary of
3 Health and Human Services (referred to in this Act as
4 the “Secretary”) shall submit to the Committee on
5 Health, Education, Labor, and Pensions of the Senate and
6 the Committee on Energy and Commerce of the House
7 of Representatives a report that contains—

8 (1) an overview of populations who may be at
9 higher risk for traumatic brain injury, such as indi-
10 viduals affected by domestic violence or sexual as-
11 sault and public safety officers as defined in section
12 1204 of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (34 U.S.C. 10284);

14 (2) an outline of existing surveys and activities
15 of the Centers for Disease Control and Prevention
16 on traumatic brain injuries and any steps the agency
17 has taken to address gaps in data collection related
18 to such higher risk populations, which may include
19 leveraging surveys such as the National Intimate
20 Partner and Sexual Violence Survey to collect data
21 on traumatic brain injuries;

22 (3) an overview of any outreach or education ef-
23 forts to reach such higher risk populations; and

24 (4) any challenges associated with reaching
25 such higher risk populations.

1 (d) STUDY ON LONG-TERM SYMPTOMS OR CONDI-
2 TIONS RELATED TO TRAUMATIC BRAIN INJURY.—

3 (1) IN GENERAL.—The Secretary, in consulta-
4 tion with stakeholders and the heads of other rel-
5 evant Federal departments and agencies, as appro-
6 priate, shall conduct, either directly or through a
7 contract with a nonprofit private entity, a study to—

8 (A) examine the incidence and prevalence
9 of long-term or chronic symptoms or conditions
10 in individuals who have experienced a traumatic
11 brain injury;

12 (B) examine the evidence base of research
13 related to the chronic effects of traumatic brain
14 injury across the lifespan;

15 (C) examine any correlations between trau-
16 matic brain injury and increased risk of other
17 conditions, such as dementia and mental health
18 conditions;

19 (D) assess existing services available for
20 individuals with such long-term or chronic
21 symptoms or conditions; and

22 (E) identify any gaps in research related to
23 such long-term or chronic symptoms or condi-
24 tions of individuals who have experienced a
25 traumatic brain injury.

1 (2) PUBLIC REPORT.—Not later than 2 years
2 after the date of enactment of this Act, the Sec-
3 retary shall—

4 (A) submit to the Committee on Energy
5 and Commerce of the House of Representatives
6 and the Committee on Health, Education,
7 Labor, and Pensions of the Senate a report de-
8 tailing the findings, conclusions, and rec-
9 ommendations of the study described in para-
10 graph (1); and

11 (B) in the case that such study is con-
12 ducted directly by the Secretary, make the re-
13 port described in subparagraph (A) publicly
14 available on the website of the Department of
15 Health and Human Services.

16 **SEC. 706. LIFESPAN RESPITE CARE.**

17 (a) DEFINITION OF FAMILY CAREGIVER.—Section
18 2901(5) of the Public Health Service Act (42 U.S.C.
19 300ii(5)) is amended by striking “unpaid adult” and in-
20 serting “unpaid individual”.

21 (b) FUNDING.—Section 2905 of the Public Health
22 Service Act (42 U.S.C. 300ii–4) is amended by striking
23 “fiscal years 2020 through fiscal year 2024” and inserting
24 “fiscal years 2025 through 2029”.

1 **SEC. 707. DR. LORNA BREEN HEALTH CARE PROVIDER PRO-**
2 **TECTION.**

3 (a) DISSEMINATION OF BEST PRACTICES.— Section
4 2 of the Dr. Lorna Breen Health Care Provider Protection
5 Act (Public Law 117–105) is amended by striking “2
6 years” and inserting “5 years”.

7 (b) EDUCATION AND AWARENESS INITIATIVE EN-
8 COURAGING USE OF MENTAL HEALTH AND SUBSTANCE
9 USE DISORDER SERVICES BY HEALTH CARE PROFES-
10 SIONALS.—Section 3 of the Dr. Lorna Breen Health Care
11 Provider Protection Act (Public Law 117–105) is amend-
12 ed—

13 (1) in subsection (b), by inserting “and annu-
14 ally thereafter,” after “of this Act,”; and

15 (2) in subsection (c), by striking “2022 through
16 2024” and inserting “2025 through 2029”.

17 (c) PROGRAMS TO PROMOTE MENTAL HEALTH
18 AMONG THE HEALTH PROFESSIONAL WORKFORCE.—The
19 second section 764 of the Public Health Service Act (42
20 U.S.C. 294t), as added by section 4 of the Dr. Lorna
21 Breen Health Care Provider Protection Act (Public Law
22 117–105), is amended—

23 (1) by redesignating such section 764 as section
24 764A;

25 (2) in subsection (a)(3)—

1 (A) by striking “to eligible entities in” and
2 inserting “to eligible entities that—

3 “(A) are in”;

4 (B) by striking the period and inserting “;
5 or”; and

6 (C) by adding at the end the following:

7 “(B) have a focus on the reduction of ad-
8 ministrative burden on health care workers.”;

9 (3) in subsection (c), by inserting “not less
10 than” after “period of”; and

11 (4) in subsection (f), by striking “2022 through
12 2024” and inserting “2025 through 2029”.

13 **SEC. 708. GABRIELLA MILLER KIDS FIRST RESEARCH.**

14 (a) **FUNDING FOR THE PEDIATRIC RESEARCH INI-**
15 **TIATIVE.—**

16 (1) **IN GENERAL.—**The Public Health Service
17 Act (42 U.S.C. 201 et seq.) is amended—

18 (A) in section 402A(a)(2) (42 U.S.C.
19 282a(a)(2))—

20 (i) in the heading—

21 (I) by striking “10-YEAR”; and

22 (II) by striking “THROUGH COM-
23 MON FUND”;

24 (ii) by striking “to the Common
25 Fund” and inserting “to the Division of

1 Program Coordination, Planning, and
2 Strategic Initiatives”;

3 (iii) by striking “10-Year”;

4 (iv) by striking “and reserved under
5 subsection (c)(1)(B)(i) of this section”;

6 and

7 (v) by striking “2014 through 2023”

8 and inserting “2025 through 2031”;

9 (B) in each of paragraphs (1)(A) and
10 (2)(C) of section 402A(c) (42 U.S.C. 282a(c)),
11 by striking “section 402(b)(7)(B)” and insert-
12 ing “section 402(b)(7)(B)(i)”; and

13 (C) in section 402(b)(7)(B)(ii) (42 U.S.C.
14 282(b)(7)(B)(ii)), by striking “the Common
15 Fund” and inserting “the Division of Program
16 Coordination, Planning, and Strategic Initia-
17 tives”.

18 (2) CONFORMING AMENDMENT.—Section
19 9008(i)(2) of the Internal Revenue Code of 1986
20 (26 U.S.C. 9008(i)(2)) is amended by striking “10-
21 Year”.

22 (b) COORDINATION OF NIH FUNDING FOR PEDI-
23 ATRIC RESEARCH.—

24 (1) SENSE OF CONGRESS.—It is the sense of
25 the Congress that the Director of the National Insti-

1 tutes of Health should continue to oversee and co-
2 ordinate research that is conducted or supported by
3 the National Institutes of Health for research on pe-
4 diatric cancer and other pediatric diseases and con-
5 ditions, including through the Pediatric Research
6 Initiative Fund.

7 (2) AVOIDING DUPLICATION.—Section
8 402(b)(7)(B)(ii) of the Public Health Service Act
9 (42 U.S.C. 282(b)(7)(B)(ii)) is amended by inserting
10 “and shall prioritize, as appropriate, such pediatric
11 research that does not duplicate existing research
12 activities of the National Institutes of Health” be-
13 fore “; and”.

14 (c) REPORT ON PROGRESS AND INVESTMENTS IN PE-
15 DIATRIC RESEARCH.—Not later than 5 years after the
16 date of the enactment of this Act, the Secretary of Health
17 and Human Services shall submit to the Committee on
18 Energy and Commerce of the House of Representatives
19 and the Committee on Health, Education, Labor, and
20 Pensions of the Senate a report that—

21 (1) details pediatric research projects and ini-
22 tiatives receiving funds allocated pursuant to section
23 402(b)(7)(B)(ii) of the Public Health Service Act
24 (42 U.S.C. 282(b)(7)(B)(ii)); and

1 (2) summarizes advancements made in pediatric
2 research with funds allocated pursuant to such sec-
3 tion.

4 **SEC. 709. SCREENS FOR CANCER.**

5 (a) NATIONAL BREAST AND CERVICAL CANCER
6 EARLY DETECTION PROGRAM.—Title XV of the Public
7 Health Service Act (42 U.S.C. 300k et seq.) is amended—

8 (1) in section 1501 (42 U.S.C. 300k)—

9 (A) in subsection (a)—

10 (i) in paragraph (2), by striking “the
11 provision of appropriate follow-up services
12 and support services such as case manage-
13 ment” and inserting “that appropriate fol-
14 low-up services are provided”;

15 (ii) in paragraph (3), by striking
16 “programs for the detection and control”
17 and inserting “for the prevention, detec-
18 tion, and control”;

19 (iii) in paragraph (4), by striking “the
20 detection and control” and inserting “the
21 prevention, detection, and control”;

22 (iv) in paragraph (5)—

23 (I) by striking “monitor” and in-
24 serting “ensure”; and

1 (II) by striking “; and” and in-
2 serting a semicolon;

3 (v) by redesignating paragraph (6) as
4 paragraph (9);

5 (vi) by inserting after paragraph (5)
6 the following:

7 “(6) to enhance appropriate support activities
8 to increase breast and cervical cancer screenings,
9 such as navigation of health care services, implemen-
10 tation of evidence-based or evidence-informed strate-
11 gies to increase breast and cervical cancer screening
12 in health care settings, and facilitation of access to
13 health care settings;

14 “(7) to reduce disparities in breast and cervical
15 cancer incidence, morbidity, and mortality, including
16 in populations with higher than average rates;

17 “(8) to improve access to breast and cervical
18 cancer screening and diagnostic services and reduce
19 related barriers, including factors that relate to neg-
20 ative health outcomes; and”;

21 (vii) in paragraph (9), as so redesign-
22 ated, by striking “through (5)” and in-
23 serting “through (8)”;

24 (B) by striking subsection (d);

25 (2) in section 1503 (42 U.S.C. 300m)—

1 (A) in subsection (a)—

2 (i) in paragraph (1), by striking
3 “that, initially” and all that follows
4 through the semicolon and inserting “that
5 appropriate breast and cervical cancer
6 screening and diagnostic services are pro-
7 vided consistent with relevant evidence-
8 based recommendations; and”;

9 (ii) by striking paragraphs (2) and
10 (4);

11 (iii) by redesignating paragraph (3) as
12 paragraph (2); and

13 (iv) in paragraph (2), as so redesign-
14 ated, by striking “; and” and inserting a
15 period; and

16 (B) by striking subsection (d);

17 (3) in section 1508(b) (42 U.S.C. 300n-4(b))—

18 (A) by striking “1 year after the date of
19 the enactment of the National Breast and Cer-
20 vical Cancer Early Detection Program Reau-
21 thorization of 2007, and annually thereafter,”
22 and inserting “2 years after the date of enact-
23 ment of the Health Improvements, Extenders,
24 and Reauthorizations Act, and every 5 years
25 thereafter,”;

1 (B) by striking “Labor and Human Re-
2 sources” and inserting “Health, Education,
3 Labor, and Pensions”; and

4 (C) by striking “preceding fiscal year” and
5 inserting “preceding 2 fiscal years in the case
6 of the first report after the date of enactment
7 of the Health Improvements, Extenders, and
8 Reauthorizations Act and preceding 5 fiscal
9 years for each report thereafter”; and

10 (4) in section 1510(a) (42 U.S.C. 300n-5(a))—

11 (A) by striking “2011, and” and inserting
12 “2011,”; and

13 (B) by inserting “, and \$235,500,000 for
14 each of fiscal years 2025 through 2029” before
15 the period at the end before the period at the
16 end.

17 (b) GAO STUDY.—Not later than September 30,
18 2027, the Comptroller General of the United States shall
19 report to the Committee on Health, Education, Labor, and
20 Pensions of the Senate and the Committee on Energy and
21 Commerce of the House of Representatives on the work
22 of the National Breast and Cervical Cancer Early Detec-
23 tion Program, including—

24 (1) an estimate of the number of individuals eli-
25 gible for services provided under such program;

1 (2) a summary of trends in the number of indi-
2 viduals served through such program; and

3 (3) an assessment of any factors that may be
4 driving the trends identified under paragraph (2),
5 including any barriers to accessing breast and cer-
6 vical cancer screenings provided by such program.

7 **SEC. 710. DEONDRA DIXON INCLUDE PROJECT.**

8 Part B of title IV of the Public Health Service Act
9 (42 U.S.C. 284 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 409K. DOWN SYNDROME RESEARCH.**

12 “(a) IN GENERAL.—The Director of NIH shall carry
13 out a program of research, training, and investigation re-
14 lated to Down syndrome to be known as the ‘INvestigation
15 of Co-occurring conditions across the Lifespan to Under-
16 stand Down syndromE Project’ or the ‘INCLUDE
17 Project’.

18 “(b) PROGRAM ELEMENTS.—The program under
19 subsection (a) shall include—

20 “(1) high-risk, high reward research on the ef-
21 fects of trisomy 21 on human development and
22 health;

23 “(2) promoting research for participants with
24 Down syndrome across the lifespan, including cohort
25 studies to facilitate improved understanding of

1 Down syndrome and co-occurring conditions and de-
2 velopment of new interventions;

3 “(3) expanding the number of clinical trials
4 that are inclusive of, or expressly for, participants
5 with Down syndrome, including novel biomedical and
6 pharmacological interventions and other therapies
7 designed to promote or enhance activities of daily
8 living;

9 “(4) research on the biological mechanisms in
10 individuals with Down syndrome pertaining to struc-
11 tural, functional, and behavioral anomalies and dys-
12 function as well as stunted growth;

13 “(5) supporting research to improve diagnosis
14 and treatment of conditions co-occurring with Down
15 syndrome, including the identification of biomarkers
16 related to risk factors, diagnosis, and clinical re-
17 search and therapeutics;

18 “(6) research on the causes of increased preva-
19 lence, and concurrent treatment, of co-occurring con-
20 ditions, such as Alzheimer’s disease and related de-
21 mentias and autoimmunity, in individuals with Down
22 syndrome; and

23 “(7) research, training, and investigation on im-
24 proving the quality of life of individuals with Down
25 syndrome and their families.

1 “(c) COORDINATION; PRIORITIZING NONDUPLICA-
2 TIVE RESEARCH.—The Director of NIH shall ensure
3 that—

4 “(1) the programs and activities of the insti-
5 tutes and centers of the National Institutes of
6 Health relating to Down syndrome and co-occurring
7 conditions are coordinated, including through the
8 Office of the Director of NIH and priority-setting
9 reviews conducted pursuant to section 402(b)(3);
10 and

11 “(2) such institutes and centers, prioritize, as
12 appropriate, Down syndrome research that does not
13 duplicate existing research activities of the National
14 Institutes of Health.

15 “(d) CONSULTATION WITH STAKEHOLDERS.—In
16 carrying out activities under this section, the Director of
17 NIH shall, as appropriate and to the maximum extent fea-
18 sible, consult with relevant stakeholders, including patient
19 advocates, to ensure that such activities take into consid-
20 eration the needs of individuals with Down syndrome.

21 “(e) BIENNIAL REPORTS TO CONGRESS.—

22 “(1) IN GENERAL.—The Director of NIH shall
23 submit, on a biennial basis, to the Committee on
24 Energy and Commerce and the Subcommittee on
25 Labor, Health and Human Services, Education, and

1 Related Agencies of the Committee on Appropria-
2 tions of the House of Representatives and the Com-
3 mittee on Health, Education, Labor, and Pensions
4 and the Subcommittee on Labor, Health and
5 Human Services, Education, and Related Agencies
6 of the Committee on Appropriations of the Senate,
7 a report that catalogs the research conducted or
8 supported under this section.

9 “(2) CONTENTS.—Each report under para-
10 graph (1) shall include—

11 “(A) identification of the institute or cen-
12 ter involved;

13 “(B) a statement of whether the research
14 is or was being carried out directly by such in-
15 stitute or center or by multiple institutes and
16 centers; and

17 “(C) identification of any resulting real-
18 world evidence that is or may be used for clin-
19 ical research and medical care for patients with
20 Down syndrome.”.

21 **SEC. 711. IMPROVE INITIATIVE.**

22 Part B of title IV of the Public Health Service Act
23 (42 U.S.C. 284 et seq.), as amended by section 710, is
24 further amended by adding at the end the following:

1 **“SEC. 409L. IMPROVE INITIATIVE.**

2 “(a) IN GENERAL.—The Director of the National In-
3 stitutes of Health shall carry out a program of research
4 to improve health outcomes to be known as the Imple-
5 menting a Maternal health and PRegnancy Outcomes Vi-
6 sion for Everyone Initiative (referred to in this section as
7 the ‘Initiative’).

8 “(b) OBJECTIVES.—The Initiative shall—

9 “(1) advance research to—

10 “(A) reduce preventable causes of maternal
11 mortality and severe maternal morbidity;

12 “(B) reduce health disparities related to
13 maternal health outcomes, including such dis-
14 parities associated with medically underserved
15 populations; and

16 “(C) improve health for pregnant and
17 postpartum women before, during, and after
18 pregnancy;

19 “(2) use an integrated approach to understand
20 the factors, including biological, behavioral, and
21 other factors, that affect maternal mortality and se-
22 vere maternal morbidity by building an evidence
23 base for improved outcomes in specific regions of the
24 United States; and

1 “(3) target health disparities associated with
2 maternal mortality and severe maternal morbidity
3 by—

4 “(A) implementing and evaluating commu-
5 nity-based interventions for disproportionately
6 affected women; and

7 “(B) identifying risk factors and the un-
8 derlying biological mechanisms associated with
9 leading causes of maternal mortality and severe
10 maternal morbidity in the United States.

11 “(c) SUNSET.—The authority under this section shall
12 expire on September 30, 2029.”.

13 **SEC. 712. ORGAN PROCUREMENT AND TRANSPLANTATION**
14 **NETWORK.**

15 Section 372 of the Public Health Service Act (42
16 U.S.C. 274) is amended—

17 (1) in subsection (b)(2)—

18 (A) by moving the margins of subpara-
19 graphs (M) through (O) 2 ems to the left;

20 (B) in subparagraph (A)—

21 (i) in clause (i), by striking “, and”
22 and inserting “; and”; and

23 (ii) in clause (ii), by striking the
24 comma at the end and inserting a semi-
25 colon;

1 (C) in subparagraph (C), by striking
2 “twenty-four-hour telephone service” and in-
3 serting “24-hour telephone or information tech-
4 nology service”;

5 (D) in each of subparagraphs (B) through
6 (M), by striking the comma at the end and in-
7 serting a semicolon;

8 (E) in subparagraph (N), by striking
9 “transportation, and” and inserting “transport-
10 ation;”;

11 (F) in subparagraph (O), by striking the
12 period and inserting a semicolon; and

13 (G) by adding at the end the following:

14 “(P) encourage the integration of elec-
15 tronic health records systems through applica-
16 tion programming interfaces (or successor tech-
17 nologies) among hospitals, organ procurement
18 organizations, and transplant centers, including
19 the use of automated electronic hospital refer-
20 rals and the grant of remote, electronic access
21 to hospital electronic health records of potential
22 donors by organ procurement organizations, in
23 a manner that complies with the privacy regula-
24 tions promulgated under the Health Insurance
25 Portability and Accountability Act of 1996, at

1 part 160 of title 45, Code of Federal Regula-
2 tions, and subparts A, C, and E of part 164 of
3 such title (or any successor regulations); and

4 “(Q) consider establishing a dashboard to
5 display the number of transplants performed,
6 the types of transplants performed, the number
7 and types of organs that entered the Organ
8 Procurement and Transplantation Network sys-
9 tem and failed to be transplanted, and other
10 appropriate statistics, which should be updated
11 more frequently than annually.”; and

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

13 “(d) REGISTRATION FEES.—

14 “(1) IN GENERAL.—The Secretary may collect
15 registration fees from any member of the Organ
16 Procurement and Transplantation Network for each
17 transplant candidate such member places on the list
18 described in subsection (b)(2)(A)(i). Such registra-
19 tion fees shall be collected and distributed only to
20 support the operation of the Organ Procurement
21 and Transplantation Network. Such registration fees
22 are authorized to remain available until expended.

23 “(2) COLLECTION.—The Secretary may collect
24 the registration fees under paragraph (1) directly or
25 through awards made under subsection (b)(1)(A).

1 “(3) DISTRIBUTION.—Any amounts collected
2 under this subsection shall—

3 “(A) be credited to the currently applicable
4 appropriation, account, or fund of the Depart-
5 ment of Health and Human Services as discre-
6 tionary offsetting collections; and

7 “(B) be available, only to the extent and in
8 the amounts provided in advance in appropria-
9 tions Acts, to distribute such fees among
10 awardees described in subsection (b)(1)(A).

11 “(4) TRANSPARENCY.—The Secretary shall—

12 “(A) promptly post on the website of the
13 Organ Procurement and Transplantation Net-
14 work—

15 “(i) the amount of registration fees
16 collected under this subsection from each
17 member of the Organ Procurement and
18 Transplantation Network; and

19 “(ii) a list of activities such fees are
20 used to support; and

21 “(B) update the information posted pursu-
22 ant to subparagraph (A), as applicable for each
23 calendar quarter for which fees are collected
24 under paragraph (1).

1 “(5) GAO REVIEW.—Not later than 2 years
2 after the date of enactment of this subsection, the
3 Comptroller General of the United States shall, to
4 the extent data are available—

5 “(A) conduct a review concerning the ac-
6 tivities under this subsection; and

7 “(B) submit to the Committee on Health,
8 Education, Labor, and Pensions and the Com-
9 mittee on Finance of the Senate and the Com-
10 mittee on Energy and Commerce of the House
11 of Representatives, a report on such review, in-
12 cluding related recommendations, as applicable.

13 “(6) SUNSET.—The authority to collect reg-
14 istration fees under paragraph (1) shall expire on
15 the date that is 3 years after the date of enactment
16 of the Health Improvements, Extenders, and Reau-
17 thorizations Act.”.

18 **SEC. 713. HONOR OUR LIVING DONORS.**

19 (a) NO CONSIDERATION OF INCOME OF ORGAN RE-
20 CIPIENT.—Section 377 of the Public Health Service Act
21 (42 U.S.C. 274f) is amended—

22 (1) by redesignating subsections (c) through (f)
23 as subsections (d) through (g), respectively;

24 (2) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) NO CONSIDERATION OF INCOME OF ORGAN RE-
2 CIPIENT.—The recipient of a grant under this section, in
3 providing reimbursement to a donating individual through
4 such grant, shall not give any consideration to the income
5 of the organ recipient.”; and

6 (3) in subsection (f), as so redesignated—

7 (A) in paragraph (1), by striking “sub-
8 section (e)(1)” and inserting “subsection
9 (d)(1)”; and

10 (B) in paragraph (2), by striking “sub-
11 section (e)(2)” and inserting “subsection
12 (d)(2)”.

13 (b) REMOVAL OF EXPECTATION OF PAYMENTS BY
14 ORGAN RECIPIENTS.—Section 377(e) of the Public
15 Health Service Act (42 U.S.C. 274f(e)), as redesignated
16 by section 2(1), is amended—

17 (1) in paragraph (1), by adding “or” at the
18 end;

19 (2) in paragraph (2), by striking “; or” and in-
20 serting a period; and

21 (3) by striking paragraph (3).

22 (c) ANNUAL REPORT.—Section 377 of the Public
23 Health Service Act (42 U.S.C. 274f), as amended by sec-
24 tions 2 and 3, is amended by adding at the end the fol-
25 lowing:

1 “(h) ANNUAL REPORT.—Not later than December 31
2 of each year, beginning in Fiscal Year 2026, the Secretary
3 shall—

4 “(1) prepare, submit to the Congress, and make
5 public a report on whether grants under this section
6 provided adequate funding during the preceding fis-
7 cal year to reimburse all donating individuals par-
8 ticipating in the grant program under this section
9 for all qualifying expenses; and

10 “(2) include in each such report—

11 “(A) the estimated number of all donating
12 individuals participating in the grant program
13 under this section who did not receive reim-
14 bursement for all qualifying expenses during
15 the preceding fiscal year; and

16 “(B) the total amount of funding that is
17 estimated to be necessary to fully reimburse all
18 donating individuals participating in the grant
19 program under this section for all qualifying ex-
20 penses.”.

21 **SEC. 714. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.**

22 Section 409I(d)(1) of the Public Health Service Act
23 (42 U.S.C. 284m(d)(1)) is amended by striking “section,”
24 and all that follows through the period at the end and

1 inserting “section, \$25,000,000 for each of fiscal years
2 2025 through 2027.”.

3 **TITLE VIII—FOOD AND DRUG**
4 **ADMINISTRATION**
5 **Subtitle A—Give Kids a Chance**

6 **SEC. 801. RESEARCH INTO PEDIATRIC USES OF DRUGS; AD-**
7 **DITIONAL AUTHORITIES OF FOOD AND DRUG**
8 **ADMINISTRATION REGARDING MOLECU-**
9 **LARLY TARGETED CANCER DRUGS.**

10 (a) IN GENERAL.—

11 (1) ADDITIONAL ACTIVE INGREDIENT FOR AP-
12 PPLICATION DRUG; LIMITATION REGARDING NOVEL-
13 COMBINATION APPLICATION DRUG.—Section
14 505B(a)(3) of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 355e(a)(3)) is amended—

16 (A) by redesignating subparagraphs (B)
17 and (C) as subparagraphs (C) and (D), respec-
18 tively; and

19 (B) by striking subparagraph (A) and in-
20 serting the following:

21 “(A) IN GENERAL.—For purposes of para-
22 graph (1)(B), the investigation described in this
23 paragraph is a molecularly targeted pediatric
24 cancer investigation of—

1 “(i) the drug or biological product for
2 which the application referred to in such
3 paragraph is submitted; or

4 “(ii) such drug or biological product
5 used in combination with—

6 “(I) an active ingredient of a
7 drug or biological product—

8 “(aa) for which an approved
9 application under section 505(j)
10 under this Act or under section
11 351(k) of the Public Health
12 Service Act is in effect; and

13 “(bb) that is determined by
14 the Secretary, after consultation
15 with the applicant, to be part of
16 the standard of care for treating
17 a pediatric cancer; or

18 “(II) an active ingredient of a
19 drug or biological product—

20 “(aa) for which an approved
21 application under section 505(b)
22 of this Act or section 351(a) of
23 the Public Health Service Act to
24 treat an adult cancer is in effect
25 and is held by the same person

1 submitting the application under
2 paragraph (1)(B); and

3 “(bb) that is directed at a
4 molecular target that the Sec-
5 retary determines to be substan-
6 tially relevant to the growth or
7 progression of a pediatric cancer.

8 “(B) ADDITIONAL REQUIREMENTS.—

9 “(i) DESIGN OF INVESTIGATION.—A
10 molecularly targeted pediatric cancer inves-
11 tigation referred to in subparagraph (A)
12 shall be designed to yield clinically mean-
13 ingful pediatric study data that is gathered
14 using appropriate formulations for each
15 age group for which the study is required,
16 regarding dosing, safety, and preliminary
17 efficacy to inform potential pediatric label-
18 ing.

19 “(ii) LIMITATION.—An investigation
20 described in subparagraph (A)(ii) may be
21 required only if the drug or biological
22 product for which the application referred
23 to in paragraph (1)(B) contains either—

24 “(I) a single new active ingre-
25 dient; or

1 “(II) more than one active ingre-
2 dient, if an application for the com-
3 bination of active ingredients has not
4 previously been approved but each ac-
5 tive ingredient is in a drug product
6 that has been previously approved to
7 treat an adult cancer.

8 “(iii) RESULTS OF ALREADY-COM-
9 PLETED PRECLINICAL STUDIES OF APPLI-
10 CATION DRUG.—With respect to an inves-
11 tigation required pursuant to paragraph
12 (1)(B), the Secretary may require the re-
13 sults of any completed preclinical studies
14 relevant to the initial pediatric study plan
15 be submitted to the Secretary at the same
16 time that the initial pediatric study plan
17 required under subsection (e)(1) is sub-
18 mitted.

19 “(iv) RULE OF CONSTRUCTION RE-
20 GARDING INACTIVE INGREDIENTS.—With
21 respect to a combination of active ingredi-
22 ents referred to in subparagraph (A)(ii),
23 such subparagraph shall not be construed
24 as addressing the use of inactive ingredi-
25 ents with such combination.”.

1 (2) DETERMINATION OF APPLICABLE REQUIRE-
2 MENTS.—Section 505B(e)(1) of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 355c(e)(1)) is
4 amended by adding at the end the following: “The
5 Secretary shall determine whether subparagraph (A)
6 or (B) of subsection (a)(1) applies with respect to an
7 application before the date on which the applicant is
8 required to submit the initial pediatric study plan
9 under paragraph (2)(A).”.

10 (3) CLARIFYING APPLICABILITY.—Section
11 505B(a)(1) of the Federal Food, Drug, and Cos-
12 metic Act (21 U.S.C. 355c(a)(1)) is amended by
13 adding at the end the following:

14 “(C) RULE OF CONSTRUCTION.—No appli-
15 cation that is subject to the requirements of
16 subparagraph (B) shall be subject to the re-
17 quirements of subparagraph (A), and no appli-
18 cation (or supplement to an application) that is
19 subject to the requirements of subparagraph
20 (A) shall be subject to the requirements of sub-
21 paragraph (B).”.

22 (4) CONFORMING AMENDMENTS.—Section
23 505B(a) of the Federal Food, Drug, and Cosmetic
24 Act (21 U.S.C. 355c(a)) is amended—

1 (A) in paragraph (3)(C), as redesignated
2 by paragraph (1)(A) of this subsection, by
3 striking “investigations described in this para-
4 graph” and inserting “investigations referred to
5 in subparagraph (A)”; and

6 (B) in paragraph (3)(D), as redesignated
7 by paragraph (1)(A) of this subsection, by
8 striking “the assessments under paragraph
9 (2)(B)” and inserting “the assessments re-
10 quired under paragraph (1)(A)”.

11 (b) GUIDANCE.—The Secretary of Health and
12 Human Services, acting through the Commissioner of
13 Food and Drugs, shall—

14 (1) not later than 12 months after the date of
15 enactment of this Act, issue draft guidance on the
16 implementation of the amendments made by sub-
17 section (a); and

18 (2) not later than 12 months after closing the
19 comment period on such draft guidance, finalize
20 such guidance.

21 (c) APPLICABILITY.—The amendments made by this
22 section apply with respect to any application under section
23 505(b) of the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 355(b)) and any application under section 351(a)
25 of the Public Health Service Act (42 U.S.C. 262(a)), that

1 is submitted on or after the date that is 3 years after the
2 date of enactment of this Act.

3 (d) REPORTS TO CONGRESS.—

4 (1) SECRETARY OF HEALTH AND HUMAN SERV-
5 ICES.—Not later than 6 years after the date of en-
6 actment of this Act, the Secretary of Health and
7 Human Services shall submit to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate a report on the
11 Secretary's efforts, in coordination with industry, to
12 ensure implementation of the amendments made by
13 subsection (a).

14 (2) GAO STUDY AND REPORT.—

15 (A) STUDY.—Not later than 8 years after
16 the date of enactment of this Act, the Comp-
17 troller General of the United States shall con-
18 duct a study of the effectiveness of requiring
19 assessments and investigations described in sec-
20 tion 505B of the Federal Food, Drug, and Cos-
21 metic Act (21 U.S.C.355e), as amended by sub-
22 section (a), in the development of drugs and bi-
23 ological products for pediatric cancer indica-
24 tions, including consideration of any benefits to,

1 or burdens on, pediatric cancer drug develop-
2 ment.

3 (B) FINDINGS.—Not later than 10 years
4 after the date of enactment of this Act, the
5 Comptroller General shall submit to the Com-
6 mittee on Energy and Commerce of the House
7 of Representatives and the Committee on
8 Health, Education, Labor, and Pensions of the
9 Senate a report containing the findings of the
10 study conducted under subparagraph (A).

11 **SEC. 802. ENSURING COMPLETION OF PEDIATRIC STUDY**
12 **REQUIREMENTS.**

13 (a) EQUAL ACCOUNTABILITY FOR PEDIATRIC STUDY
14 REQUIREMENTS.—Section 505B(d) of the Federal Food,
15 Drug, and Cosmetic Act (21 U.S.C. 355e(d)) is amend-
16 ed—

17 (1) in paragraph (1), by striking “Beginning
18 270” and inserting “NONCOMPLIANCE LETTER.—
19 Beginning 270”;

20 (2) in paragraph (2)—

21 (A) by striking “The drug or” and insert-
22 ing “EFFECT OF NONCOMPLIANCE.—The drug
23 or”; and

24 (B) by striking “(except that the drug or
25 biological product shall not be subject to action

1 under section 303)” and inserting “(except that
2 the drug or biological product shall be subject
3 to action under section 303 only if such person
4 demonstrated a lack of due diligence in satis-
5 fying the applicable requirement)”;

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

7 “(3) LIMITATION.—The Secretary shall not
8 issue enforcement actions under section 303 for fail-
9 ures under this subsection in the case of a drug or
10 biological product that is no longer marketed.”.

11 (b) DUE DILIGENCE.—Section 505B(d) of the Fed-
12 eral Food, Drug, and Cosmetic Act (21 U.S.C. 355c(d)),
13 as amended by subsection (a), is further amended by add-
14 ing at the end the following:

15 “(4) DUE DILIGENCE.—Before the Secretary
16 may conclude that a person failed to submit or oth-
17 erwise meet a requirement as described in the mat-
18 ter preceding paragraph (1), the Secretary shall—

19 “(A) issue a noncompliance letter pursuant
20 to paragraph (1);

21 “(B) provide such person with a 45-day
22 period beginning on the date of receipt of such
23 noncompliance letter to respond in writing as
24 set forth in such paragraph; and

1 “(C) after reviewing such written response,
2 determine whether the person demonstrated a
3 lack of due diligence in satisfying such require-
4 ment.”.

5 (c) CONFORMING AMENDMENTS.—Section
6 303(f)(4)(A) of the Federal Food, Drug, and Cosmetic Act
7 (21 U.S.C. 333(f)(4)(A)) is amended by striking “or 505–
8 1” and inserting “505–1, or 505B”.

9 (d) TRANSITION RULE.—The Secretary of Health
10 and Human Services may take enforcement action under
11 section 303 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 333) only for failures described in section
13 505B(d) of such Act (21 U.S.C. 355c(d)) that occur on
14 or after the date that is 180 days after the date of enact-
15 ment of this Act.

16 **SEC. 803. FDA REPORT ON PREA ENFORCEMENT.**

17 Section 508(b) of the Food and Drug Administration
18 Safety and Innovation Act (21 U.S.C. 355c–1(b)) is
19 amended—

20 (1) in paragraph (11), by striking the semicolon
21 at the end and inserting “, including an evaluation
22 of compliance with deadlines provided for in defer-
23 rals and deferral extensions;”;

24 (2) in paragraph (15), by striking “and” at the
25 end;

1 (3) in paragraph (16), by striking the period at
2 the end and inserting “; and”; and

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

4 “(17) a listing of penalties, settlements, or pay-
5 ments under section 303 of the Federal Food, Drug,
6 and Cosmetic Act (21 U.S.C. 353) for failure to
7 comply with requirements under such section 505B,
8 including, for each penalty, settlement, or payment,
9 the name of the drug, the sponsor thereof, and the
10 amount of the penalty, settlement, or payment im-
11 posed; and”.

12 **SEC. 804. EXTENSION OF AUTHORITY TO ISSUE PRIORITY**
13 **REVIEW VOUCHERS TO ENCOURAGE TREAT-**
14 **MENTS FOR RARE PEDIATRIC DISEASES.**

15 (a) **EXTENSION.**—Paragraph (5) of section 529(b) of
16 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
17 360ff(b)) is amended by striking “December 20, 2024, un-
18 less” and all that follows through the period at the end
19 and inserting “September 30, 2029.”.

20 (b) **USER FEE PAYMENT.**—Section 529(c)(4) of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 360ff(c)(4)) is amended by striking subparagraph (A) and
23 inserting the following:

24 “(A) **IN GENERAL.**—The priority review
25 user fee required by this subsection shall be due

1 upon the submission of a human drug applica-
2 tion under section 505(b)(1) or section 351(a)
3 of the Public Health Service Act for which the
4 priority review voucher is used. All other user
5 fees associated with the human drug application
6 shall be due as required by the Secretary or
7 under applicable law.”.

8 (c) GAO REPORT ON EFFECTIVENESS OF RARE PE-
9 DIATRIC DISEASE PRIORITY VOUCHER AWARDS IN
10 INCENTIVIZING RARE PEDIATRIC DISEASE DRUG DEVEL-
11 OPMENT.—

12 (1) GAO STUDY.—

13 (A) STUDY.—The Comptroller General of
14 the United States shall conduct a study of the
15 effectiveness of awarding rare pediatric disease
16 priority vouchers under section 529 of the Fed-
17 eral Food, Drug, and Cosmetic Act (21 U.S.C.
18 360ff), as amended by subsection (a), in the de-
19 velopment of human drug products that treat or
20 prevent rare pediatric diseases (as defined in
21 such section 529).

22 (B) CONTENTS OF STUDY.—In conducting
23 the study under subparagraph (A), the Comp-
24 troller General shall examine the following:

1 (i) The indications for each drug or
2 biological product that—

3 (I) is the subject of a rare pedi-
4 atric disease product application (as
5 defined in section 529 of the Federal
6 Food, Drug, and Cosmetic Act (21
7 U.S.C. 360ff)) for which a priority re-
8 view voucher was awarded; and

9 (II) was approved under section
10 505 of the Federal Food, Drug, and
11 Cosmetic Act (42 U.S.C. 355) or li-
12 censed under section 351 of the Pub-
13 lic Health Service Act (42 U.S.C.
14 262).

15 (ii) Whether, and to what extent, an
16 unmet need related to the treatment or
17 prevention of a rare pediatric disease was
18 met through the approval or licensure of
19 such a drug or biological product.

20 (iii) The size of the company to which
21 a priority review voucher was awarded
22 under section 529 of the Federal Food,
23 Drug, and Cosmetic Act (21 U.S.C. 360ff)
24 for such a drug or biological product.

1 (iv) The value of such priority review
2 voucher if transferred.

3 (v) Identification of each drug for
4 which a priority review voucher awarded
5 under such section 529 was used.

6 (vi) The size of the company using
7 each priority review voucher awarded
8 under such section 529.

9 (vii) The length of the period of time
10 between the date on which a priority re-
11 view voucher was awarded under such sec-
12 tion 529 and the date on which it was
13 used.

14 (viii) Whether, and to what extent, an
15 unmet need related to the treatment or
16 prevention of a rare pediatric disease was
17 met through the approval under section
18 505 of the Federal Food, Drug, and Cos-
19 metic Act (42 U.S.C. 355) or licensure
20 under section 351 of the Public Health
21 Service Act (42 U.S.C. 262) of a drug for
22 which a priority review voucher was used.

23 (ix) Whether, and to what extent,
24 companies were motivated by the avail-
25 ability of priority review vouchers under

1 section 529 of the Federal Food, Drug,
2 and Cosmetic Act (21 U.S.C. 360ff) to at-
3 tempt to develop a drug for a rare pedi-
4 atric disease.

5 (x) Whether, and to what extent, pedi-
6 atric review vouchers awarded under such
7 section were successful in stimulating de-
8 velopment and expedited patient access to
9 drug products for treatment or prevention
10 of a rare pediatric disease that wouldn't
11 otherwise take place without the incentive
12 provided by such vouchers.

13 (xi) The impact of such priority re-
14 view vouchers on the workload, review
15 process, and public health prioritization ef-
16 forts of the Food and Drug Administra-
17 tion.

18 (xii) Any other incentives in Federal
19 law that exist for companies developing
20 drugs or biological products described in
21 clause (i).

22 (2) REPORT ON FINDINGS.—Not later than 5
23 years after the date of the enactment of this Act, the
24 Comptroller General of the United States shall sub-
25 mit to the Committee on Energy and Commerce of

1 the House of Representatives and the Committee on
2 Health, Education, Labor, and Pensions of the Sen-
3 ate a report containing the findings of the study
4 conducted under paragraph (1).

5 **SEC. 805. LIMITATIONS ON EXCLUSIVE APPROVAL OR LI-**
6 **CENSURE OF ORPHAN DRUGS.**

7 (a) IN GENERAL.—Section 527 of the Federal Food,
8 Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

9 (1) in subsection (a), in the matter following
10 paragraph (2), by striking “same disease or condi-
11 tion” and inserting “same approved use or indica-
12 tion within such rare disease or condition”;

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),
15 by striking “same rare disease or condition”
16 and inserting “same approved use or indication
17 for which such 7-year period applies to such al-
18 ready approved or licensed drug”; and

19 (B) in paragraph (1), by inserting “, relat-
20 ing to the approved use or indication,” after
21 “the needs”;

22 (3) in subsection (c)(1), by striking “same rare
23 disease or condition as the already approved drug”
24 and inserting “same use or indication for which the

1 already approved or licensed drug was approved or
2 licensed”; and

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

4 “(f) APPROVED USE OR INDICATION DEFINED.—In
5 this section, the term ‘approved use or indication’ means
6 the use or indication approved under section 505 of this
7 Act or licensed under section 351 of the Public Health
8 Service Act for a drug designated under section 526 for
9 a rare disease or condition.”.

10 (b) APPLICATION OF AMENDMENTS.—The amend-
11 ments made by subsection (a) shall apply with respect to
12 any drug designated under section 526 of the Federal
13 Food, Drug, and Cosmetic Act (21 U.S.C. 360bb), regard-
14 less of the date on which the drug was so designated, and
15 regardless of the date on which the drug was approved
16 under section 505 of such Act (21 U.S.C. 355) or licensed
17 under section 351 of the Public Health Service Act (42
18 U.S.C. 262).

19 **Subtitle B—United States-Abraham**
20 **Accords Cooperation and Security**

21 **SEC. 811. ESTABLISHMENT OF ABRAHAM ACCORDS OFFICE**

22 **WITHIN FOOD AND DRUG ADMINISTRATION.**

23 (a) IN GENERAL.—Chapter X of the Federal Food,
24 Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amend-
25 ed by adding at the end the following:

1 **“SEC. 1015. ABRAHAM ACCORDS OFFICE.**

2 “(a) IN GENERAL.—The Secretary, acting through
3 the Commissioner of Food and Drugs, shall establish with-
4 in the Food and Drug Administration an office, to be
5 known as the Abraham Accords Office, to be headed by
6 a director.

7 “(b) OFFICE.—Not later than 2 years after the date
8 of enactment of this section, the Secretary shall—

9 “(1) in consultation with the governments of
10 Abraham Accords countries, as well as appropriate
11 United States Government diplomatic and security
12 personnel—

13 “(A) select the location of the Abraham
14 Accords Office in an Abraham Accords country;
15 and

16 “(B) establish such office; and

17 “(2) assign to such office such personnel of the
18 Food and Drug Administration as the Secretary de-
19 termines necessary to carry out the functions of
20 such office.

21 “(c) DUTIES.—The Secretary, acting through the Di-
22 rector of the Abraham Accords Office, shall—

23 “(1) after the Abraham Accords Office is estab-
24 lished—

25 “(A) as part of the Food and Drug Admin-
26 istration’s work to strengthen the international

1 oversight of regulated commodities, provide
2 technical assistance to regulatory partners in
3 Abraham Accords countries on strengthening
4 regulatory oversight and converging regulatory
5 requirements for the oversight of regulated
6 products, including good manufacturing prac-
7 tices and other issues relevant to manufacturing
8 medical products that are regulated by the
9 Food and Drug Administration; and

10 “(B) facilitate interactions between the
11 Food and Drug Administration and interested
12 parties in Abraham Accords countries, including
13 by sharing relevant information regarding
14 United States regulatory pathways with such
15 parties, and facilitate feedback on the research,
16 development, and manufacturing of products
17 regulated in accordance with this Act; and

18 “(2) carry out other functions and activities as
19 the Secretary determines to be necessary to carry
20 out this section.

21 “(d) ABRAHAM ACCORDS COUNTRY DEFINED.—In
22 this section, the term ‘Abraham Accords country’ means
23 a country identified by the Department of State as having
24 signed the Abraham Accords Declaration.

1 “(e) NATIONAL SECURITY.—Nothing in this section
2 shall be construed to require any action inconsistent with
3 a national security recommendation provided by the Fed-
4 eral Government.”.

5 (b) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 3 years after
7 the date of enactment of this Act, the Secretary of
8 Health and Human Services shall submit to the
9 Congress a report on the Abraham Accords Office,
10 including—

11 (A) an evaluation of how the Office has ad-
12 vanced progress toward conformance with Food
13 and Drug Administration regulatory require-
14 ments by manufacturers in the Abraham Ac-
15 cords countries;

16 (B) a numerical count of parties that the
17 Office has helped facilitate interactions or feed-
18 back pursuant to section 1015(c)(1)(B) of the
19 Federal Food, Drug, and Cosmetic Act (as
20 added by subsection (a));

21 (C) a summary of technical assistance pro-
22 vided to regulatory partners in Abraham Ac-
23 cords countries pursuant to subparagraph (A)
24 of such section 1015(c)(1); and

1 (D) recommendations for increasing and
2 improving coordination between the Food and
3 Drug Administration and entities in Abraham
4 Accords countries.

5 (2) ABRAHAM ACCORDS COUNTRY DEFINED.—
6 In this subsection, the term “Abraham Accords
7 country” has the meaning given such term in section
8 1015(d) of the Federal Food, Drug, and Cosmetic
9 Act (as added by subsection (a)).

10 **TITLE IX—LOWERING**
11 **PRESCRIPTION DRUG COSTS**

12 **SEC. 901. OVERSIGHT OF PHARMACY BENEFIT MANAGE-**
13 **MENT SERVICES.**

14 (a) PUBLIC HEALTH SERVICE ACT.—Title XXVII of
15 the Public Health Service Act (42 U.S.C. 300gg et seq.)
16 is amended—

17 (1) in part D (42 U.S.C. 300gg–111 et seq.),
18 by adding at the end the following new section:

19 **“SEC. 2799A-11. OVERSIGHT OF ENTITIES THAT PROVIDE**
20 **PHARMACY BENEFIT MANAGEMENT SERV-**
21 **ICES.**

22 “(a) IN GENERAL.—For plan years beginning on or
23 after the date that is 30 months after the date of enact-
24 ment of this section (referred to in this subsection and
25 subsection (b) as the ‘effective date’), a group health plan

1 or a health insurance issuer offering group health insur-
2 ance coverage, or an entity providing pharmacy benefit
3 management services on behalf of such a plan or issuer,
4 shall not enter into a contract, including an extension or
5 renewal of a contract, entered into on or after the effective
6 date, with an applicable entity unless such applicable enti-
7 ty agrees to—

8 “(1) not limit or delay the disclosure of infor-
9 mation to the group health plan (including such a
10 plan offered through a health insurance issuer) in
11 such a manner that prevents an entity providing
12 pharmacy benefit management services on behalf of
13 a group health plan or health insurance issuer offer-
14 ing group health insurance coverage from making
15 the reports described in subsection (b); and

16 “(2) provide the entity providing pharmacy ben-
17 efit management services on behalf of a group health
18 plan or health insurance issuer relevant information
19 necessary to make the reports described in sub-
20 section (b).

21 “(b) REPORTS.—

22 “(1) IN GENERAL.—For plan years beginning
23 on or after the effective date, in the case of any con-
24 tract between a group health plan or a health insur-
25 ance issuer offering group health insurance coverage

1 offered in connection with such a plan and an entity
2 providing pharmacy benefit management services on
3 behalf of such plan or issuer, including an extension
4 or renewal of such a contract, entered into on or
5 after the effective date, the entity providing phar-
6 macy benefit management services on behalf of such
7 a group health plan or health insurance issuer, not
8 less frequently than every 6 months (or, at the re-
9 quest of a group health plan, not less frequently
10 than quarterly, and under the same conditions,
11 terms, and cost of the semiannual report under this
12 subsection), shall submit to the group health plan a
13 report in accordance with this section. Each such re-
14 port shall be made available to such group health
15 plan in plain language, in a machine-readable for-
16 mat, and as the Secretary may determine, other for-
17 mats. Each such report shall include the information
18 described in paragraph (2).

19 “(2) INFORMATION DESCRIBED.—For purposes
20 of paragraph (1), the information described in this
21 paragraph is, with respect to drugs covered by a
22 group health plan or group health insurance cov-
23 erage offered by a health insurance issuer in connec-
24 tion with a group health plan during each reporting
25 period—

1 “(A) in the case of a group health plan
2 that is offered by a specified large employer or
3 that is a specified large plan, and is not offered
4 as health insurance coverage, or in the case of
5 health insurance coverage for which the election
6 under paragraph (3) is made for the applicable
7 reporting period—

8 “(i) a list of drugs for which a claim
9 was filed and, with respect to each such
10 drug on such list—

11 “(I) the contracted compensation
12 paid by the group health plan or
13 health insurance issuer for each cov-
14 ered drug (identified by the National
15 Drug Code) to the entity providing
16 pharmacy benefit management serv-
17 ices or other applicable entity on be-
18 half of the group health plan or health
19 insurance issuer;

20 “(II) the contracted compensa-
21 tion paid to the pharmacy, by any en-
22 tity providing pharmacy benefit man-
23 agement services or other applicable
24 entity on behalf of the group health
25 plan or health insurance issuer, for

1 each covered drug (identified by the
2 National Drug Code);

3 “(III) for each such claim, the
4 difference between the amount paid
5 under subclause (I) and the amount
6 paid under subclause (II);

7 “(IV) the proprietary name, es-
8 tablished name or proper name, and
9 National Drug Code;

10 “(V) for each claim for the drug
11 (including original prescriptions and
12 refills) and for each dosage unit of the
13 drug for which a claim was filed, the
14 type of dispensing channel used to
15 furnish the drug, including retail, mail
16 order, or specialty pharmacy;

17 “(VI) with respect to each drug
18 dispensed, for each type of dispensing
19 channel (including retail, mail order,
20 or specialty pharmacy)—

21 “(aa) whether such drug is a
22 brand name drug or a generic
23 drug, and—

24 “(AA) in the case of a
25 brand name drug, the whole-

1 sale acquisition cost, listed
2 as cost per days supply and
3 cost per dosage unit, on the
4 date such drug was dis-
5 pensed; and

6 “(BB) in the case of a
7 generic drug, the average
8 wholesale price, listed as
9 cost per days supply and
10 cost per dosage unit, on the
11 date such drug was dis-
12 pensed; and

13 “(bb) the total number of—

14 “(AA) prescription
15 claims (including original
16 prescriptions and refills);

17 “(BB) participants and
18 beneficiaries for whom a
19 claim for such drug was
20 filed through the applicable
21 dispensing channel;

22 “(CC) dosage units and
23 dosage units per fill of such
24 drug; and

1 “(DD) days supply of
2 such drug per fill;

3 “(VII) the net price per course of
4 treatment or single fill, such as a 30-
5 day supply or 90-day supply to the
6 plan or coverage after rebates, fees,
7 alternative discounts, or other remun-
8 eration received from applicable enti-
9 ties;

10 “(VIII) the total amount of out-
11 of-pocket spending by participants
12 and beneficiaries on such drug, in-
13 cluding spending through copayments,
14 coinsurance, and deductibles, but not
15 including any amounts spent by par-
16 ticipants and beneficiaries on drugs
17 not covered under the plan or cov-
18 erage, or for which no claim is sub-
19 mitted under the plan or coverage;

20 “(IX) the total net spending on
21 the drug;

22 “(X) the total amount received,
23 or expected to be received, by the plan
24 or issuer from any applicable entity in

1 rebates, fees, alternative discounts, or
2 other remuneration;

3 “(XI) the total amount received,
4 or expected to be received, by the enti-
5 ty providing pharmacy benefit man-
6 agement services, from applicable en-
7 tities, in rebates, fees, alternative dis-
8 counts, or other remuneration from
9 such entities—

10 “(aa) for claims incurred
11 during the reporting period; and

12 “(bb) that is related to utili-
13 zation of such drug or spending
14 on such drug; and

15 “(XII) to the extent feasible, in-
16 formation on the total amount of re-
17 munerated for such drug, including
18 copayment assistance dollars paid, co-
19 payment cards applied, or other dis-
20 counts provided by each drug manu-
21 facturer (or entity administering co-
22 payment assistance on behalf of such
23 drug manufacturer), to the partici-
24 pants and beneficiaries enrolled in
25 such plan or coverage;

1 “(ii) a list of each therapeutic class
2 (as defined by the Secretary) for which a
3 claim was filed under the group health
4 plan or health insurance coverage during
5 the reporting period, and, with respect to
6 each such therapeutic class—

7 “(I) the total gross spending on
8 drugs in such class before rebates,
9 price concessions, alternative dis-
10 counts, or other remuneration from
11 applicable entities;

12 “(II) the net spending in such
13 class after such rebates, price conces-
14 sions, alternative discounts, or other
15 remuneration from applicable entities;

16 “(III) the total amount received,
17 or expected to be received, by the enti-
18 ty providing pharmacy benefit man-
19 agement services, from applicable en-
20 tities, in rebates, fees, alternative dis-
21 counts, or other remuneration from
22 such entities—

23 “(aa) for claims incurred
24 during the reporting period; and

1 “(bb) that is related to utili-
2 zation of drugs or drug spending;
3 “(IV) the average net spending
4 per 30-day supply and per 90-day
5 supply by the plan or by the issuer
6 with respect to such coverage and its
7 participants and beneficiaries, among
8 all drugs within the therapeutic class
9 for which a claim was filed during the
10 reporting period;
11 “(V) the number of participants
12 and beneficiaries who filled a prescrip-
13 tion for a drug in such class, includ-
14 ing the National Drug Code for each
15 such drug;
16 “(VI) if applicable, a description
17 of the formulary tiers and utilization
18 mechanisms (such as prior authoriza-
19 tion or step therapy) employed for
20 drugs in that class; and
21 “(VII) the total out-of-pocket
22 spending under the plan or coverage
23 by participants and beneficiaries, in-
24 cluding spending through copayments,
25 coinsurance, and deductibles, but not

1 including any amounts spent by par-
2 ticipants and beneficiaries on drugs
3 not covered under the plan or cov-
4 erage or for which no claim is sub-
5 mitted under the plan or coverage;

6 “(iii) with respect to any drug for
7 which gross spending under the group
8 health plan or health insurance coverage
9 exceeded \$10,000 during the reporting pe-
10 riod or, in the case that gross spending
11 under the group health plan or coverage
12 exceeded \$10,000 during the reporting pe-
13 riod with respect to fewer than 50 drugs,
14 with respect to the 50 prescription drugs
15 with the highest spending during the re-
16 porting period—

17 “(I) a list of all other drugs in
18 the same therapeutic class as such
19 drug;

20 “(II) if applicable, the rationale
21 for the formulary placement of such
22 drug in that therapeutic category or
23 class, selected from a list of standard
24 rationales established by the Sec-

1 retary, in consultation with stake-
2 holders; and

3 “(III) any change in formulary
4 placement compared to the prior plan
5 year; and

6 “(iv) in the case that such plan or
7 issuer (or an entity providing pharmacy
8 benefit management services on behalf of
9 such plan or issuer) has an affiliated phar-
10 macy or pharmacy under common owner-
11 ship, including mandatory mail and spe-
12 cialty home delivery programs, retail and
13 mail auto-refill programs, and cost sharing
14 assistance incentives funded by an entity
15 providing pharmacy benefit services—

16 “(I) an explanation of any ben-
17 efit design parameters that encourage
18 or require participants and bene-
19 ficiaries in the plan or coverage to fill
20 prescriptions at mail order, specialty,
21 or retail pharmacies;

22 “(II) the percentage of total pre-
23 scriptions dispensed by such phar-
24 macies to participants or beneficiaries
25 in such plan or coverage; and

1 “(III) a list of all drugs dis-
2 pensed by such pharmacies to partici-
3 pants or beneficiaries enrolled in such
4 plan or coverage, and, with respect to
5 each drug dispensed—

6 “(aa) the amount charged,
7 per dosage unit, per 30-day sup-
8 ply, or per 90-day supply (as ap-
9 plicable) to the plan or issuer,
10 and to participants and bene-
11 ficiaries;

12 “(bb) the median amount
13 charged to such plan or issuer,
14 and the interquartile range of the
15 costs, per dosage unit, per 30-
16 day supply, and per 90-day sup-
17 ply, including amounts paid by
18 the participants and bene-
19 ficiaries, when the same drug is
20 dispensed by other pharmacies
21 that are not affiliated with or
22 under common ownership with
23 the entity and that are included
24 in the pharmacy network of such
25 plan or coverage;

1 “(cc) the lowest cost per
2 dosage unit, per 30-day supply
3 and per 90-day supply, for each
4 such drug, including amounts
5 charged to the plan or coverage
6 and to participants and bene-
7 ficiaries, that is available from
8 any pharmacy included in the
9 network of such plan or coverage;
10 and

11 “(dd) the net acquisition
12 cost per dosage unit, per 30-day
13 supply, and per 90-day supply, if
14 such drug is subject to a max-
15 imum price discount; and

16 “(B) with respect to any group health
17 plan, including group health insurance coverage
18 offered in connection with such a plan, regard-
19 less of whether the plan or coverage is offered
20 by a specified large employer or whether it is a
21 specified large plan—

22 “(i) a summary document for the
23 group health plan that includes such infor-
24 mation described in clauses (i) through (iv)
25 of subparagraph (A), as specified by the

1 Secretary through guidance, program in-
2 struction, or otherwise (with no require-
3 ment of notice and comment rulemaking),
4 that the Secretary determines useful to
5 group health plans for purposes of select-
6 ing pharmacy benefit management serv-
7 ices, such as an estimated net price to
8 group health plan and participant or bene-
9 ficiary, a cost per claim, the fee structure
10 or reimbursement model, and estimated
11 cost per participant or beneficiary;

12 “(ii) a summary document for plans
13 and issuers to provide to participants and
14 beneficiaries, which shall be made available
15 to participants or beneficiaries upon re-
16 quest to their group health plan (including
17 in the case of group health insurance cov-
18 erage offered in connection with such a
19 plan), that—

20 “(I) contains such information
21 described in clauses (iii), (iv), (v), and
22 (vi), as applicable, as specified by the
23 Secretary through guidance, program
24 instruction, or otherwise (with no re-
25 quirement of notice and comment

1 rulemaking) that the Secretary deter-
2 mines useful to participants or bene-
3 ficiaries in better understanding the
4 plan or coverage or benefits under
5 such plan or coverage;

6 “(II) contains only aggregate in-
7 formation; and

8 “(III) states that participants
9 and beneficiaries may request specific,
10 claims-level information required to be
11 furnished under subsection (c) from
12 the group health plan or health insur-
13 ance issuer; and

14 “(iii) with respect to drugs covered by
15 such plan or coverage during such report-
16 ing period—

17 “(I) the total net spending by the
18 plan or coverage for all such drugs;

19 “(II) the total amount received,
20 or expected to be received, by the plan
21 or issuer from any applicable entity in
22 rebates, fees, alternative discounts, or
23 other remuneration; and

24 “(III) to the extent feasible, in-
25 formation on the total amount of re-

1 muneration for such drugs, including
2 copayment assistance dollars paid, co-
3 payment cards applied, or other dis-
4 counts provided by each drug manu-
5 facturer (or entity administering co-
6 payment assistance on behalf of such
7 drug manufacturer) to participants
8 and beneficiaries;

9 “(iv) amounts paid directly or indi-
10 rectly in rebates, fees, or any other type of
11 compensation (as defined in section
12 408(b)(2)(B)(ii)(dd)(AA) of the Employee
13 Retirement Income Security Act) to bro-
14 kerage firms, brokers, consultants, advi-
15 sors, or any other individual or firm, for—

16 “(I) the referral of the group
17 health plan’s or health insurance
18 issuer’s business to an entity pro-
19 viding pharmacy benefit management
20 services, including the identity of the
21 recipient of such amounts;

22 “(II) consideration of the entity
23 providing pharmacy benefit manage-
24 ment services by the group health
25 plan or health insurance issuer; or

1 “(III) the retention of the entity
2 by the group health plan or health in-
3 surance issuer;

4 “(v) an explanation of any benefit de-
5 sign parameters that encourage or require
6 participants and beneficiaries in such plan
7 or coverage to fill prescriptions at mail
8 order, specialty, or retail pharmacies that
9 are affiliated with or under common own-
10 ership with the entity providing pharmacy
11 benefit management services under such
12 plan or coverage, including mandatory mail
13 and specialty home delivery programs, re-
14 tail and mail auto-refill programs, and
15 cost-sharing assistance incentives directly
16 or indirectly funded by such entity; and

17 “(vi) total gross spending on all drugs
18 under the plan or coverage during the re-
19 porting period.

20 “(3) OPT-IN FOR GROUP HEALTH INSURANCE
21 COVERAGE OFFERED BY A SPECIFIED LARGE EM-
22 PLOYER OR THAT IS A SPECIFIED LARGE PLAN.—In
23 the case of group health insurance coverage offered
24 in connection with a group health plan that is of-
25 fered by a specified large employer or is a specified

1 large plan, such group health plan may, on an an-
2 nual basis, for plan years beginning on or after the
3 date that is 30 months after the date of enactment
4 of this section, elect to require an entity providing
5 pharmacy benefit management services on behalf of
6 the health insurance issuer to submit to such group
7 health plan a report that includes all of the informa-
8 tion described in paragraph (2)(A), in addition to
9 the information described in paragraph (2)(B).

10 “(4) PRIVACY REQUIREMENTS.—

11 “(A) IN GENERAL.—An entity providing
12 pharmacy benefit management services on be-
13 half of a group health plan or a health insur-
14 ance issuer offering group health insurance cov-
15 erage shall report information under paragraph
16 (1) in a manner consistent with the privacy reg-
17 ulations promulgated under section 13402(a) of
18 the Health Information Technology for Eco-
19 nomic and Clinical Health Act and consistent
20 with the privacy regulations promulgated under
21 the Health Insurance Portability and Account-
22 ability Act of 1996 in part 160 and subparts A
23 and E of part 164 of title 45, Code of Federal
24 Regulations (or successor regulations) (referred
25 to in this paragraph as the ‘HIPAA privacy

1 regulations’) and shall restrict the use and dis-
2 closure of such information according to such
3 privacy regulations and such HIPAA privacy
4 regulations.

5 “(B) ADDITIONAL REQUIREMENTS.—

6 “(i) IN GENERAL.—An entity pro-
7 viding pharmacy benefit management serv-
8 ices on behalf of a group health plan or
9 health insurance issuer offering group
10 health insurance coverage that submits a
11 report under paragraph (1) shall ensure
12 that such report contains only summary
13 health information, as defined in section
14 164.504(a) of title 45, Code of Federal
15 Regulations (or successor regulations).

16 “(ii) RESTRICTIONS.—In carrying out
17 this subsection, a group health plan shall
18 comply with section 164.504(f) of title 45,
19 Code of Federal Regulations (or a suc-
20 cessor regulation), and a plan sponsor shall
21 act in accordance with the terms of the
22 agreement described in such section.

23 “(C) RULE OF CONSTRUCTION.—

24 “(i) Nothing in this section shall be
25 construed to modify the requirements for

1 the creation, receipt, maintenance, or
2 transmission of protected health informa-
3 tion under the HIPAA privacy regulations.

4 “(ii) Nothing in this section shall be
5 construed to affect the application of any
6 Federal or State privacy or civil rights law,
7 including the HIPAA privacy regulations,
8 the Genetic Information Nondiscrimination
9 Act of 2008 (Public Law 110–233) (in-
10 cluding the amendments made by such
11 Act), the Americans with Disabilities Act
12 of 1990 (42 U.S.C. 12101 et sec), section
13 504 of the Rehabilitation Act of 1973 (29
14 U.S.C. 794), section 1557 of the Patient
15 Protection and Affordable Care Act (42
16 U.S.C. 18116), title VI of the Civil Rights
17 Act of 1964 (42 U.S.C. 2000d), and title
18 VII of the Civil Rights Act of 1964 (42
19 U.S.C. 2000e).

20 “(D) WRITTEN NOTICE.—Each plan year,
21 group health plans, including with respect to
22 group health insurance coverage offered in con-
23 nection with a group health plan, shall provide
24 to each participant or beneficiary written notice
25 informing the participant or beneficiary of the

1 requirement for entities providing pharmacy
2 benefit management services on behalf of the
3 group health plan or health insurance issuer of-
4 fering group health insurance coverage to sub-
5 mit reports to group health plans under para-
6 graph (1), as applicable, which may include in-
7 corporating such notification in plan documents
8 provided to the participant or beneficiary, or
9 providing individual notification.

10 “(E) LIMITATION TO BUSINESS ASSOCI-
11 ATES.—A group health plan receiving a report
12 under paragraph (1) may disclose such informa-
13 tion only to the entity from which the report
14 was received or to that entity’s business associ-
15 ates as defined in section 160.103 of title 45,
16 Code of Federal Regulations (or successor regu-
17 lations) or as permitted by the HIPAA privacy
18 regulations.

19 “(F) CLARIFICATION REGARDING PUBLIC
20 DISCLOSURE OF INFORMATION.—Nothing in
21 this section shall prevent an entity providing
22 pharmacy benefit management services on be-
23 half of a group health plan or health insurance
24 issuer offering group health insurance coverage,
25 from placing reasonable restrictions on the pub-

1 lic disclosure of the information contained in a
2 report described in paragraph (1), except that
3 such plan, issuer, or entity may not—

4 “(i) restrict disclosure of such report
5 to the Department of Health and Human
6 Services, the Department of Labor, or the
7 Department of the Treasury; or

8 “(ii) prevent disclosure for the pur-
9 poses of subsection (c), or any other public
10 disclosure requirement under this section.

11 “(G) LIMITED FORM OF REPORT.—The
12 Secretary shall define through rulemaking a
13 limited form of the report under paragraph (1)
14 required with respect to any group health plan
15 established by a plan sponsor that is, or is af-
16 filiated with, a drug manufacturer, drug whole-
17 saler, or other direct participant in the drug
18 supply chain, in order to prevent anti-competi-
19 tive behavior.

20 “(5) STANDARD FORMAT AND REGULATIONS.—

21 “(A) IN GENERAL.—Not later than 18
22 months after the date of enactment of this sec-
23 tion, the Secretary shall specify through rule-
24 making a standard format for entities providing
25 pharmacy benefit management services on be-

1 half of group health plans and health insurance
2 issuers offering group health insurance cov-
3 erage, to submit reports required under para-
4 graph (1).

5 “(B) ADDITIONAL REGULATIONS.—Not
6 later than 18 months after the date of enact-
7 ment of this section, the Secretary shall,
8 through rulemaking, promulgate any other final
9 regulations necessary to implement the require-
10 ments of this section. In promulgating such
11 regulations, the Secretary shall, to the extent
12 practicable, align the reporting requirements
13 under this section with the reporting require-
14 ments under section 2799A–10.

15 “(c) REQUIREMENT TO PROVIDE INFORMATION TO
16 PARTICIPANTS OR BENEFICIARIES.—A group health plan,
17 including with respect to group health insurance coverage
18 offered in connection with a group health plan, upon re-
19 quest of a participant or beneficiary, shall provide to such
20 participant or beneficiary—

21 “(1) the summary document described in sub-
22 section (b)(2)(B)(ii); and

23 “(2) the information described in subsection
24 (b)(2)(A)(i)(III) with respect to a claim made by or
25 on behalf of such participant or beneficiary.

1 “(d) ENFORCEMENT.—

2 “(1) IN GENERAL.—The Secretary shall enforce
3 this section. The enforcement authority under this
4 subsection shall apply only with respect to group
5 health plans (including group health insurance cov-
6 erage offered in connection with such a plan) to
7 which the requirements of subparts I and II of part
8 A and part D apply in accordance with section 2722,
9 and with respect to entities providing pharmacy ben-
10 efit management services on behalf of such plans
11 and applicable entities providing services on behalf
12 of such plans.

13 “(2) FAILURE TO PROVIDE INFORMATION.—A
14 group health plan, a health insurance issuer offering
15 group health insurance coverage, an entity providing
16 pharmacy benefit management services on behalf of
17 such a plan or issuer, or an applicable entity pro-
18 viding services on behalf of such a plan or issuer
19 that violates subsection (a); an entity providing
20 pharmacy benefit management services on behalf of
21 such a plan or issuer that fails to provide the infor-
22 mation required under subsection (b); or a group
23 health plan that fails to provide the information re-
24 quired under subsection (c), shall be subject to a
25 civil monetary penalty in the amount of \$10,000 for

1 each day during which such violation continues or
2 such information is not disclosed or reported.

3 “(3) FALSE INFORMATION.—A health insurance
4 issuer, an entity providing pharmacy benefit man-
5 agement services, or a third party administrator pro-
6 viding services on behalf of such issuer offered by a
7 health insurance issuer that knowingly provides false
8 information under this section shall be subject to a
9 civil monetary penalty in an amount not to exceed
10 \$100,000 for each item of false information. Such
11 civil monetary penalty shall be in addition to other
12 penalties as may be prescribed by law.

13 “(4) PROCEDURE.—The provisions of section
14 1128A of the Social Security Act, other than sub-
15 sections (a) and (b) and the first sentence of sub-
16 section (c)(1) of such section shall apply to civil
17 monetary penalties under this subsection in the
18 same manner as such provisions apply to a penalty
19 or proceeding under such section.

20 “(5) WAIVERS.—The Secretary may waive pen-
21 alties under paragraph (2), or extend the period of
22 time for compliance with a requirement of this sec-
23 tion, for an entity in violation of this section that
24 has made a good-faith effort to comply with the re-
25 quirements in this section.

1 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to permit a health insurance issuer,
3 group health plan, entity providing pharmacy benefit man-
4 agement services on behalf of a group health plan or
5 health insurance issuer, or other entity to restrict disclo-
6 sure to, or otherwise limit the access of, the Secretary to
7 a report described in subsection (b)(1) or information re-
8 lated to compliance with subsections (a), (b), (c), or (d)
9 by such issuer, plan, or entity.

10 “(f) DEFINITIONS.—In this section:

11 “(1) APPLICABLE ENTITY.—The term ‘applica-
12 ble entity’ means—

13 “(A) an applicable group purchasing orga-
14 nization, drug manufacturer, distributor, whole-
15 saler, rebate aggregator (or other purchasing
16 entity designed to aggregate rebates), or associ-
17 ated third party;

18 “(B) any subsidiary, parent, affiliate, or
19 subcontractor of a group health plan, health in-
20 surance issuer, entity that provides pharmacy
21 benefit management services on behalf of such
22 a plan or issuer, or any entity described in sub-
23 paragraph (A); or

24 “(C) such other entity as the Secretary
25 may specify through rulemaking.

1 “(2) APPLICABLE GROUP PURCHASING ORGANI-
2 ZATION.—The term ‘applicable group purchasing or-
3 ganization’ means a group purchasing organization
4 that is affiliated with or under common ownership
5 with an entity providing pharmacy benefit manage-
6 ment services.

7 “(3) CONTRACTED COMPENSATION.—The term
8 ‘contracted compensation’ means the sum of any in-
9 gredient cost and dispensing fee for a drug (inclusive
10 of the out-of-pocket costs to the participant or bene-
11 ficiary), or another analogous compensation struc-
12 ture that the Secretary may specify through regula-
13 tions.

14 “(4) GROSS SPENDING.—The term ‘gross
15 spending’, with respect to prescription drug benefits
16 under a group health plan or health insurance cov-
17 erage, means the amount spent by a group health
18 plan or health insurance issuer on prescription drug
19 benefits, calculated before the application of rebates,
20 fees, alternative discounts, or other remuneration.

21 “(5) NET SPENDING.—The term ‘net spending’,
22 with respect to prescription drug benefits under a
23 group health plan or health insurance coverage,
24 means the amount spent by a group health plan or
25 health insurance issuer on prescription drug bene-

1 fits, calculated after the application of rebates, fees,
2 alternative discounts, or other remuneration.

3 “(6) PLAN SPONSOR.—The term ‘plan sponsor’
4 has the meaning given such term in section 3(16)(B)
5 of the Employee Retirement Income Security Act of
6 1974.

7 “(7) REMUNERATION.—The term ‘remunera-
8 tion’ has the meaning given such term by the Sec-
9 retary through rulemaking, which shall be reevaluated
10 by the Secretary every 5 years.

11 “(8) SPECIFIED LARGE EMPLOYER.—The term
12 ‘specified large employer’ means, in connection with
13 a group health plan (including group health insur-
14 ance coverage offered in connection with such a
15 plan) established or maintained by a single em-
16 ployer, with respect to a calendar year or a plan
17 year, as applicable, an employer who employed an
18 average of at least 100 employees on business days
19 during the preceding calendar year or plan year and
20 who employs at least 1 employee on the first day of
21 the calendar year or plan year.

22 “(9) SPECIFIED LARGE PLAN.—The term ‘spec-
23 ified large plan’ means a group health plan (includ-
24 ing group health insurance coverage offered in con-
25 nection with such a plan) established or maintained

1 by a plan sponsor described in clause (ii) or (iii) of
2 section 3(16)(B) of the Employee Retirement In-
3 come Security Act of 1974 that had an average of
4 at least 100 participants on business days during
5 the preceding calendar year or plan year, as applica-
6 ble.

7 “(10) WHOLESALE ACQUISITION COST.—The
8 term ‘wholesale acquisition cost’ has the meaning
9 given such term in section 1847A(c)(6)(B) of the
10 Social Security Act.”; and

11 (2) in section 2723 (42 U.S.C. 300gg–22)—

12 (A) in subsection (a)—

13 (i) in paragraph (1), by inserting
14 “(other than section 2799A–11)” after
15 “part D”; and

16 (ii) in paragraph (2), by inserting
17 “(other than section 2799A–11)” after
18 “part D”; and

19 (B) in subsection (b)—

20 (i) in paragraph (1), by inserting
21 “(other than section 2799A–11)” after
22 “part D”;

23 (ii) in paragraph (2)(A), by inserting
24 “(other than section 2799A–11)” after
25 “part D”; and

1 (iii) in paragraph (2)(C)(ii), by insert-
2 ing “(other than section 2799A–11)” after
3 “part D”.

4 (b) EMPLOYEE RETIREMENT INCOME SECURITY ACT
5 OF 1974.—

6 (1) IN GENERAL.—Subtitle B of title I of the
7 Employee Retirement Income Security Act of 1974
8 (29 U.S.C. 1021 et seq.) is amended—

9 (A) in subpart B of part 7 (29 U.S.C.
10 1185 et seq.), by adding at the end the fol-
11 lowing:

12 **“SEC. 726. OVERSIGHT OF ENTITIES THAT PROVIDE PHAR-**
13 **MACY BENEFIT MANAGEMENT SERVICES.**

14 “(a) IN GENERAL.—For plan years beginning on or
15 after the date that is 30 months after the date of enact-
16 ment of this section (referred to in this subsection and
17 subsection (b) as the ‘effective date’), a group health plan
18 or a health insurance issuer offering group health insur-
19 ance coverage, or an entity providing pharmacy benefit
20 management services on behalf of such a plan or issuer,
21 shall not enter into a contract, including an extension or
22 renewal of a contract, entered into on or after the effective
23 date, with an applicable entity unless such applicable enti-
24 ty agrees to—

1 “(1) not limit or delay the disclosure of infor-
2 mation to the group health plan (including such a
3 plan offered through a health insurance issuer) in
4 such a manner that prevents an entity providing
5 pharmacy benefit management services on behalf of
6 a group health plan or health insurance issuer offer-
7 ing group health insurance coverage from making
8 the reports described in subsection (b); and

9 “(2) provide the entity providing pharmacy ben-
10 efit management services on behalf of a group health
11 plan or health insurance issuer relevant information
12 necessary to make the reports described in sub-
13 section (b).

14 “(b) REPORTS.—

15 “(1) IN GENERAL.—For plan years beginning
16 on or after the effective date, in the case of any con-
17 tract between a group health plan or a health insur-
18 ance issuer offering group health insurance coverage
19 offered in connection with such a plan and an entity
20 providing pharmacy benefit management services on
21 behalf of such plan or issuer, including an extension
22 or renewal of such a contract, entered into on or
23 after the effective date, the entity providing phar-
24 macy benefit management services on behalf of such
25 a group health plan or health insurance issuer, not

1 less frequently than every 6 months (or, at the re-
2 quest of a group health plan, not less frequently
3 than quarterly, and under the same conditions,
4 terms, and cost of the semiannual report under this
5 subsection), shall submit to the group health plan a
6 report in accordance with this section. Each such re-
7 port shall be made available to such group health
8 plan in plain language, in a machine-readable for-
9 mat, and as the Secretary may determine, other for-
10 mats. Each such report shall include the information
11 described in paragraph (2).

12 “(2) INFORMATION DESCRIBED.—For purposes
13 of paragraph (1), the information described in this
14 paragraph is, with respect to drugs covered by a
15 group health plan or group health insurance cov-
16 erage offered by a health insurance issuer in connec-
17 tion with a group health plan during each reporting
18 period—

19 “(A) in the case of a group health plan
20 that is offered by a specified large employer or
21 that is a specified large plan, and is not offered
22 as health insurance coverage, or in the case of
23 health insurance coverage for which the election
24 under paragraph (3) is made for the applicable
25 reporting period—

1 “(i) a list of drugs for which a claim
2 was filed and, with respect to each such
3 drug on such list—

4 “(I) the contracted compensation
5 paid by the group health plan or
6 health insurance issuer for each cov-
7 ered drug (identified by the National
8 Drug Code) to the entity providing
9 pharmacy benefit management serv-
10 ices or other applicable entity on be-
11 half of the group health plan or health
12 insurance issuer;

13 “(II) the contracted compensa-
14 tion paid to the pharmacy, by any en-
15 tity providing pharmacy benefit man-
16 agement services or other applicable
17 entity on behalf of the group health
18 plan or health insurance issuer, for
19 each covered drug (identified by the
20 National Drug Code);

21 “(III) for each such claim, the
22 difference between the amount paid
23 under subclause (I) and the amount
24 paid under subclause (II);

1 “(IV) the proprietary name, es-
2 tablished name or proper name, and
3 National Drug Code;

4 “(V) for each claim for the drug
5 (including original prescriptions and
6 refills) and for each dosage unit of the
7 drug for which a claim was filed, the
8 type of dispensing channel used to
9 furnish the drug, including retail, mail
10 order, or specialty pharmacy;

11 “(VI) with respect to each drug
12 dispensed, for each type of dispensing
13 channel (including retail, mail order,
14 or specialty pharmacy)—

15 “(aa) whether such drug is a
16 brand name drug or a generic
17 drug, and—

18 “(AA) in the case of a
19 brand name drug, the whole-
20 sale acquisition cost, listed
21 as cost per days supply and
22 cost per dosage unit, on the
23 date such drug was dis-
24 pensed; and

1 “(BB) in the case of a
2 generic drug, the average
3 wholesale price, listed as
4 cost per days supply and
5 cost per dosage unit, on the
6 date such drug was dis-
7 pensed; and
8 “(bb) the total number of—
9 “(AA) prescription
10 claims (including original
11 prescriptions and refills);
12 “(BB) participants and
13 beneficiaries for whom a
14 claim for such drug was
15 filed through the applicable
16 dispensing channel;
17 “(CC) dosage units and
18 dosage units per fill of such
19 drug; and
20 “(DD) days supply of
21 such drug per fill;
22 “(VII) the net price per course of
23 treatment or single fill, such as a 30-
24 day supply or 90-day supply to the
25 plan or coverage after rebates, fees,

1 alternative discounts, or other remuneration received from applicable entities;
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4 “(VIII) the total amount of out-of-pocket spending by participants and beneficiaries on such drug, including spending through copayments, coinsurance, and deductibles, but not including any amounts spent by participants and beneficiaries on drugs not covered under the plan or coverage, or for which no claim is submitted under the plan or coverage;
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14 “(IX) the total net spending on the drug;
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16 “(X) the total amount received, or expected to be received, by the plan or issuer from any applicable entity in rebates, fees, alternative discounts, or other remuneration;
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21 “(XI) the total amount received, or expected to be received, by the entity providing pharmacy benefit management services, from applicable entities, in rebates, fees, alternative dis-
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1 counts, or other remuneration from
2 such entities—

3 “(aa) for claims incurred
4 during the reporting period; and

5 “(bb) that is related to utili-
6 zation of such drug or spending
7 on such drug; and

8 “(XII) to the extent feasible, in-
9 formation on the total amount of re-
10 munerated for such drug, including
11 copayment assistance dollars paid, co-
12 payment cards applied, or other dis-
13 counts provided by each drug manu-
14 facturer (or entity administering co-
15 payment assistance on behalf of such
16 drug manufacturer), to the partici-
17 pants and beneficiaries enrolled in
18 such plan or coverage;

19 “(ii) a list of each therapeutic class
20 (as defined by the Secretary) for which a
21 claim was filed under the group health
22 plan or health insurance coverage during
23 the reporting period, and, with respect to
24 each such therapeutic class—

1 “(I) the total gross spending on
2 drugs in such class before rebates,
3 price concessions, alternative dis-
4 counts, or other remuneration from
5 applicable entities;

6 “(II) the net spending in such
7 class after such rebates, price conces-
8 sions, alternative discounts, or other
9 remuneration from applicable entities;

10 “(III) the total amount received,
11 or expected to be received, by the enti-
12 ty providing pharmacy benefit man-
13 agement services, from applicable en-
14 tities, in rebates, fees, alternative dis-
15 counts, or other remuneration from
16 such entities—

17 “(aa) for claims incurred
18 during the reporting period; and

19 “(bb) that is related to utili-
20 zation of drugs or drug spending;

21 “(IV) the average net spending
22 per 30-day supply and per 90-day
23 supply by the plan or by the issuer
24 with respect to such coverage and its
25 participants and beneficiaries, among

1 all drugs within the therapeutic class
2 for which a claim was filed during the
3 reporting period;

4 “(V) the number of participants
5 and beneficiaries who filled a prescrip-
6 tion for a drug in such class, includ-
7 ing the National Drug Code for each
8 such drug;

9 “(VI) if applicable, a description
10 of the formulary tiers and utilization
11 mechanisms (such as prior authoriza-
12 tion or step therapy) employed for
13 drugs in that class; and

14 “(VII) the total out-of-pocket
15 spending under the plan or coverage
16 by participants and beneficiaries, in-
17 cluding spending through copayments,
18 coinsurance, and deductibles, but not
19 including any amounts spent by par-
20 ticipants and beneficiaries on drugs
21 not covered under the plan or cov-
22 erage or for which no claim is sub-
23 mitted under the plan or coverage;

24 “(iii) with respect to any drug for
25 which gross spending under the group

1 health plan or health insurance coverage
2 exceeded \$10,000 during the reporting pe-
3 riod or, in the case that gross spending
4 under the group health plan or coverage
5 exceeded \$10,000 during the reporting pe-
6 riod with respect to fewer than 50 drugs,
7 with respect to the 50 prescription drugs
8 with the highest spending during the re-
9 porting period—

10 “(I) a list of all other drugs in
11 the same therapeutic class as such
12 drug;

13 “(II) if applicable, the rationale
14 for the formulary placement of such
15 drug in that therapeutic category or
16 class, selected from a list of standard
17 rationales established by the Sec-
18 retary, in consultation with stake-
19 holders; and

20 “(III) any change in formulary
21 placement compared to the prior plan
22 year; and

23 “(iv) in the case that such plan or
24 issuer (or an entity providing pharmacy
25 benefit management services on behalf of

1 such plan or issuer) has an affiliated phar-
2 macy or pharmacy under common owner-
3 ship, including mandatory mail and spe-
4 cialty home delivery programs, retail and
5 mail auto-refill programs, and cost sharing
6 assistance incentives funded by an entity
7 providing pharmacy benefit services—

8 “(I) an explanation of any ben-
9 efit design parameters that encourage
10 or require participants and bene-
11 ficiaries in the plan or coverage to fill
12 prescriptions at mail order, specialty,
13 or retail pharmacies;

14 “(II) the percentage of total pre-
15 scriptions dispensed by such phar-
16 macies to participants or beneficiaries
17 in such plan or coverage; and

18 “(III) a list of all drugs dis-
19 pensed by such pharmacies to partici-
20 pants or beneficiaries enrolled in such
21 plan or coverage, and, with respect to
22 each drug dispensed—

23 “(aa) the amount charged,
24 per dosage unit, per 30-day sup-
25 ply, or per 90-day supply (as ap-

1 plicable) to the plan or issuer,
2 and to participants and bene-
3 ficiaries;

4 “(bb) the median amount
5 charged to such plan or issuer,
6 and the interquartile range of the
7 costs, per dosage unit, per 30-
8 day supply, and per 90-day sup-
9 ply, including amounts paid by
10 the participants and bene-
11 ficiaries, when the same drug is
12 dispensed by other pharmacies
13 that are not affiliated with or
14 under common ownership with
15 the entity and that are included
16 in the pharmacy network of such
17 plan or coverage;

18 “(cc) the lowest cost per
19 dosage unit, per 30-day supply
20 and per 90-day supply, for each
21 such drug, including amounts
22 charged to the plan or coverage
23 and to participants and bene-
24 ficiaries, that is available from
25 any pharmacy included in the

1 network of such plan or coverage;
2 and

3 “(dd) the net acquisition
4 cost per dosage unit, per 30-day
5 supply, and per 90-day supply, if
6 such drug is subject to a max-
7 imum price discount; and

8 “(B) with respect to any group health
9 plan, including group health insurance coverage
10 offered in connection with such a plan, regard-
11 less of whether the plan or coverage is offered
12 by a specified large employer or whether it is a
13 specified large plan—

14 “(i) a summary document for the
15 group health plan that includes such infor-
16 mation described in clauses (i) through (iv)
17 of subparagraph (A), as specified by the
18 Secretary through guidance, program in-
19 struction, or otherwise (with no require-
20 ment of notice and comment rulemaking),
21 that the Secretary determines useful to
22 group health plans for purposes of select-
23 ing pharmacy benefit management serv-
24 ices, such as an estimated net price to
25 group health plan and participant or bene-

1 beneficiary, a cost per claim, the fee structure
2 or reimbursement model, and estimated
3 cost per participant or beneficiary;

4 “(ii) a summary document for plans
5 and issuers to provide to participants and
6 beneficiaries, which shall be made available
7 to participants or beneficiaries upon re-
8 quest to their group health plan (including
9 in the case of group health insurance cov-
10 erage offered in connection with such a
11 plan), that—

12 “(I) contains such information
13 described in clauses (iii), (iv), (v), and
14 (vi), as applicable, as specified by the
15 Secretary through guidance, program
16 instruction, or otherwise (with no re-
17 quirement of notice and comment
18 rulemaking) that the Secretary deter-
19 mines useful to participants or bene-
20 ficiaries in better understanding the
21 plan or coverage or benefits under
22 such plan or coverage;

23 “(II) contains only aggregate in-
24 formation; and

1 “(III) states that participants
2 and beneficiaries may request specific,
3 claims-level information required to be
4 furnished under subsection (c) from
5 the group health plan or health insur-
6 ance issuer; and

7 “(iii) with respect to drugs covered by
8 such plan or coverage during such report-
9 ing period—

10 “(I) the total net spending by the
11 plan or coverage for all such drugs;

12 “(II) the total amount received,
13 or expected to be received, by the plan
14 or issuer from any applicable entity in
15 rebates, fees, alternative discounts, or
16 other remuneration; and

17 “(III) to the extent feasible, in-
18 formation on the total amount of re-
19 muneration for such drugs, including
20 copayment assistance dollars paid, co-
21 payment cards applied, or other dis-
22 counts provided by each drug manu-
23 facturer (or entity administering co-
24 payment assistance on behalf of such

1 drug manufacturer) to participants
2 and beneficiaries;

3 “(iv) amounts paid directly or indi-
4 rectly in rebates, fees, or any other type of
5 compensation (as defined in section
6 408(b)(2)(B)(ii)(dd)(AA)) to brokerage
7 firms, brokers, consultants, advisors, or
8 any other individual or firm, for—

9 “(I) the referral of the group
10 health plan’s or health insurance
11 issuer’s business to an entity pro-
12 viding pharmacy benefit management
13 services, including the identity of the
14 recipient of such amounts;

15 “(II) consideration of the entity
16 providing pharmacy benefit manage-
17 ment services by the group health
18 plan or health insurance issuer; or

19 “(III) the retention of the entity
20 by the group health plan or health in-
21 surance issuer;

22 “(v) an explanation of any benefit de-
23 sign parameters that encourage or require
24 participants and beneficiaries in such plan
25 or coverage to fill prescriptions at mail

1 order, specialty, or retail pharmacies that
2 are affiliated with or under common own-
3 ership with the entity providing pharmacy
4 benefit management services under such
5 plan or coverage, including mandatory mail
6 and specialty home delivery programs, re-
7 tail and mail auto-refill programs, and
8 cost-sharing assistance incentives directly
9 or indirectly funded by such entity; and

10 “(vi) total gross spending on all drugs
11 under the plan or coverage during the re-
12 porting period.

13 “(3) OPT-IN FOR GROUP HEALTH INSURANCE
14 COVERAGE OFFERED BY A SPECIFIED LARGE EM-
15 PLOYER OR THAT IS A SPECIFIED LARGE PLAN.—In
16 the case of group health insurance coverage offered
17 in connection with a group health plan that is of-
18 fered by a specified large employer or is a specified
19 large plan, such group health plan may, on an an-
20 nual basis, for plan years beginning on or after the
21 date that is 30 months after the date of enactment
22 of this section, elect to require an entity providing
23 pharmacy benefit management services on behalf of
24 the health insurance issuer to submit to such group
25 health plan a report that includes all of the informa-

1 tion described in paragraph (2)(A), in addition to
2 the information described in paragraph (2)(B).

3 “(4) PRIVACY REQUIREMENTS.—

4 “(A) IN GENERAL.—An entity providing
5 pharmacy benefit management services on be-
6 half of a group health plan or a health insur-
7 ance issuer offering group health insurance cov-
8 erage shall report information under paragraph
9 (1) in a manner consistent with the privacy reg-
10 ulations promulgated under section 13402(a) of
11 the Health Information Technology for Eco-
12 nomic and Clinical Health Act (42 U.S.C.
13 17932(a)) and consistent with the privacy regu-
14 lations promulgated under the Health Insur-
15 ance Portability and Accountability Act of 1996
16 in part 160 and subparts A and E of part 164
17 of title 45, Code of Federal Regulations (or suc-
18 cessor regulations) (referred to in this para-
19 graph as the ‘HIPAA privacy regulations’) and
20 shall restrict the use and disclosure of such in-
21 formation according to such privacy regulations
22 and such HIPAA privacy regulations.

23 “(B) ADDITIONAL REQUIREMENTS.—

24 “(i) IN GENERAL.—An entity pro-
25 viding pharmacy benefit management serv-

1 ices on behalf of a group health plan or
2 health insurance issuer offering group
3 health insurance coverage that submits a
4 report under paragraph (1) shall ensure
5 that such report contains only summary
6 health information, as defined in section
7 164.504(a) of title 45, Code of Federal
8 Regulations (or successor regulations).

9 “(ii) RESTRICTIONS.—In carrying out
10 this subsection, a group health plan shall
11 comply with section 164.504(f) of title 45,
12 Code of Federal Regulations (or a suc-
13 cessor regulation), and a plan sponsor shall
14 act in accordance with the terms of the
15 agreement described in such section.

16 “(C) RULE OF CONSTRUCTION.—

17 “(i) Nothing in this section shall be
18 construed to modify the requirements for
19 the creation, receipt, maintenance, or
20 transmission of protected health informa-
21 tion under the HIPAA privacy regulations.

22 “(ii) Nothing in this section shall be
23 construed to affect the application of any
24 Federal or State privacy or civil rights law,
25 including the HIPAA privacy regulations,

1 the Genetic Information Nondiscrimination
2 Act of 2008 (Public Law 110–233) (in-
3 cluding the amendments made by such
4 Act), the Americans with Disabilities Act
5 of 1990 (42 U.S.C. 12101 et seq), section
6 504 of the Rehabilitation Act of 1973 (29
7 U.S.C. 794), section 1557 of the Patient
8 Protection and Affordable Care Act (42
9 U.S.C. 18116), title VI of the Civil Rights
10 Act of 1964 (42 U.S.C. 2000d), and title
11 VII of the Civil Rights Act of 1964 (42
12 U.S.C. 2000e).

13 “(D) WRITTEN NOTICE.—Each plan year,
14 group health plans, including with respect to
15 group health insurance coverage offered in con-
16 nection with a group health plan, shall provide
17 to each participant or beneficiary written notice
18 informing the participant or beneficiary of the
19 requirement for entities providing pharmacy
20 benefit management services on behalf of the
21 group health plan or health insurance issuer of-
22 fering group health insurance coverage to sub-
23 mit reports to group health plans under para-
24 graph (1), as applicable, which may include in-
25 corporating such notification in plan documents

1 provided to the participant or beneficiary, or
2 providing individual notification.

3 “(E) LIMITATION TO BUSINESS ASSOCI-
4 ATES.—A group health plan receiving a report
5 under paragraph (1) may disclose such informa-
6 tion only to the entity from which the report
7 was received or to that entity’s business associ-
8 ates as defined in section 160.103 of title 45,
9 Code of Federal Regulations (or successor regu-
10 lations) or as permitted by the HIPAA privacy
11 regulations.

12 “(F) CLARIFICATION REGARDING PUBLIC
13 DISCLOSURE OF INFORMATION.—Nothing in
14 this section shall prevent an entity providing
15 pharmacy benefit management services on be-
16 half of a group health plan or health insurance
17 issuer offering group health insurance coverage,
18 from placing reasonable restrictions on the pub-
19 lic disclosure of the information contained in a
20 report described in paragraph (1), except that
21 such plan, issuer, or entity may not—

22 “(i) restrict disclosure of such report
23 to the Department of Health and Human
24 Services, the Department of Labor, or the
25 Department of the Treasury; or

1 “(ii) prevent disclosure for the pur-
2 poses of subsection (c), or any other public
3 disclosure requirement under this section.

4 “(G) LIMITED FORM OF REPORT.—The
5 Secretary shall define through rulemaking a
6 limited form of the report under paragraph (1)
7 required with respect to any group health plan
8 established by a plan sponsor that is, or is af-
9 filiated with, a drug manufacturer, drug whole-
10 saler, or other direct participant in the drug
11 supply chain, in order to prevent anti-competi-
12 tive behavior.

13 “(5) STANDARD FORMAT AND REGULATIONS.—

14 “(A) IN GENERAL.—Not later than 18
15 months after the date of enactment of this sec-
16 tion, the Secretary shall specify through rule-
17 making a standard format for entities providing
18 pharmacy benefit management services on be-
19 half of group health plans and health insurance
20 issuers offering group health insurance cov-
21 erage, to submit reports required under para-
22 graph (1).

23 “(B) ADDITIONAL REGULATIONS.—Not
24 later than 18 months after the date of enact-
25 ment of this section, the Secretary shall,

1 through rulemaking, promulgate any other final
2 regulations necessary to implement the require-
3 ments of this section. In promulgating such
4 regulations, the Secretary shall, to the extent
5 practicable, align the reporting requirements
6 under this section with the reporting require-
7 ments under section 725.

8 “(c) REQUIREMENT TO PROVIDE INFORMATION TO
9 PARTICIPANTS OR BENEFICIARIES.—A group health plan,
10 including with respect to group health insurance coverage
11 offered in connection with a group health plan, upon re-
12 quest of a participant or beneficiary, shall provide to such
13 participant or beneficiary—

14 “(1) the summary document described in sub-
15 section (b)(2)(B)(ii); and

16 “(2) the information described in subsection
17 (b)(2)(A)(i)(III) with respect to a claim made by or
18 on behalf of such participant or beneficiary.

19 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to permit a health insurance issuer,
21 group health plan, entity providing pharmacy benefit man-
22 agement services on behalf of a group health plan or
23 health insurance issuer, or other entity to restrict disclo-
24 sure to, or otherwise limit the access of, the Secretary to
25 a report described in subsection (b)(1) or information re-

1 lated to compliance with subsections (a), (b), or (c) of this
2 section or section 502(c)(13) by such issuer, plan, or enti-
3 ty.

4 “(e) DEFINITIONS.—In this section:

5 “(1) APPLICABLE ENTITY.—The term ‘applica-
6 ble entity’ means—

7 “(A) an applicable group purchasing orga-
8 nization, drug manufacturer, distributor, whole-
9 saler, rebate aggregator (or other purchasing
10 entity designed to aggregate rebates), or associ-
11 ated third party;

12 “(B) any subsidiary, parent, affiliate, or
13 subcontractor of a group health plan, health in-
14 surance issuer, entity that provides pharmacy
15 benefit management services on behalf of such
16 a plan or issuer, or any entity described in sub-
17 paragraph (A); or

18 “(C) such other entity as the Secretary
19 may specify through rulemaking.

20 “(2) APPLICABLE GROUP PURCHASING ORGANI-
21 ZATION.—The term ‘applicable group purchasing or-
22 ganization’ means a group purchasing organization
23 that is affiliated with or under common ownership
24 with an entity providing pharmacy benefit manage-
25 ment services.

1 “(3) CONTRACTED COMPENSATION.—The term
2 ‘contracted compensation’ means the sum of any in-
3 gredient cost and dispensing fee for a drug (inclusive
4 of the out-of-pocket costs to the participant or bene-
5 ficiary), or another analogous compensation struc-
6 ture that the Secretary may specify through regula-
7 tions.

8 “(4) GROSS SPENDING.—The term ‘gross
9 spending’, with respect to prescription drug benefits
10 under a group health plan or health insurance cov-
11 erage, means the amount spent by a group health
12 plan or health insurance issuer on prescription drug
13 benefits, calculated before the application of rebates,
14 fees, alternative discounts, or other remuneration.

15 “(5) NET SPENDING.—The term ‘net spending’,
16 with respect to prescription drug benefits under a
17 group health plan or health insurance coverage,
18 means the amount spent by a group health plan or
19 health insurance issuer on prescription drug bene-
20 fits, calculated after the application of rebates, fees,
21 alternative discounts, or other remuneration.

22 “(6) PLAN SPONSOR.—The term ‘plan sponsor’
23 has the meaning given such term in section
24 3(16)(B).

1 “(7) REMUNERATION.—The term ‘remunera-
2 tion’ has the meaning given such term by the Sec-
3 retary through rulemaking, which shall be reevaluated by the Secretary every 5 years.

5 “(8) SPECIFIED LARGE EMPLOYER.—The term
6 ‘specified large employer’ means, in connection with
7 a group health plan (including group health insurance
8 coverage offered in connection with such a
9 plan) established or maintained by a single employer,
10 with respect to a calendar year or a plan
11 year, as applicable, an employer who employed an
12 average of at least 100 employees on business days
13 during the preceding calendar year or plan year and
14 who employs at least 1 employee on the first day of
15 the calendar year or plan year.

16 “(9) SPECIFIED LARGE PLAN.—The term ‘specified
17 large plan’ means a group health plan (including group health
18 insurance coverage offered in connection with such a plan) established or maintained
19 by a plan sponsor described in clause (ii) or (iii) of
20 section 3(16)(B) that had an average of at least 100
21 participants on business days during the preceding
22 calendar year or plan year, as applicable.

24 “(10) WHOLESALE ACQUISITION COST.—The
25 term ‘wholesale acquisition cost’ has the meaning

1 given such term in section 1847A(c)(6)(B) of the
2 Social Security Act (42 U.S.C. 1395w-
3 3a(c)(6)(B)).”;

4 (B) in section 502 (29 U.S.C. 1132)—

5 (i) in subsection (a)(6), by striking
6 “or (9)” and inserting “(9), or (13)”;

7 (ii) in subsection (b)(3), by striking
8 “under subsection (c)(9)” and inserting
9 “under paragraphs (9) and (13) of sub-
10 section (c)”;

11 (iii) in subsection (c), by adding at
12 the end the following:

13 “(13) SECRETARIAL ENFORCEMENT AUTHORITY
14 RELATING TO OVERSIGHT OF PHARMACY BENEFIT
15 MANAGEMENT SERVICES.—

16 “(A) FAILURE TO PROVIDE INFORMA-
17 TION.—The Secretary may impose a penalty
18 against a plan administrator of a group health
19 plan, a health insurance issuer offering group
20 health insurance coverage, or an entity pro-
21 viding pharmacy benefit management services
22 on behalf of such a plan or issuer, or an appli-
23 cable entity (as defined in section 726(f)) that
24 violates section 726(a); an entity providing
25 pharmacy benefit management services on be-

1 half of such a plan or issuer that fails to pro-
2 vide the information required under section
3 726(b); or any person who causes a group
4 health plan to fail to provide the information
5 required under section 726(e), in the amount of
6 \$10,000 for each day during which such viola-
7 tion continues or such information is not dis-
8 closed or reported.

9 “(B) FALSE INFORMATION.—The Sec-
10 retary may impose a penalty against a plan ad-
11 ministrator of a group health plan, a health in-
12 surance issuer offering group health insurance
13 coverage, an entity providing pharmacy benefit
14 management services, or an applicable entity
15 (as defined in section 726(f)) that knowingly
16 provides false information under section 726, in
17 an amount not to exceed \$100,000 for each
18 item of false information. Such penalty shall be
19 in addition to other penalties as may be pre-
20 scribed by law.

21 “(C) WAIVERS.—The Secretary may waive
22 penalties under subparagraph (A), or extend
23 the period of time for compliance with a re-
24 quirement of this section, for an entity in viola-
25 tion of section 726 that has made a good-faith

1 effort to comply with the requirements of sec-
2 tion 726.”; and

3 (C) in section 732(a) (29 U.S.C.
4 1191a(a)), by striking “section 711” and in-
5 serting “sections 711 and 726”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in section 1 of the Employee Retirement In-
8 come Security Act of 1974 (29 U.S.C. 1001 et seq.)
9 is amended by inserting after the item relating to
10 section 725 the following new item:

“Sec. 726. Oversight of entities that provide pharmacy benefit management
services.”.

11 (c) INTERNAL REVENUE CODE OF 1986.—

12 (1) IN GENERAL.—Chapter 100 of the Internal
13 Revenue Code of 1986 is amended—

14 (A) by adding at the end of subchapter B
15 the following:

16 **“SEC. 9826. OVERSIGHT OF ENTITIES THAT PROVIDE PHAR-
17 MACY BENEFIT MANAGEMENT SERVICES.**

18 “(a) IN GENERAL.—For plan years beginning on or
19 after the date that is 30 months after the date of enact-
20 ment of this section (referred to in this subsection and
21 subsection (b) as the ‘effective date’), a group health plan,
22 or an entity providing pharmacy benefit management serv-
23 ices on behalf of such a plan, shall not enter into a con-
24 tract, including an extension or renewal of a contract, en-

1 tered into on or after the effective date, with an applicable
2 entity unless such applicable entity agrees to—

3 “(1) not limit or delay the disclosure of infor-
4 mation to the group health plan in such a manner
5 that prevents an entity providing pharmacy benefit
6 management services on behalf of a group health
7 plan from making the reports described in sub-
8 section (b); and

9 “(2) provide the entity providing pharmacy ben-
10 efit management services on behalf of a group health
11 plan relevant information necessary to make the re-
12 ports described in subsection (b).

13 “(b) REPORTS.—

14 “(1) IN GENERAL.—For plan years beginning
15 on or after the effective date, in the case of any con-
16 tract between a group health plan and an entity pro-
17 viding pharmacy benefit management services on be-
18 half of such plan, including an extension or renewal
19 of such a contract, entered into on or after the effec-
20 tive date, the entity providing pharmacy benefit
21 management services on behalf of such a group
22 health plan, not less frequently than every 6 months
23 (or, at the request of a group health plan, not less
24 frequently than quarterly, and under the same con-
25 ditions, terms, and cost of the semiannual report

1 under this subsection), shall submit to the group
2 health plan a report in accordance with this section.
3 Each such report shall be made available to such
4 group health plan in plain language, in a machine-
5 readable format, and as the Secretary may deter-
6 mine, other formats. Each such report shall include
7 the information described in paragraph (2).

8 “(2) INFORMATION DESCRIBED.—For purposes
9 of paragraph (1), the information described in this
10 paragraph is, with respect to drugs covered by a
11 group health plan during each reporting period—

12 “(A) in the case of a group health plan
13 that is offered by a specified large employer or
14 that is a specified large plan, and is not offered
15 as health insurance coverage, or in the case of
16 health insurance coverage for which the election
17 under paragraph (3) is made for the applicable
18 reporting period—

19 “(i) a list of drugs for which a claim
20 was filed and, with respect to each such
21 drug on such list—

22 “(I) the contracted compensation
23 paid by the group health plan for each
24 covered drug (identified by the Na-
25 tional Drug Code) to the entity pro-

1 viding pharmacy benefit management
2 services or other applicable entity on
3 behalf of the group health plan;

4 “(II) the contracted compensa-
5 tion paid to the pharmacy, by any en-
6 tity providing pharmacy benefit man-
7 agement services or other applicable
8 entity on behalf of the group health
9 plan, for each covered drug (identified
10 by the National Drug Code);

11 “(III) for each such claim, the
12 difference between the amount paid
13 under subclause (I) and the amount
14 paid under subclause (II);

15 “(IV) the proprietary name, es-
16 tablished name or proper name, and
17 National Drug Code;

18 “(V) for each claim for the drug
19 (including original prescriptions and
20 refills) and for each dosage unit of the
21 drug for which a claim was filed, the
22 type of dispensing channel used to
23 furnish the drug, including retail, mail
24 order, or specialty pharmacy;

1 “(VI) with respect to each drug
2 dispensed, for each type of dispensing
3 channel (including retail, mail order,
4 or specialty pharmacy)—

5 “(aa) whether such drug is a
6 brand name drug or a generic
7 drug, and—

8 “(AA) in the case of a
9 brand name drug, the whole-
10 sale acquisition cost, listed
11 as cost per days supply and
12 cost per dosage unit, on the
13 date such drug was dis-
14 pensed; and

15 “(BB) in the case of a
16 generic drug, the average
17 wholesale price, listed as
18 cost per days supply and
19 cost per dosage unit, on the
20 date such drug was dis-
21 pensed; and

22 “(bb) the total number of—

23 “(AA) prescription
24 claims (including original
25 prescriptions and refills);

1 “(BB) participants and
2 beneficiaries for whom a
3 claim for such drug was
4 filed through the applicable
5 dispensing channel;

6 “(CC) dosage units and
7 dosage units per fill of such
8 drug; and

9 “(DD) days supply of
10 such drug per fill;

11 “(VII) the net price per course of
12 treatment or single fill, such as a 30-
13 day supply or 90-day supply to the
14 plan after rebates, fees, alternative
15 discounts, or other remuneration re-
16 ceived from applicable entities;

17 “(VIII) the total amount of out-
18 of-pocket spending by participants
19 and beneficiaries on such drug, in-
20 cluding spending through copayments,
21 coinsurance, and deductibles, but not
22 including any amounts spent by par-
23 ticipants and beneficiaries on drugs
24 not covered under the plan, or for

1 which no claim is submitted under the
2 plan;

3 “(IX) the total net spending on
4 the drug;

5 “(X) the total amount received,
6 or expected to be received, by the plan
7 from any applicable entity in rebates,
8 fees, alternative discounts, or other
9 remuneration;

10 “(XI) the total amount received,
11 or expected to be received, by the enti-
12 ty providing pharmacy benefit man-
13 agement services, from applicable en-
14 tities, in rebates, fees, alternative dis-
15 counts, or other remuneration from
16 such entities—

17 “(aa) for claims incurred
18 during the reporting period; and

19 “(bb) that is related to utili-
20 zation of such drug or spending
21 on such drug; and

22 “(XII) to the extent feasible, in-
23 formation on the total amount of re-
24 munerations for such drug, including
25 copayment assistance dollars paid, co-

1 payment cards applied, or other dis-
2 counts provided by each drug manu-
3 facturer (or entity administering co-
4 payment assistance on behalf of such
5 drug manufacturer), to the partici-
6 pants and beneficiaries enrolled in
7 such plan;

8 “(ii) a list of each therapeutic class
9 (as defined by the Secretary) for which a
10 claim was filed under the group health
11 plan during the reporting period, and, with
12 respect to each such therapeutic class—

13 “(I) the total gross spending on
14 drugs in such class before rebates,
15 price concessions, alternative dis-
16 counts, or other remuneration from
17 applicable entities;

18 “(II) the net spending in such
19 class after such rebates, price conces-
20 sions, alternative discounts, or other
21 remuneration from applicable entities;

22 “(III) the total amount received,
23 or expected to be received, by the enti-
24 ty providing pharmacy benefit man-
25 agement services, from applicable en-

1 tities, in rebates, fees, alternative dis-
2 counts, or other remuneration from
3 such entities—
4 “ (aa) for claims incurred
5 during the reporting period; and
6 “ (bb) that is related to utili-
7 zation of drugs or drug spending;
8 “ (IV) the average net spending
9 per 30-day supply and per 90-day
10 supply by the plan and its partici-
11 pants and beneficiaries, among all
12 drugs within the therapeutic class for
13 which a claim was filed during the re-
14 porting period;
15 “ (V) the number of participants
16 and beneficiaries who filled a prescrip-
17 tion for a drug in such class, includ-
18 ing the National Drug Code for each
19 such drug;
20 “ (VI) if applicable, a description
21 of the formulary tiers and utilization
22 mechanisms (such as prior authoriza-
23 tion or step therapy) employed for
24 drugs in that class; and

1 “(VII) the total out-of-pocket
2 spending under the plan by partici-
3 pants and beneficiaries, including
4 spending through copayments, coin-
5 surance, and deductibles, but not in-
6 cluding any amounts spent by partici-
7 pants and beneficiaries on drugs not
8 covered under the plan or for which
9 no claim is submitted under the plan;

10 “(iii) with respect to any drug for
11 which gross spending under the group
12 health plan exceeded \$10,000 during the
13 reporting period or, in the case that gross
14 spending under the group health plan ex-
15 ceeded \$10,000 during the reporting pe-
16 riod with respect to fewer than 50 drugs,
17 with respect to the 50 prescription drugs
18 with the highest spending during the re-
19 porting period—

20 “(I) a list of all other drugs in
21 the same therapeutic class as such
22 drug;

23 “(II) if applicable, the rationale
24 for the formulary placement of such
25 drug in that therapeutic category or

1 class, selected from a list of standard
2 rationales established by the Sec-
3 retary, in consultation with stake-
4 holders; and

5 “(III) any change in formulary
6 placement compared to the prior plan
7 year; and

8 “(iv) in the case that such plan (or an
9 entity providing pharmacy benefit manage-
10 ment services on behalf of such plan) has
11 an affiliated pharmacy or pharmacy under
12 common ownership, including mandatory
13 mail and specialty home delivery programs,
14 retail and mail auto-refill programs, and
15 cost sharing assistance incentives funded
16 by an entity providing pharmacy benefit
17 services—

18 “(I) an explanation of any ben-
19 efit design parameters that encourage
20 or require participants and bene-
21 ficiaries in the plan to fill prescrip-
22 tions at mail order, specialty, or retail
23 pharmacies;

24 “(II) the percentage of total pre-
25 scriptions dispensed by such phar-

1 pharmacies to participants or beneficiaries
2 in such plan; and

3 “(III) a list of all drugs dis-
4 pensed by such pharmacies to partici-
5 pants or beneficiaries enrolled in such
6 plan, and, with respect to each drug
7 dispensed—

8 “(aa) the amount charged,
9 per dosage unit, per 30-day sup-
10 ply, or per 90-day supply (as ap-
11 plicable) to the plan, and to par-
12 ticipants and beneficiaries;

13 “(bb) the median amount
14 charged to such plan, and the
15 interquartile range of the costs,
16 per dosage unit, per 30-day sup-
17 ply, and per 90-day supply, in-
18 cluding amounts paid by the par-
19 ticipants and beneficiaries, when
20 the same drug is dispensed by
21 other pharmacies that are not af-
22 filiated with or under common
23 ownership with the entity and
24 that are included in the phar-
25 macy network of such plan;

1 “(cc) the lowest cost per
2 dosage unit, per 30-day supply
3 and per 90-day supply, for each
4 such drug, including amounts
5 charged to the plan and to par-
6 ticipants and beneficiaries, that
7 is available from any pharmacy
8 included in the network of such
9 plan; and

10 “(dd) the net acquisition
11 cost per dosage unit, per 30-day
12 supply, and per 90-day supply, if
13 such drug is subject to a max-
14 imum price discount; and

15 “(B) with respect to any group health
16 plan, regardless of whether the plan is offered
17 by a specified large employer or whether it is a
18 specified large plan—

19 “(i) a summary document for the
20 group health plan that includes such infor-
21 mation described in clauses (i) through (iv)
22 of subparagraph (A), as specified by the
23 Secretary through guidance, program in-
24 struction, or otherwise (with no require-
25 ment of notice and comment rulemaking),

1 that the Secretary determines useful to
2 group health plans for purposes of select-
3 ing pharmacy benefit management serv-
4 ices, such as an estimated net price to
5 group health plan and participant or bene-
6 ficiary, a cost per claim, the fee structure
7 or reimbursement model, and estimated
8 cost per participant or beneficiary;

9 “(ii) a summary document for plans
10 to provide to participants and beneficiaries,
11 which shall be made available to partici-
12 pants or beneficiaries upon request to their
13 group health plan, that—

14 “(I) contains such information
15 described in clauses (iii), (iv), (v), and
16 (vi), as applicable, as specified by the
17 Secretary through guidance, program
18 instruction, or otherwise (with no re-
19 quirement of notice and comment
20 rulemaking) that the Secretary deter-
21 mines useful to participants or bene-
22 ficiaries in better understanding the
23 plan or benefits under such plan;

24 “(II) contains only aggregate in-
25 formation; and

1 “(III) states that participants
2 and beneficiaries may request specific,
3 claims-level information required to be
4 furnished under subsection (c) from
5 the group health plan; and

6 “(iii) with respect to drugs covered by
7 such plan during such reporting period—

8 “(I) the total net spending by the
9 plan for all such drugs;

10 “(II) the total amount received,
11 or expected to be received, by the plan
12 from any applicable entity in rebates,
13 fees, alternative discounts, or other
14 remuneration; and

15 “(III) to the extent feasible, in-
16 formation on the total amount of re-
17 muneration for such drugs, including
18 copayment assistance dollars paid, co-
19 payment cards applied, or other dis-
20 counts provided by each drug manu-
21 facturer (or entity administering co-
22 payment assistance on behalf of such
23 drug manufacturer) to participants
24 and beneficiaries;

1 “(iv) amounts paid directly or indi-
2 rectly in rebates, fees, or any other type of
3 compensation (as defined in section
4 408(b)(2)(B)(ii)(dd)(AA) of the Employee
5 Retirement Income Security Act (29
6 U.S.C. 1108(b)(2)(B)(ii)(dd)(AA))) to bro-
7 kerage firms, brokers, consultants, advi-
8 sors, or any other individual or firm, for—

9 “(I) the referral of the group
10 health plan’s business to an entity
11 providing pharmacy benefit manage-
12 ment services, including the identity
13 of the recipient of such amounts;

14 “(II) consideration of the entity
15 providing pharmacy benefit manage-
16 ment services by the group health
17 plan; or

18 “(III) the retention of the entity
19 by the group health plan;

20 “(v) an explanation of any benefit de-
21 sign parameters that encourage or require
22 participants and beneficiaries in such plan
23 to fill prescriptions at mail order, specialty,
24 or retail pharmacies that are affiliated with
25 or under common ownership with the enti-

1 ty providing pharmacy benefit management
2 services under such plan, including manda-
3 tory mail and specialty home delivery pro-
4 grams, retail and mail auto-refill pro-
5 grams, and cost-sharing assistance incen-
6 tives directly or indirectly funded by such
7 entity; and

8 “(vi) total gross spending on all drugs
9 under the plan during the reporting period.

10 “(3) OPT-IN FOR GROUP HEALTH INSURANCE
11 COVERAGE OFFERED BY A SPECIFIED LARGE EM-
12 PLOYER OR THAT IS A SPECIFIED LARGE PLAN.—In
13 the case of group health insurance coverage offered
14 in connection with a group health plan that is of-
15 fered by a specified large employer or is a specified
16 large plan, such group health plan may, on an an-
17 nual basis, for plan years beginning on or after the
18 date that is 30 months after the date of enactment
19 of this section, elect to require an entity providing
20 pharmacy benefit management services on behalf of
21 the health insurance issuer to submit to such group
22 health plan a report that includes all of the informa-
23 tion described in paragraph (2)(A), in addition to
24 the information described in paragraph (2)(B).

25 “(4) PRIVACY REQUIREMENTS.—

1 “(A) IN GENERAL.—An entity providing
2 pharmacy benefit management services on be-
3 half of a group health plan shall report infor-
4 mation under paragraph (1) in a manner con-
5 sistent with the privacy regulations promul-
6 gated under section 13402(a) of the Health In-
7 formation Technology for Economic and Clin-
8 ical Health Act (42 U.S.C. 17932(a)) and con-
9 sistent with the privacy regulations promul-
10 gated under the Health Insurance Portability
11 and Accountability Act of 1996 in part 160 and
12 subparts A and E of part 164 of title 45, Code
13 of Federal Regulations (or successor regula-
14 tions) (referred to in this paragraph as the
15 ‘HIPAA privacy regulations’) and shall restrict
16 the use and disclosure of such information ac-
17 cording to such privacy regulations and such
18 HIPAA privacy regulations.

19 “(B) ADDITIONAL REQUIREMENTS.—

20 “(i) IN GENERAL.—An entity pro-
21 viding pharmacy benefit management serv-
22 ices on behalf of a group health plan that
23 submits a report under paragraph (1) shall
24 ensure that such report contains only sum-
25 mary health information, as defined in sec-

1 tion 164.504(a) of title 45, Code of Fed-
2 eral Regulations (or successor regulations).

3 “(ii) RESTRICTIONS.—In carrying out
4 this subsection, a group health plan shall
5 comply with section 164.504(f) of title 45,
6 Code of Federal Regulations (or a suc-
7 cessor regulation), and a plan sponsor shall
8 act in accordance with the terms of the
9 agreement described in such section.

10 “(C) RULE OF CONSTRUCTION.—

11 “(i) Nothing in this section shall be
12 construed to modify the requirements for
13 the creation, receipt, maintenance, or
14 transmission of protected health informa-
15 tion under the HIPAA privacy regulations.

16 “(ii) Nothing in this section shall be
17 construed to affect the application of any
18 Federal or State privacy or civil rights law,
19 including the HIPAA privacy regulations,
20 the Genetic Information Nondiscrimination
21 Act of 2008 (Public Law 110–233) (in-
22 cluding the amendments made by such
23 Act), the Americans with Disabilities Act
24 of 1990 (42 U.S.C. 12101 et sec), section
25 504 of the Rehabilitation Act of 1973 (29

1 U.S.C. 794), section 1557 of the Patient
2 Protection and Affordable Care Act (42
3 U.S.C. 18116), title VI of the Civil Rights
4 Act of 1964 (42 U.S.C. 2000d), and title
5 VII of the Civil Rights Act of 1964 (42
6 U.S.C. 2000e).

7 “(D) WRITTEN NOTICE.—Each plan year,
8 group health plans shall provide to each partici-
9 pant or beneficiary written notice informing the
10 participant or beneficiary of the requirement for
11 entities providing pharmacy benefit manage-
12 ment services on behalf of the group health
13 plan to submit reports to group health plans
14 under paragraph (1), as applicable, which may
15 include incorporating such notification in plan
16 documents provided to the participant or bene-
17 ficiary, or providing individual notification.

18 “(E) LIMITATION TO BUSINESS ASSOCI-
19 ATES.—A group health plan receiving a report
20 under paragraph (1) may disclose such informa-
21 tion only to the entity from which the report
22 was received or to that entity’s business associ-
23 ates as defined in section 160.103 of title 45,
24 Code of Federal Regulations (or successor regu-

1 lations) or as permitted by the HIPAA privacy
2 regulations.

3 “(F) CLARIFICATION REGARDING PUBLIC
4 DISCLOSURE OF INFORMATION.—Nothing in
5 this section shall prevent an entity providing
6 pharmacy benefit management services on be-
7 half of a group health plan, from placing rea-
8 sonable restrictions on the public disclosure of
9 the information contained in a report described
10 in paragraph (1), except that such plan or enti-
11 ty may not—

12 “(i) restrict disclosure of such report
13 to the Department of Health and Human
14 Services, the Department of Labor, or the
15 Department of the Treasury; or

16 “(ii) prevent disclosure for the pur-
17 poses of subsection (c), or any other public
18 disclosure requirement under this section.

19 “(G) LIMITED FORM OF REPORT.—The
20 Secretary shall define through rulemaking a
21 limited form of the report under paragraph (1)
22 required with respect to any group health plan
23 established by a plan sponsor that is, or is af-
24 filiated with, a drug manufacturer, drug whole-
25 saler, or other direct participant in the drug

1 supply chain, in order to prevent anti-competi-
2 tive behavior.

3 “(5) STANDARD FORMAT AND REGULATIONS.—

4 “(A) IN GENERAL.—Not later than 18
5 months after the date of enactment of this sec-
6 tion, the Secretary shall specify through rule-
7 making a standard format for entities providing
8 pharmacy benefit management services on be-
9 half of group health plans, to submit reports re-
10 quired under paragraph (1).

11 “(B) ADDITIONAL REGULATIONS.—Not
12 later than 18 months after the date of enact-
13 ment of this section, the Secretary shall,
14 through rulemaking, promulgate any other final
15 regulations necessary to implement the require-
16 ments of this section. In promulgating such
17 regulations, the Secretary shall, to the extent
18 practicable, align the reporting requirements
19 under this section with the reporting require-
20 ments under section 9825.

21 “(c) REQUIREMENT TO PROVIDE INFORMATION TO
22 PARTICIPANTS OR BENEFICIARIES.—A group health plan,
23 upon request of a participant or beneficiary, shall provide
24 to such participant or beneficiary—

1 “(1) the summary document described in sub-
2 section (b)(2)(B)(ii); and

3 “(2) the information described in subsection
4 (b)(2)(A)(i)(III) with respect to a claim made by or
5 on behalf of such participant or beneficiary.

6 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to permit a health insurance issuer,
8 group health plan, entity providing pharmacy benefit man-
9 agement services on behalf of a group health plan or
10 health insurance issuer, or other entity to restrict disclo-
11 sure to, or otherwise limit the access of, the Secretary to
12 a report described in subsection (b)(1) or information re-
13 lated to compliance with subsections (a), (b), or (c) of this
14 section or section 4980D(g) by such issuer, plan, or entity.

15 “(e) **DEFINITIONS.**—In this section:

16 “(1) **APPLICABLE ENTITY.**—The term ‘applica-
17 ble entity’ means—

18 “(A) an applicable group purchasing orga-
19 nization, drug manufacturer, distributor, whole-
20 saler, rebate aggregator (or other purchasing
21 entity designed to aggregate rebates), or associ-
22 ated third party;

23 “(B) any subsidiary, parent, affiliate, or
24 subcontractor of a group health plan, health in-
25 surance issuer, entity that provides pharmacy

1 benefit management services on behalf of such
2 a plan or issuer, or any entity described in sub-
3 paragraph (A); or

4 “(C) such other entity as the Secretary
5 may specify through rulemaking.

6 “(2) APPLICABLE GROUP PURCHASING ORGANI-
7 ZATION.—The term ‘applicable group purchasing or-
8 ganization’ means a group purchasing organization
9 that is affiliated with or under common ownership
10 with an entity providing pharmacy benefit manage-
11 ment services.

12 “(3) CONTRACTED COMPENSATION.—The term
13 ‘contracted compensation’ means the sum of any in-
14 gredient cost and dispensing fee for a drug (inclusive
15 of the out-of-pocket costs to the participant or bene-
16 ficiary), or another analogous compensation struc-
17 ture that the Secretary may specify through regula-
18 tions.

19 “(4) GROSS SPENDING.—The term ‘gross
20 spending’, with respect to prescription drug benefits
21 under a group health plan, means the amount spent
22 by a group health plan on prescription drug benefits,
23 calculated before the application of rebates, fees, al-
24 ternative discounts, or other remuneration.

1 “(5) NET SPENDING.—The term ‘net spending’,
2 with respect to prescription drug benefits under a
3 group health plan, means the amount spent by a
4 group health plan on prescription drug benefits, cal-
5 culated after the application of rebates, fees, alter-
6 native discounts, or other remuneration.

7 “(6) PLAN SPONSOR.—The term ‘plan sponsor’
8 has the meaning given such term in section 3(16)(B)
9 of the Employee Retirement Income Security Act of
10 1974 (29 U.S.C. 1002(16)(B)).

11 “(7) REMUNERATION.—The term ‘remunera-
12 tion’ has the meaning given such term by the Sec-
13 retary, through rulemaking, which shall be reevaluated
14 by the Secretary every 5 years.

15 “(8) SPECIFIED LARGE EMPLOYER.—The term
16 ‘specified large employer’ means, in connection with
17 a group health plan established or maintained by a
18 single employer, with respect to a calendar year or
19 a plan year, as applicable, an employer who em-
20 ployed an average of at least 100 employees on busi-
21 ness days during the preceding calendar year or plan
22 year and who employs at least 1 employee on the
23 first day of the calendar year or plan year.

24 “(9) SPECIFIED LARGE PLAN.—The term ‘spec-
25 ified large plan’ means a group health plan estab-

1 lished or maintained by a plan sponsor described in
2 clause (ii) or (iii) of section 3(16)(B) of the Em-
3 ployee Retirement Income Security Act of 1974 (29
4 U.S.C. 1002(16)(B)) that had an average of at least
5 100 participants on business days during the pre-
6 ceding calendar year or plan year, as applicable.

7 “(10) WHOLESALE ACQUISITION COST.—The
8 term ‘wholesale acquisition cost’ has the meaning
9 given such term in section 1847A(c)(6)(B) of the
10 Social Security Act (42 U.S.C. 1395w-
11 3a(c)(6)(B)).”;

12 (2) EXCEPTION FOR CERTAIN GROUP HEALTH
13 PLANS.—Section 9831(a)(2) of the Internal Revenue
14 Code of 1986 is amended by inserting “other than
15 with respect to section 9826,” before “any group
16 health plan”.

17 (3) ENFORCEMENT.—Section 4980D of the In-
18 ternal Revenue Code of 1986 is amended by adding
19 at the end the following new subsection:

20 “(g) APPLICATION TO REQUIREMENTS IMPOSED ON
21 CERTAIN ENTITIES PROVIDING PHARMACY BENEFIT
22 MANAGEMENT SERVICES.—In the case of any requirement
23 under section 9826 that applies with respect to an entity
24 providing pharmacy benefit management services on be-
25 half of a group health plan, any reference in this section

1 to such group health plan (and the reference in subsection
2 (e)(1) to the employer) shall be treated as including a ref-
3 erence to such entity.”.

4 (4) CLERICAL AMENDMENT.—The table of sec-
5 tions for subchapter B of chapter 100 of the Inter-
6 nal Revenue Code of 1986 is amended by adding at
7 the end the following new item:

“Sec. 9826. Oversight of entities that provide pharmacy benefit management
services.”.

8 **SEC. 902. FULL REBATE PASS THROUGH TO PLAN; EXCEP-**
9 **TION FOR INNOCENT PLAN FIDUCIARIES.**

10 (a) IN GENERAL.—Section 408(b)(2) of the Em-
11 ployee Retirement Income Security Act of 1974 (29
12 U.S.C. 1108(b)(2)) is amended—

13 (1) in subparagraph (B)(viii)—

14 (A) by redesignating subclauses (II)
15 through (IV) as subclauses (III) through (V),
16 respectively;

17 (B) in subclause (I)—

18 (i) by striking “subclause (II)” and
19 inserting “subclause (III)”; and

20 (ii) by striking “subclauses (II) and
21 (III)” and inserting “subclauses (III) and
22 (IV)”; and

23 (C) by inserting after subclause (I) the fol-
24 lowing:

1 “(II) Pursuant to subsection (a), subpara-
2 graphs (C) and (D) of section 406(a)(1) shall not
3 apply to a responsible plan fiduciary, notwith-
4 standing any failure to remit required amounts
5 under subparagraph (C)(i), if the following condi-
6 tions are met:

7 “(aa) The responsible plan fiduciary did
8 not know that the covered service provider
9 failed or would fail to make required remit-
10 tances and reasonably believed that the covered
11 service provider remitted such required
12 amounts.

13 “(bb) The responsible plan fiduciary, upon
14 discovering that the covered service provider
15 failed to remit the required amounts, requests
16 in writing that the covered service provider
17 remit such amounts.

18 “(cc) If the covered service provider fails
19 to comply with a written request described in
20 subclause (III) within 90 days of the request,
21 the responsible plan fiduciary notifies the Sec-
22 retary of the covered service provider’s failure,
23 in accordance with subclauses (III) and (IV).”;
24 and

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

1 “(C)(i)(I) For plan years beginning on or after
2 the date that is 30 months after the date of enact-
3 ment of this subparagraph (referred to in this clause
4 as the ‘effective date’), no contract or arrangement
5 or renewal or extension of a contract or arrange-
6 ment, entered into on or after the effective date, for
7 services between a covered plan and a covered serv-
8 ice provider, through a health insurance issuer offer-
9 ing group health insurance coverage, a third party
10 administrator, an entity providing pharmacy benefit
11 management services, or other entity, for pharmacy
12 benefit management services, is reasonable within
13 the meaning of this paragraph unless such entity
14 providing pharmacy benefit management services—

15 “(aa) remits 100 percent of rebates, fees,
16 alternative discounts, and other remuneration
17 received from any applicable entity that are re-
18 lated to utilization of drugs or drug spending
19 under such health plan or health insurance cov-
20 erage, to the group health plan or health insur-
21 ance issuer offering group health insurance cov-
22 erage; and

23 “(bb) does not enter into any contract for
24 pharmacy benefit management services on be-
25 half of such a plan or coverage, with an applica-

1 ble entity unless 100 percent of rebates, fees,
2 alternative discounts, and other remuneration
3 received under such contract that are related to
4 the utilization of drugs or drug spending under
5 such group health plan or health insurance cov-
6 erage are remitted to the group health plan or
7 health insurance issuer by the entity providing
8 pharmacy benefit management services.

9 “(II) Nothing in subclause (I) shall be con-
10 strued to affect the term of a contract or arrange-
11 ment, as in effect on the effective date (as described
12 in such subclause), except that such subclause shall
13 apply to any renewal or extension of such a contract
14 or arrangement entered into on or after such effec-
15 tive date, as so described.

16 “(ii) With respect to such rebates, fees, alter-
17 native discounts, and other remuneration—

18 “(I) the rebates, fees, alternative dis-
19 counts, and other remuneration under clause
20 (i)(I) shall be—

21 “(aa) remitted—

22 “(AA) on a quarterly basis, to
23 the group health plan or the group
24 health insurance issuer, not later than

1 90 days after the end of each quarter;

2 or

3 “(BB) in the case of an under-
4 payment in a remittance for a prior
5 quarter, as soon as practicable, but
6 not later than 90 days after notice of
7 the underpayment is first given;

8 “(bb) fully disclosed and enumerated
9 to the group health plan or health insur-
10 ance issuer; and

11 “(cc) returned to the covered service
12 provider for pharmacy benefit management
13 services on behalf of the group health plan
14 if any audit by a plan sponsor, issuer or a
15 third party designated by a plan sponsor,
16 indicates that the amounts received are in-
17 correct after such amounts have been paid
18 to the group health plan or health insur-
19 ance issuer;

20 “(II) the Secretary may establish proce-
21 dures for the remittance of rebates fees, alter-
22 native discounts, and other remuneration under
23 subclause (I)(aa) and the disclosure of rebates,
24 fees, alternative discounts, and other remunera-
25 tion under subclause (I)(bb); and

1 “(III) the records of such rebates, fees, al-
2 ternative discounts, and other remuneration
3 shall be available for audit by the plan sponsor,
4 issuer, or a third party designated by a plan
5 sponsor, not less than once per plan year.

6 “(iii) To ensure that an entity providing phar-
7 macy benefit management services is able to meet
8 the requirements of clause (ii)(I), a rebate
9 aggregator (or other purchasing entity designed to
10 aggregate rebates) and an applicable group pur-
11 chasing organization shall remit such rebates to the
12 entity providing pharmacy benefit management serv-
13 ices not later than 45 days after the end of each
14 quarter.

15 “(iv) A third-party administrator of a group
16 health plan, a health insurance issuer offering group
17 health insurance coverage, or a covered service pro-
18 vider for pharmacy benefit management services
19 under such health plan or health insurance coverage
20 shall make rebate contracts with rebate aggregators
21 or drug manufacturers available for audit by such
22 plan sponsor or designated third party, subject to
23 reasonable restrictions (as determined by the Sec-
24 retary) on confidentiality to prevent re-disclosure of

1 such contracts or use of such information in audits
2 for purposes unrelated to this section.

3 “(v) Audits carried out under clauses (ii)(III)
4 and (iv) shall be performed by an auditor selected by
5 the responsible plan fiduciary. Payment for such au-
6 dits shall not be made, whether directly or indirectly,
7 by the entity providing pharmacy benefit manage-
8 ment services.

9 “(vi) Nothing in this subparagraph shall be
10 construed to—

11 “(I) prohibit reasonable payments to enti-
12 ties offering pharmacy benefit management
13 services for bona fide services using a fee struc-
14 ture not described in this subparagraph, pro-
15 vided that such fees are transparent and quan-
16 tifiable to group health plans and health insur-
17 ance issuers;

18 “(II) require a third-party administrator of
19 a group health plan or covered service provider
20 for pharmacy benefit management services
21 under such health plan or health insurance cov-
22 erage to remit bona fide service fees to the
23 group health plan;

24 “(III) limit the ability of a group health
25 plan or health insurance issuer to pass through

1 rebates, fees, alternative discounts, and other
2 remuneration to the participant or beneficiary;
3 or

4 “(IV) modify the requirements for the cre-
5 ation, receipt, maintenance, or transmission of
6 protected health information under the privacy
7 regulations promulgated under the Health In-
8 surance Portability and Accountability Act of
9 1996 in part 160 and subparts A and E of part
10 164 of title 45, Code of Federal Regulations (or
11 successor regulations).

12 “(vii) For purposes of this subparagraph—

13 “(I) the terms ‘applicable entity’ and ‘ap-
14 plicable group purchasing organization’ have
15 the meanings given such terms in section
16 726(e);

17 “(II) the terms ‘covered plan’, ‘covered
18 service provider’, and ‘responsible plan fidu-
19 ciary’ have the meanings given such terms in
20 subparagraph (B); and

21 “(III) the terms ‘group health insurance
22 coverage’, ‘health insurance coverage’, and
23 ‘health insurance issuer’ have the meanings
24 given such terms in section 733.”.

1 (b) RULE OF CONSTRUCTION.—Subclause (II)(aa) of
2 section 408(b)(2)(B)(viii) of the Employee Retirement In-
3 come Security Act of 1974 (29 U.S.C.
4 1108(b)(2)(B)(viii)), as amended by subsection (a), shall
5 not be construed to relieve or limit a responsible plan fidu-
6 ciary from the duty to monitor the practices of any covered
7 service provider that contracts with the applicable covered
8 plan, including for the purposes of ensuring the reason-
9 ableness of compensation. For purposes of this subsection,
10 the terms “covered plan”, “covered service provider”, and
11 “responsible plan fiduciary” have the meanings given such
12 terms in section 408(b)(2)(B)(ii) of the Employee Retire-
13 ment Income Security Act of 1974 (29 U.S.C.
14 1108(b)(2)(B)(ii)).

15 (c) CLARIFICATION OF COVERED SERVICE PRO-
16 VIDER.—

17 (1) SERVICES.—

18 (A) IN GENERAL.—Section
19 408(b)(2)(B)(ii)(I)(bb) of the Employee Retire-
20 ment Income Security Act of 1974 (29 U.S.C.
21 1108(b)(2)(B)(ii)(I)(bb)) is amended—

22 (i) in subitem (AA) by striking “Bro-
23 kerage services,” and inserting “Services
24 (including brokerage services),”; and

25 (ii) in subitem (BB)—

1 (I) by striking “Consulting,” and
2 inserting “Other services,”; and
3 (II) by striking “related to the
4 development or implementation of
5 plan design” and all that follows
6 through the period at the end and in-
7 serting “including any of the fol-
8 lowing: plan design, insurance or in-
9 surance product selection (including
10 vision and dental), recordkeeping,
11 medical management, benefits admin-
12 istration selection (including vision
13 and dental), stop-loss insurance, phar-
14 macy benefit management services,
15 wellness design and management serv-
16 ices, transparency tools, group pur-
17 chasing organization agreements and
18 services, participation in and services
19 from preferred vendor panels, disease
20 management, compliance services, em-
21 ployee assistance programs, or third
22 party administration services, or con-
23 sulting services related to any such
24 services.”.

1 (B) SENSE OF CONGRESS.—It is the sense
2 of Congress that the amendment made by sub-
3 paragraph (A) clarifies the existing requirement
4 of covered service providers with respect to
5 services described in section
6 408(b)(2)(B)(ii)(I)(bb)(BB) of the Employee
7 Retirement Income Security Act of 1974 (29
8 U.S.C. 1108(b)(2)(B)(ii)(I)(bb)(BB)) that were
9 in effect since the application date described in
10 section 202(e) of the No Surprises Act (Public
11 Law 116–260; 29 U.S.C. 1108 note), and does
12 not impose any additional requirement under
13 section 408(b)(2)(B) of such Act.

14 (2) CERTAIN ARRANGEMENTS FOR PHARMACY
15 BENEFIT MANAGEMENT SERVICES CONSIDERED AS
16 INDIRECT.—

17 (A) IN GENERAL.—Section 408(b)(2)(B)(i)
18 of the Employee Retirement Income Security
19 Act of 1974 (29 U.S.C. 1108(b)(2)(B)(i)) is
20 amended—

21 (i) by striking “requirements of this
22 clause” and inserting “requirements of this
23 subparagraph”; and

24 (ii) by adding at the end the fol-
25 lowing: “For purposes of applying section

1 406(a)(1)(C) with respect to a transaction
2 described under this subparagraph or sub-
3 paragraph (C), a contract or arrangement
4 for services between a covered plan and an
5 entity providing services to the plan, in-
6 cluding a health insurance issuer providing
7 health insurance coverage in connection
8 with the covered plan, in which such entity
9 contracts, in connection with such plan,
10 with a service provider for pharmacy ben-
11 efit management services, shall be consid-
12 ered an indirect furnishing of goods, serv-
13 ices, or facilities between the covered plan
14 and the service provider for pharmacy ben-
15 efit management services acting as the
16 party in interest.”.

17 (B) HEALTH INSURANCE ISSUER AND
18 HEALTH INSURANCE COVERAGE DEFINED.—
19 Section 408(b)(2)(B)(ii)(I)(aa) of such Act (29
20 U.S.C. 1108(b)(2)(B)(ii)(I)(aa)) is amended by
21 inserting before the period at the end “and the
22 terms ‘health insurance coverage’ and ‘health
23 insurance issuer’ have the meanings given such
24 terms in section 733(b)”.

1 (C) TECHNICAL AMENDMENT.—Section
2 408(b)(2)(B)(ii)(I)(aa) of the Employee Retirement
3 Income Security Act of 1974 (29 U.S.C.
4 1108(b)(2)(B)(ii)(I)(aa)) is amended by inserting
5 “in” after “defined”.

6 **SEC. 903. INCREASING TRANSPARENCY IN GENERIC DRUG**
7 **APPLICATIONS.**

8 (a) IN GENERAL.—Section 505(j)(3) of the Federal
9 Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(3)) is
10 amended by adding at the end the following:

11 “(H)(i) Upon request (in controlled correspondence
12 or an analogous process) by a person that has submitted
13 or intends to submit an abbreviated application under this
14 subsection for a drug that is required by regulation to contain
15 one or more of the same inactive ingredients in the
16 same concentrations as the listed drug referred to, or for
17 which the Secretary determines there is a scientific justification
18 for an approach that is in vitro, in whole or in
19 part, to be used to demonstrate bioequivalence for a drug
20 if such a drug contains one or more of the same inactive
21 ingredients in the same concentrations as the listed drug
22 referred to, the Secretary shall inform the person whether
23 such drug is qualitatively and quantitatively the same as
24 the listed drug. The Secretary may also provide such information
25 to such a person on the Secretary’s own initiative

1 during the review of an abbreviated application under this
2 subsection for such drug.

3 “(ii) Notwithstanding section 301(j), if the Secretary
4 determines that such drug is not qualitatively or quan-
5 titatively the same as the listed drug, the Secretary shall
6 identify and disclose to the person—

7 “(I) the ingredient or ingredients that cause
8 such drug not to be qualitatively or quantitatively
9 the same as the listed drug; and

10 “(II) for any ingredient for which there is an
11 identified quantitative deviation, the amount of such
12 deviation.

13 “(iii) If the Secretary determines that such drug is
14 qualitatively and quantitatively the same as the listed
15 drug, the Secretary shall not change or rescind such deter-
16 mination after the submission of an abbreviated applica-
17 tion for such drug under this subsection unless—

18 “(I) the formulation of the listed drug has been
19 changed and the Secretary has determined that the
20 prior listed drug formulation was withdrawn for rea-
21 sons of safety or effectiveness; or

22 “(II) the Secretary makes a written determina-
23 tion that the prior determination must be changed
24 because an error has been identified.

1 “(iv) If the Secretary makes a written determination
2 described in clause (iii)(II), the Secretary shall provide no-
3 tice and a copy of the written determination to the person
4 making the request under clause (i).

5 “(v) The disclosures authorized under clauses (i) and
6 (ii) are disclosures authorized by law, including for pur-
7 poses of section 1905 of title 18, United States Code. This
8 subparagraph shall not otherwise be construed to author-
9 ize the disclosure of nonpublic qualitative or quantitative
10 information about the ingredients in a listed drug, or to
11 affect the status, if any, of such information as trade se-
12 cret or confidential commercial information for purposes
13 of section 301(j) of this Act, section 552 of title 5, United
14 States Code, or section 1905 of title 18, United States
15 Code.”.

16 (b) GUIDANCE.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of enactment of this Act, the Sec-
19 retary of Health and Human Services shall issue
20 draft guidance, or update guidance, describing how
21 the Secretary will determine whether a drug is quali-
22 tatively and quantitatively the same as the listed
23 drug (as such terms are used in section
24 505(j)(3)(H) of the Federal Food, Drug, and Cos-

1 metric Act, as added by subsection (a)), including
2 with respect to assessing pH adjusters.

3 (2) PROCESS.—In issuing guidance under this
4 subsection, the Secretary of Health and Human
5 Services shall—

6 (A) publish draft guidance;

7 (B) provide a period of at least 60 days for
8 comment on the draft guidance; and

9 (C) after considering any comments re-
10 received and not later than one year after the
11 close of the comment period on the draft guid-
12 ance, publish final guidance.

13 (c) APPLICABILITY.—Section 505(j)(3)(H) of the
14 Federal Food, Drug, and Cosmetic Act, as added by sub-
15 section (a), applies beginning on the date of enactment
16 of this Act, irrespective of the date on which the guidance
17 required by subsection (b) is finalized.

18 **SEC. 904. TITLE 35 AMENDMENTS.**

19 (a) IN GENERAL.—Section 271(e) of title 35, United
20 States Code, is amended—

21 (1) in paragraph (2)(C), in the flush text fol-
22 lowing clause (ii), by adding at the end the fol-
23 lowing: “With respect to a submission described in
24 clause (ii), the act of infringement shall extend to
25 any patent that claims the biological product, a

1 method of using the biological product, or a method
2 or product used to manufacture the biological prod-
3 uct.”; and

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

5 “(7)(A) Subject to subparagraphs (C), (D), and (E),
6 if the sponsor of an approved application for a reference
7 product, as defined in section 351(i) of the Public Health
8 Service Act (42 U.S.C. 262(i)) (referred to in this para-
9 graph as the ‘reference product sponsor’), brings an action
10 for infringement under this section against an applicant
11 for approval of a biological product under section 351(k)
12 of such Act that references that reference product (re-
13 ferred to in this paragraph as the ‘subsection (k) appli-
14 cant’), the reference product sponsor may assert in the
15 action a total of not more than 20 patents of the type
16 described in subparagraph (B), not more than 10 of which
17 shall have issued after the date specified in section
18 351(l)(7)(A) of such Act.

19 “(B) The patents described in this subparagraph are
20 patents that satisfy each of the following requirements:

21 “(i) Patents that claim the biological product
22 that is the subject of an application under section
23 351(k) of the Public Health Service Act (42 U.S.C.
24 262(k)) (or a use of that product) or a method or

1 product used in the manufacture of such biological
2 product.

3 “(ii) Patents that are included on the list of
4 patents described in paragraph (3)(A) of section
5 351(l) of the Public Health Service Act (42 U.S.C.
6 262(l)), including as provided under paragraph (7)
7 of such section 351(l).

8 “(iii) Patents that—

9 “(I) have an actual filing date of more
10 than 4 years after the date on which the ref-
11 erence product is approved; or

12 “(II) include a claim to a method in a
13 manufacturing process that is not used by the
14 reference product sponsor.

15 “(C) The court in which an action described in sub-
16 paragraph (A) is brought may increase the number of pat-
17 ents limited under that subparagraph—

18 “(i) if the request to increase that number is
19 made without undue delay; and

20 “(ii)(I) if the interest of justice so requires; or

21 “(II) for good cause shown, which—

22 “(aa) shall be established if the subsection
23 (k) applicant fails to provide information re-
24 quired section 351(k)(2)(A) of the Public
25 Health Service Act (42 U.S.C. 262(k)(2)(A))

1 that would enable the reference product sponsor
2 to form a reasonable belief with respect to
3 whether a claim of infringement under this sec-
4 tion could reasonably be asserted; and

5 “(bb) may be established—

6 “(AA) if there is a material change to
7 the biological product (or process with re-
8 spect to the biological product) of the sub-
9 section (k) applicant that is the subject of
10 the application;

11 “(BB) if, with respect to a patent on
12 the supplemental list described in section
13 351(l)(7)(A) of Public Health Service Act
14 (42 U.S.C. 262(l)(7)(A)), the patent would
15 have issued before the date specified in
16 such section 351(l)(7)(A) but for the fail-
17 ure of the Office to issue the patent or a
18 delay in the issuance of the patent, as de-
19 scribed in paragraph (1) of section 154(b)
20 and subject to the limitations under para-
21 graph (2) of such section 154(b); or

22 “(CC) for another reason that shows
23 good cause, as determined appropriate by
24 the court.

1 “(D) In determining whether good cause has been
2 shown for the purposes of subparagraph (C)(ii)(II), a
3 court may consider whether the reference product sponsor
4 has provided a reasonable description of the identity and
5 relevance of any information beyond the subsection (k) ap-
6 plication that the court believes is necessary to enable the
7 court to form a belief with respect to whether a claim of
8 infringement under this section could reasonably be as-
9 serted.

10 “(E) The limitation imposed under subparagraph
11 (A)—

12 “(i) shall apply only if the subsection (k) appli-
13 cant completes all actions required under paragraphs
14 (2)(A), (3)(B)(ii), (5), (6)(C)(i), (7), and (8)(A) of
15 section 351(l) of the Public Health Service Act (42
16 U.S.C. 262(l)); and

17 “(ii) shall not apply with respect to any patent
18 that claims, with respect to a biological product, a
19 method for using that product in therapy, diagnosis,
20 or prophylaxis, such as an indication or method of
21 treatment or other condition of use.”.

22 (b) APPLICABILITY.—The amendments made by sub-
23 section (a) shall apply with respect to an application sub-
24 mitted under section 351(k) of the Public Health Service

1 Act (42 U.S.C. 262(k)) on or after the date of enactment
2 of this Act.

3 **TITLE X—MISCELLANEOUS**

4 **SEC. 1001. TWO-YEAR EXTENSION OF SAFE HARBOR FOR**
5 **ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.**

6 (a) IN GENERAL.—Section 223(c)(2)(E)(ii) of the In-
7 ternal Revenue Code of 1986 is amended by striking “Jan-
8 uary 1, 2025” and inserting “January 1, 2027”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to plan years beginning after De-
11 cember 31, 2024.

12 **SEC. 1002. ELIGIBILITY FOR FEHBP ENROLLMENT FOR**
13 **MEMBERS OF CONGRESS.**

14 (a) PPACA.—Subparagraph (D) of section
15 1312(d)(3) of the Patient Protection and Affordable Care
16 Act (Public Law 111–148) is amended—

17 (1) in the subparagraph heading, by striking
18 “MEMBERS OF CONGRESS” and inserting “CON-
19 GRESSIONAL STAFF”; and

20 (2) in clause (i)—

21 (A) by striking “Members of Congress
22 and”; and

23 (B) by striking “a Member of Congress
24 or”.

1 (b) FEHBP.—Section 8906 of title 5, United States
2 Code, is amended by adding at the end the following:

3 “(h)(1) Any Member of Congress may elect to enroll
4 in a health benefits plan offered through the D.C. Small
5 Business Health Options Program created under the Pa-
6 tient Protection and Affordable Care Act (Public Law
7 111–148) (or an amendment made by such Act) and, if
8 so enrolled, shall receive Government contributions under
9 this section.

10 “(2) Contributions under this section—

11 “(A) except as provided in paragraph (1), may
12 not be provided with respect to any health benefits
13 plan—

14 “(i) created under such Act or an amend-
15 ment made by such Act; or

16 “(ii) offered through an exchange estab-
17 lished under such Act or an amendment made
18 by such Act; and

19 “(B) may be provided with respect to either en-
20 rollment in such a health plan described under para-
21 graph (1) or to enrollment in a health benefits plan
22 offered under this chapter, but not both.”.

23 (c) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section—

1 (1) shall apply with respect to plan years begin-
2 ning on or after January 1, 2026; or

3 (2) in the case that the Office of Personnel
4 Management establishes an open enrollment period
5 during plan year 2025 for individuals to enroll in a
6 plan approved or contracted for under chapter 89 of
7 title 5, United States Code, for coverage that begins
8 during such plan year, shall apply beginning on the
9 first day that such coverage is effective.

10 **DIVISION F—A STRONGER**
11 **WORKFORCE FOR AMERICA ACT**

12 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

13 (a) SHORT TITLE.—This division may be cited as the
14 “A Stronger Workforce for America Act”.

15 (b) TABLE OF CONTENTS.—The table of contents for
16 this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—General Provisions

- Sec. 101. Purposes.
- Sec. 102. Definitions.
- Sec. 103. Table of contents amendments.

Subtitle B—System Alignment

CHAPTER 1—STATE PROVISIONS

- Sec. 111. State workforce development board.
- Sec. 112. Unified State plan.

CHAPTER 2—LOCAL PROVISIONS

- Sec. 115. Workforce development areas.
- Sec. 116. Local workforce development boards.
- Sec. 117. Local plan.

CHAPTER 3—PERFORMANCE ACCOUNTABILITY

Sec. 119. Performance accountability system.

Subtitle C—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

Sec. 121. Establishment of one-stop delivery systems.

Sec. 122. Identification of eligible providers of training services.

Sec. 123. Eligible providers of youth workforce investment activities.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

Sec. 131. Reservations; Reallocation.

Sec. 132. Use of funds for youth workforce investment activities.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 141. State allotments.

Sec. 142. Reservations for State activities; within State allocations; Reallocation.

Sec. 143. Use of funds for employment and training activities.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

Sec. 145. Authorization of appropriations.

Subtitle D—Job Corps

Sec. 151. Purposes.

Sec. 152. Definitions.

Sec. 153. Individuals eligible for the Job Corps.

Sec. 154. Recruitment, screening, selection, and assignment of enrollees.

Sec. 155. Job Corps Campuses.

Sec. 156. Program activities.

Sec. 157. Counseling and job placement.

Sec. 158. Support.

Sec. 159. Operations.

Sec. 160. Standards of conduct.

Sec. 161. Community participation.

Sec. 162. Workforce councils.

Sec. 163. Advisory committees.

Sec. 164. Experimental projects and technical assistance.

Sec. 165. Special provisions.

Sec. 166. Management information.

Sec. 167. Job Corps oversight and reporting.

Sec. 168. Authorization of appropriations.

Sec. 169. Conforming amendments.

Subtitle E—National Programs

Sec. 171. Native American programs.

Sec. 172. Migrant and seasonal farmworker programs.

Sec. 173. Technical assistance.

Sec. 174. Evaluations and research.

Sec. 175. National dislocated worker grants.

- Sec. 176. YouthBuild Program.
- Sec. 177. Reentry employment opportunities.
- Sec. 178. Youth apprenticeship readiness grant program.
- Sec. 179. Strengthening community colleges grant program.
- Sec. 180. Authorization of appropriations.

Subtitle F—Administration

- Sec. 191. Requirements and restrictions.
- Sec. 192. Monitoring.
- Sec. 193. Fiscal controls; sanctions.
- Sec. 194. Administrative adjudication.
- Sec. 195. Judicial review.
- Sec. 196. General waivers of statutory or regulatory requirements.
- Sec. 197. State flexibility pilot authority.
- Sec. 198. General program requirements.

TITLE II—ADULT EDUCATION AND LITERACY

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. Authorization of appropriations.
- Sec. 204. Special rule.
- Sec. 205. Performance accountability system.
- Sec. 206. Matching requirement.
- Sec. 207. State leadership activities.
- Sec. 208. Programs for corrections education and other institutionalized individuals.
- Sec. 209. Grants and contracts for eligible providers.
- Sec. 210. Local application.
- Sec. 211. Local administrative cost limits.
- Sec. 212. National leadership activities.
- Sec. 213. Integrated English literacy and civics education.

TITLE III—AMENDMENTS TO OTHER LAWS

- Sec. 301. Amendments to the Wagner-Peyser Act.
- Sec. 302. Job training grants.
- Sec. 303. Access to National Directory of New Hires.
- Sec. 304. References to other laws.

TITLE IV—DEPARTMENT OF LABOR TECHNICAL ASSISTANCE

- Sec. 401. Technical assistance for transforming to competitive integrated employment.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Report on data capability and interoperability of Federal and State databases and data exchange agreements.
- Sec. 502. Effective dates; transition authority.

1 **TITLE I—WORKFORCE**
2 **DEVELOPMENT ACTIVITIES**
3 **Subtitle A—General Provisions**

4 **SEC. 101. PURPOSES.**

5 Section 2 of the Workforce Innovation and Oppor-
6 tunity Act (29 U.S.C. 3101) is amended—

7 (1) in paragraph (1), by striking “support serv-
8 ices” and inserting “supportive services”;

9 (2) in paragraph (2), by inserting “, for youth
10 and adults,” after “economic development systems”;

11 (3) in paragraph (6), by striking “of the work-
12 force, reduce welfare dependency,” and inserting “of
13 the workforce, provide economic mobility, reduce de-
14 pendency on public assistance programs,”; and

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

16 “(7) To prepare a globally competitive work-
17 force by developing robust education and skills devel-
18 opment programs for youth to access career path-
19 ways that will lead such youth into in-demand indus-
20 try sectors and occupations.”.

21 **SEC. 102. DEFINITIONS.**

22 (a) **FOUNDATIONAL SKILL NEEDS.**—Section 3(5) of
23 the Workforce Innovation and Opportunity Act (29 U.S.C.
24 3102(5)) is amended to read as follows:

1 “(5) FOUNDATIONAL SKILL NEEDS.—The term
2 ‘foundational skill needs’ means, with respect to an
3 individual who is a youth or adult, that the indi-
4 vidual—

5 “(A) has English reading, writing, or com-
6 puting skills at or below the 8th grade level on
7 a generally accepted standardized test; or

8 “(B) is unable to compute or solve prob-
9 lems, is unable to read, write, or speak English,
10 or does not possess digital literacy skills, at a
11 level necessary to function in the individual’s
12 education or occupation, in the individual’s
13 family, or in society.”.

14 (b) CAREER PATHWAY.—Section 3(7)(F) of the
15 Workforce Innovation and Opportunity Act (29 U.S.C.
16 3102(7)(F)) is amended by striking “secondary school di-
17 ploma” and inserting “regular high school diploma”.

18 (c) EMPLOYER-DIRECTED SKILLS DEVELOPMENT.—
19 Section 3(14) of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3102(14)) is amended to read as
21 follows:

22 “(14) EMPLOYER-DIRECTED SKILLS DEVELOP-
23 MENT.—The term ‘employer-directed skills develop-
24 ment’ means skills development provided through a
25 program—

1 “(A) that is selected or designed to meet
2 the specific skill demands of an employer (in-
3 cluding a group of employers);

4 “(B) that is conducted pursuant to the
5 terms and conditions established under an em-
6 ployer-directed skills agreement described in
7 section 134(c)(3)(I), including a commitment
8 by the employer to employ an individual upon
9 successful completion of the program; and

10 “(C) for which the employer pays a portion
11 of the cost of the program, as determined by
12 the local board involved, which shall not be less
13 than—

14 “(i) 10 percent of the cost, in the case
15 of an employer with 50 or fewer employees;

16 “(ii) 25 percent of the cost, in the
17 case of an employer with more than 50 but
18 not more than 100 employees; and

19 “(iii) 50 percent of the cost, in the
20 case of an employer with more than 100
21 employees.”.

22 (d) DISLOCATED WORKER.—Section 3(15)(B) of the
23 Workforce Innovation and Opportunity Act (29 U.S.C.
24 3102(15)(B)) is amended—

1 (1) in clause (i), by inserting “, including such
2 a closure or layoff due to advances in automation
3 technology” before the semicolon; and

4 (2) in clause (iii), by striking “section
5 134(c)(2)(A)(xii)” and inserting “section
6 134(c)(2)(B)(vii)”.

7 (e) **DISPLACED HOME MAKER.**—Section 3(16) of the
8 Workforce Innovation and Opportunity Act (29 U.S.C.
9 3102(16)) is amended, in the matter preceding subpara-
10 graph (A), by striking “family members” and inserting “a
11 family member”.

12 (f) **ELIGIBLE YOUTH.**—Section 3(18) of the Work-
13 force Innovation and Opportunity Act (29 U.S.C.
14 3102(18)) is amended by striking “out-of-school” and in-
15 serting “opportunity”.

16 (g) **ENGLISH LEARNER.**—Section 3 of the Workforce
17 Innovation and Opportunity Act (29 U.S.C. 3102) is fur-
18 ther amended—

19 (1) in paragraph (21)—

20 (A) in the heading, by striking “LAN-
21 GUAGE”; and

22 (B) by striking “language”; and

23 (2) in paragraph (24)(I), by striking “lan-
24 guage”.

1 (h) INDIVIDUAL WITH A BARRIER TO EMPLOY-
2 MENT.—Section 3(24) of the Workforce Innovation and
3 Opportunity Act (29 U.S.C. 3102(24)) is amended—

4 (1) by amending subparagraph (F) to read as
5 follows:

6 “(F) Justice-involved individuals.”;

7 (2) in subparagraph (G)—

8 (A) by striking “Homeless individuals (as”
9 and inserting “Individuals experiencing home-
10 lessness (meaning homeless individuals”;

11 (B) by striking “(42 U.S.C. 14043e-
12 2(6))” and inserting “(34 U.S.C. 12473(6))”;
13 and

14 (C) by striking “homeless children” and all
15 that follows through “defined” and inserting
16 “youth experiencing homelessness (meaning
17 homeless children or youths, as defined”;

18 (3) by redesignating subparagraphs (I) through
19 (N) as subparagraphs (J) through (O), respectively;

20 (4) by inserting after subparagraph (H) the fol-
21 lowing:

22 “(I) Opportunity youth.”; and

23 (5) in subparagraph (K), as so redesignated, by
24 striking “section 167(i)” and inserting “167(j)”.

1 (i) INDUSTRY OR SECTOR PARTNERSHIP.—Section
2 3(26) of the Workforce Innovation and Opportunity Act
3 (29 U.S.C. 3102(26)) is amended—

4 (1) in subparagraph (A)(ii), by striking “or an-
5 other labor representative, as appropriate;” and in-
6 serting “and, to the extent practicable, another labor
7 representative;”; and

8 (2) in subparagraph (B)—

9 (A) by redesignating clauses (vi) through
10 (xi) as clauses (viii) through (xiii), respectively;
11 and

12 (B) by striking clause (v) and inserting the
13 following:

14 “(v) State educational agencies or
15 local educational agencies;

16 “(vi) State higher education agencies,
17 as defined in section 103 of the Higher
18 Education Act of 1965 (20 U.S.C. 1003),
19 or State systems of higher education;

20 “(vii) other State or local agencies;”.

21 (j) LOCAL AREA.—Section 3(32) of the Workforce
22 Innovation and Opportunity Act (29 U.S.C. 3102(32)) is
23 amended by striking “sections 106(c)(3)(A)” and insert-
24 ing “sections 106(c)(4)(A)”.

1 (k) EDUCATIONAL AGENCIES.—Section 3(34) of the
2 Workforce Innovation and Opportunity Act (29 U.S.C.
3 3102(34)) is amended to read as follows:

4 “(1) LOCAL EDUCATIONAL AGENCY; STATE
5 EDUCATIONAL AGENCY.—The terms ‘local edu-
6 cational agency’ and ‘State educational agency’ have
7 the meanings given the terms in section 8101 of the
8 Elementary and Secondary Education Act of 1965.”.

9 (l) LOCAL PLAN.—Section 3(35) of the Workforce
10 Innovation and Opportunity Act (29 U.S.C. 3102(32)) is
11 amended by striking “section 106(c)(3)(B)” and inserting
12 “section 106(c)(4)(B)”.

13 (m) LOW-INCOME INDIVIDUAL.—Section
14 3(36)(A)(iii) of the Workforce Innovation and Oppor-
15 tunity Act (29 U.S.C. 3102(36)(A)(iii)) is amended—

16 (1) by striking “is a homeless individual (as”
17 and inserting “is an individual experiencing home-
18 lessness (meaning a homeless individual as”;

19 (2) by striking “(42 U.S.C. 14043e-2(6))” and
20 inserting “(34 U.S.C. 12473(6))”; and

21 (3) by striking “homeless child” and all that
22 follows through “defined” and inserting “youth ex-
23 perienceing homelessness (meaning a homeless child
24 or youth, as defined”.

1 (n) JUSTICE-INVOLVED INDIVIDUAL.—Section 3(38)
2 of the Workforce Innovation and Opportunity Act (29
3 U.S.C. 3102(38)) is amended—

4 (1) in the heading, by striking “OFFENDER”
5 and inserting “JUSTICE-INVOLVED INDIVIDUAL”;
6 and

7 (2) in the matter preceding subparagraph (A),
8 by striking “offender” and inserting “justice-in-
9 volved individual”.

10 (o) OPPORTUNITY YOUTH.—Section 3(46) of the
11 Workforce Innovation and Opportunity Act (29 U.S.C.
12 3102(46)) is amended—

13 (1) in the heading, by striking “OUT-OF-
14 SCHOOL” and inserting “OPPORTUNITY”; and

15 (2) by striking “out-of-school” and inserting
16 “opportunity”.

17 (p) PAY-FOR-PERFORMANCE CONTRACT STRAT-
18 EGY.—Section 3(47) of the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3102(47)) is amended to read
20 as follows:

21 “(47) PAY-FOR-PERFORMANCE CONTRACT
22 STRATEGY.—The term ‘pay-for-performance contract
23 strategy’ means a performance-based contract strat-
24 egy that uses pay-for-performance contracts in the
25 provision of services described in paragraph (2) or

1 (3) of section 134(c) or activities described in sec-
2 tion 129(c)(2), and includes—

3 “(A) contracts, each of which—

4 “(i) shall specify a fixed amount that
5 will be paid to an eligible service provider
6 (which may include a local or national
7 community-based organization or inter-
8 mediary, community college, or other pro-
9 vider) based on the achievement of speci-
10 fied levels of performance on the primary
11 indicators of performance described in sec-
12 tion 116(b)(2)(A) for target populations as
13 identified by the local board and which
14 shall identify a specific target for the num-
15 ber or percentage of individuals to be
16 served that will be individuals with barriers
17 to employment, within a defined timetable;
18 and

19 “(ii) may provide for bonus payments
20 to such service provider to expand capacity
21 to provide effective training and other serv-
22 ices, including bonus payments for exceed-
23 ing the identified target for serving individ-
24 uals with barriers to employment;

1 “(B) a strategy for validating the achieve-
2 ment of the performance described in subpara-
3 graph (A); and

4 “(C) a description of how the State or
5 local area will reallocate funds not paid to a
6 provider because the achievement of the per-
7 formance described in subparagraph (A) did not
8 occur, for further activities related to such a
9 contract strategy, subject to section
10 189(g)(2)(D).”.

11 (q) **RAPID RESPONSE ACTIVITY.**—Section 3(51) of
12 the Workforce Innovation and Opportunity Act (29 U.S.C.
13 3102(51)) is amended—

14 (1) in the matter preceding subparagraph (A),
15 by inserting “, through a rapid response unit” after
16 “designated by a State”;

17 (2) in subparagraph (B), by inserting before
18 the semicolon at the end the following: “, including
19 access through individual training accounts for eligi-
20 ble dislocated workers under section 414(c) of the
21 American Competitiveness and Workforce Improve-
22 ment Act of 1998 (29 U.S.C. 3224a)”;

23 (3) in subparagraph (D), by striking “and” at
24 the end;

1 (4) by redesignating subparagraph (E) as sub-
2 paragraph (F);

3 (5) by inserting after subparagraph (D) the fol-
4 lowing new subparagraph:

5 “(E) assistance in identifying workers eli-
6 gible for assistance, including workers who work
7 a majority of their time offsite or remotely;”;

8 (6) in subparagraph (F), as so redesignated, by
9 striking the period at the end and inserting “; and”;
10 and

11 (7) by adding at the end the following:

12 “(G) the provision of business engagement
13 or layoff aversion strategies and other activities
14 designed to prevent or minimize the duration of
15 unemployment, such as—

16 “(i) connecting employers to short-
17 term compensation or other programs de-
18 signed to prevent layoffs;

19 “(ii) conducting worker skill assess-
20 ment, and programs to match workers to
21 different occupations;

22 “(iii) establishing incumbent worker
23 training or other upskilling approaches, in-
24 cluding through incumbent worker

1 upskilling accounts described in section
2 134(d)(4)(E);

3 “(iv) facilitating business support ac-
4 tivities, such as connecting employers to
5 programs that offer access to credit, finan-
6 cial support, and business consulting; and

7 “(v) partnering or contracting with
8 business-focused organizations to assess
9 risks to companies, and to propose, imple-
10 ment, and measure the impact of strategies
11 and services to address such risks.”.

12 (r) SCHOOL DROPOUT.—Section 3(54) of the Work-
13 force Innovation and Opportunity Act (29 U.S.C.
14 3102(54)) is amended by striking “secondary school di-
15 ploma” and inserting “regular high school diploma”.

16 (s) SUPPORTIVE SERVICES.—Section 3(59) of the
17 Workforce Innovation and Opportunity Act (29 U.S.C.
18 3102(59)) is amended by striking “housing,” and insert-
19 ing “assistive technology, housing, food assistance,”.

20 (t) NEW DEFINITIONS.—Section 3 of the Workforce
21 Innovation and Opportunity Act (29 U.S.C. 3102) is fur-
22 ther amended by adding at the end the following:

23 “(72) CO-ENROLLMENT.—The term ‘co-enroll-
24 ment’ means simultaneous enrollment in more than

1 one of the programs or activities carried out by a
2 one-stop partner specified in section 121(b)(1)(B).

3 “(73) DIGITAL LITERACY SKILLS.—The term
4 ‘digital literacy skills’ has the meaning given the
5 term in section 203.

6 “(74) EVIDENCE-BASED.—The term ‘evidence-
7 based’, when used with respect to an activity, serv-
8 ice, strategy, or intervention, or content of materials,
9 means an activity, service, strategy, or intervention,
10 or content of materials that—

11 “(A) demonstrates a statistically signifi-
12 cant effect on improving participant outcomes
13 or other relevant outcomes based on—

14 “(i) strong evidence from at least 1
15 well-designed and well-implemented experi-
16 mental study;

17 “(ii) moderate evidence from at least
18 1 well-designed and well-implemented
19 quasi-experimental study; or

20 “(iii) promising evidence from at least
21 1 well-designed and well-implemented cor-
22 relational study with statistical controls for
23 selection bias; or

24 “(B)(i) demonstrates a rationale based on
25 high-quality research findings or positive eval-

1 uation that such activity, service, strategy, or
2 intervention is likely to improve student out-
3 comes or other relevant outcomes; and

4 “(ii) includes ongoing efforts to examine the ef-
5 fects of such activity, service, strategy, or interven-
6 tion.

7 “(75) LABOR ORGANIZATION.—The term ‘labor
8 organization’ means a labor organization, as defined
9 in section 2(5) of the National Labor Relations Act
10 (29 U.S.C. 152(5)), and an organization rep-
11 resenting public sector employees.

12 “(76) REGULAR HIGH SCHOOL DIPLOMA.—The
13 term ‘regular high school diploma’ has the meaning
14 given the term in section 8101 of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 7801).

17 “(77) UNIVERSAL DESIGN FOR LEARNING.—
18 The term ‘universal design for learning’ has the
19 meaning given the term in section 103 of the Higher
20 Education Act of 1965 (20 U.S.C. 1003).

21 “(78) WORK-BASED LEARNING.—The term
22 ‘work-based learning’ has the meaning given the
23 term in section 3 of the Carl D. Perkins Career and
24 Technical Education Act of 2006 (20 U.S.C.
25 2302).”.

1 (u) REDESIGNATIONS.—Section 3 of the Workforce
2 Innovation and Opportunity Act (29 U.S.C. 3102) is fur-
3 ther amended by redesignating paragraphs (5), (6), (7),
4 (8), (9), (14), (19), (20), (21), (22), (23), (24), (25), (26),
5 (27), (28), (29), (30), (31), (32), (33), (34), (35), (36),
6 (37), (38), (39), (40), (41), (42), (43), (44), (45), (46),
7 (47), (48), (49), (50), (51), (52), (53), (54), (55), (56),
8 (57), (58), (59), (60), (61), (62), (63), (64), (65), (66),
9 (67), (68), (69), (70), (71), (72), (73), (74), (75), (76),
10 (77), and (78), as paragraphs (24), (5), (6), (7), (8), (19),
11 (20), (21), (22), (25), (26), (27), (28), (29), (30), (31),
12 (32), (34), (36), (37), (38), (39), (40), (41), (42), (33),
13 (43), (44), (45), (46), (47), (48), (50), (49), (51), (52),
14 (53), (54), (55), (56), (57), (59), (60), (61), (62), (63),
15 (64), (65), (66), (67), (69), (70), (72), (73), (74), (75),
16 (76), (77), (78), (9), (14), (23), (35), (58), (68), and (71),
17 respectively.

18 **SEC. 103. TABLE OF CONTENTS AMENDMENTS.**

19 The table of contents in section 1(b) of the Workforce
20 Innovation and Opportunity Act is amended—

21 (1) by redesignating the item relating to section
22 172 as section 175;

23 (2) by inserting after the item relating to sec-
24 tion 171, the following:

“Sec. 172. Reentry employment opportunities.

“Sec. 173. Youth apprenticeship readiness grant program.

“Sec. 174. Strengthening community colleges workforce development grants program.”; and

1 (3) by striking the item relating to section 190
2 and inserting the following:

“Sec. 190. State flexibility pilot authority.”.

3 **Subtitle B—System Alignment**

4 **CHAPTER 1—STATE PROVISIONS**

5 **SEC. 111. STATE WORKFORCE DEVELOPMENT BOARD.**

6 Section 101 of the Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3112) is amended—

8 (1) in subsection (b)(1)(C)(ii)(IV), by striking
9 “out-of-school youth” and inserting “opportunity
10 youth”; and

11 (2) in subsection (d)—

12 (A) in paragraph (3)(B), by striking “low-
13 skilled adults” and inserting “adults with
14 foundational skill needs”; and

15 (B) in paragraph (5)(A), by inserting after
16 “including strategies” the following: “(such as
17 the principles of universal design for learning)”.

18 **SEC. 112. UNIFIED STATE PLAN.**

19 Section 102 of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3112) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)—

1 (i) by redesignating subparagraphs
2 (C) through (E) as subparagraphs (D)
3 through (F), respectively;

4 (ii) by inserting the following after
5 subparagraph (B):

6 “(C) a description of—

7 “(i) how the State will use real-time
8 labor market information to continually as-
9 sess the economic conditions and workforce
10 trends described in subparagraphs (A) and
11 (B); and

12 “(ii) how the State will communicate
13 changes in such conditions or trends to the
14 workforce system in the State;”;

15 (iii) in subparagraph (D), as so redesi-
16 gnated, by inserting “the extent to which
17 such activities are evidence-based,” after
18 “of such activities;”;

19 (iv) in subparagraph (E), as so redesi-
20 gnated—

21 (I) by striking “and for meeting
22 the skilled workforce needs of employ-
23 ers” and inserting “and for preparing
24 workers to meet the skilled workforce
25 needs of employers and to enter and

1 remain in unsubsidized employment”;

2 and

3 (II) by striking “and” at the end;

4 (v) in subparagraph (F), as so rededesignated, by striking the period at the end

5 and inserting a semicolon; and

6 (vi) by adding at the end the following:

7 “(G) a description of any activities the
8 State is conducting to expand economic opportunity for individuals and reduce barriers to
9 labor market entry by—
10
11
12

13 “(i) developing, in cooperation with
14 employers, education and training providers, and other stakeholders, statewide
15 skills-based initiatives that promote the use
16 of demonstrated skills and competencies as
17 an alternative to the exclusive use of degree attainment as a requirement for employment or advancement in a career; and
18
19

20
21 “(ii) evaluating the existing occupational licensing policies in the State and
22 identifying potential changes to recommend
23 to the appropriate State entity to—
24

1 “(I) remove or streamline licens-
2 ing requirements, as appropriate; and

3 “(II) improve the reciprocity of
4 licensing, including through partici-
5 pating in interstate licensing com-
6 pacts;

7 “(H) an analysis of the opportunity youth
8 population in the State, including the estimated
9 number of opportunity youth and any gaps in
10 services provided to such population by other
11 existing workforce development activities, as
12 identified under subparagraph (D);

13 “(I) a description of the availability of ap-
14 prenticeship and pre-apprenticeship programs
15 in the State and the providers of such pro-
16 grams, including any that serve youth; and

17 “(J) a description of any strategies the
18 State will use to prioritize the funding of evi-
19 dence-based programs through the funds avail-
20 able for statewide workforce development activi-
21 ties described in section 128(a).”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (B), by striking
24 “including a description” and inserting
25 “which may include a description”;

1 (ii) in subparagraph (C)—

2 (I) in clause (ii)(I), by inserting
3 “utilizing a continuous quality im-
4 provement approach,” after “year,”;
5 and

6 (II) in clause (viii), by striking
7 “necessary for effective State oper-
8 ating systems and policies” and in-
9 serting “useful to States to be in-
10 cluded in the State plan, on an op-
11 tional basis”;

12 (iii) in subparagraph (D)(i)—

13 (I) in subclause (II), by striking
14 “any”; and

15 (II) in subclause (IV), by striking
16 “section 121(h)(2)(E)” and inserting
17 “section 121(h)(1)(E)”; and

18 (iv) in subparagraph (E)—

19 (I) in clause (iv), by striking
20 “116(i)” and inserting “116(j)”; and

21 (II) in clause (x), by striking
22 “necessary for the administration of
23 the core programs” and inserting
24 “useful to States to be included in the
25 State plan, on an optional basis”; and

1 (2) in subsection (c)(3)—

2 (A) in subparagraph (A), by striking
3 “shall” the second place it appears and insert-
4 ing “may”; and

5 (B) in subparagraph (B)—

6 (i) by striking “required”; and

7 (ii) by inserting “, except that com-
8 municating changes in economic conditions
9 and workforce trends to the workforce sys-
10 tem in the State as described in subsection
11 (b)(1)(C) shall not be considered modifica-
12 tions subject to approval under this para-
13 graph” before the period at the end.

14 **CHAPTER 2—LOCAL PROVISIONS**

15 **SEC. 115. WORKFORCE DEVELOPMENT AREAS.**

16 (a) REGIONS.—Section 106(a) of the Workforce In-
17 novation and Opportunity Act (29 U.S.C. 3121(a)) is
18 amended by adding at the end the following:

19 “(3) REVIEW.—Before the second full program
20 year after the date of enactment of the A Stronger
21 Workforce for America Act, in order for a State to
22 receive an allotment under section 127(b) or 132(b)
23 and as part of the process for developing the State
24 plan, a State shall—

1 “(A) review each region in the State iden-
2 tified under this subsection (as such subsection
3 was in effect on the day before the date of en-
4 actment of the A Stronger Workforce for Amer-
5 ica Act); and

6 “(B) after consultation with the local
7 boards and chief elected officials in the local
8 areas and consistent with the considerations de-
9 scribed in subsection (b)(1)(B)—

10 “(i) revise such region and any other
11 region impacted by such revision; or

12 “(ii) make a determination to main-
13 tain such region with no revision.”.

14 (b) LOCAL AREAS.—Section 106(b) of the Workforce
15 Innovation and Opportunity Act (29 U.S.C. 3121(b)) is
16 amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A), by striking “sub-
19 section (d), and consistent with paragraphs (2)
20 and (3),” and inserting “subsection (d)”; and

21 (B) in subparagraph (B), by striking “(ex-
22 cept for those local areas described in para-
23 graphs (2) and (3))”; and

24 (2) by striking paragraphs (2) through (7), and
25 inserting the following:

1 “(2) CONTINUATION PERIOD.—Except as pro-
2 vided in paragraph (5) of this subsection and sub-
3 section (d), in order to receive an allotment under
4 section 127(b) or 132(b), the Governor shall main-
5 tain the designations of local areas in the State
6 under this subsection (as in effect on the day before
7 the date of enactment of the A Stronger Workforce
8 for America Act) until the end of the third full pro-
9 gram year after the date of enactment of the A
10 Stronger Workforce for America Act.

11 “(3) INITIAL ALIGNMENT REVIEW.—

12 “(A) IN GENERAL.—Prior to the third full
13 program year after the date of enactment of the
14 A Stronger Workforce for America Act, the
15 Governor shall—

16 “(i) review the designations of local
17 areas in the State (as in effect on the day
18 before the date of enactment of the A
19 Stronger Workforce for America Act); and

20 “(ii)(I) based on the considerations
21 described in paragraph (1)(B), issue pro-
22 posed redesignations of local areas in the
23 State through the process described in
24 paragraph (1)(A), which shall—

1 “(aa) include an explanation
2 of the strategic goals and objec-
3 tives that the State intends to
4 achieve through such redesigna-
5 tions; and

6 “(bb) be subject to the ap-
7 proval of the chief elected offi-
8 cials of the local areas in the
9 State in accordance with the
10 process described in subpara-
11 graph (C); or

12 “(II) with respect to a State de-
13 scribed in subsection (d)(2)(B), if the
14 Governor determines that such State
15 should be designated as a single State
16 local area, conduct a process in ac-
17 cordance with the requirements of
18 subsection (d)(2).

19 “(B) DESIGNATION OF LOCAL AREAS.—A
20 redesignation of local areas in a State that is
21 approved by a majority of the chief elected offi-
22 cials of the local areas in the State through the
23 process described in subparagraph (C) shall
24 take effect on the first day of the 4th full pro-

1 gram year after the date of enactment of the A
2 Stronger Workforce for America Act.

3 “(C) PROCESS TO REACH MAJORITY AP-
4 PROVAL.—To approve a designation of local
5 areas in the State, the chief elected officials of
6 the local areas in the State shall comply with
7 the following:

8 “(i) INITIAL VOTE.—Not later than
9 60 days after the Governor issues proposed
10 redesignations under subparagraph (A),
11 the chief elected official of each local area
12 shall review the proposed redesignations
13 and submit a vote to the Governor either
14 approving or rejecting the proposed red-
15 esignations.

16 “(ii) RESULTS OF INITIAL VOTE.—If
17 a majority of the chief elected officials of
18 the local areas in the State vote under
19 clause (i)—

20 “(I) to approve such proposed re-
21 designations, such redesignations shall
22 take effect in accordance with sub-
23 paragraph (B); or

24 “(II) to disapprove such proposed
25 redesignations, the chief elected offi-

1 cials of the local areas in the State
2 shall comply with the requirements of
3 clause (iii).

4 “(iii) ALTERNATE REDESIGNA-
5 TIONS.—In the case of the disapproval de-
6 scribed in clause (ii)(II), not later than
7 120 days after the Governor issues pro-
8 posed redesignations under subparagraph
9 (A), the chief elected officials of the local
10 areas in the State shall—

11 “(I) select 2 alternate redesigna-
12 tions of local areas—

13 “(aa) one of which aligns
14 with the regional economic devel-
15 opment areas in the State; and

16 “(bb) one of which aligns
17 with the regions described in sub-
18 paragraph (A) or (B) of sub-
19 section (a)(2); and

20 “(II) conduct a vote to approve,
21 by majority vote, 1 of the 2 alternate
22 redesignations described in subclause
23 (I).

24 “(iv) EFFECTIVE DATE OF ALTER-
25 NATE DESIGNATIONS.—The alternate re-

1 designations approved pursuant to clause
2 (iii)(II) shall take effect in accordance with
3 subparagraph (B).

4 “(4) SUBSEQUENT ALIGNMENT REVIEWS.—On
5 the date that is the first day of the 12th full pro-
6 gram year after the date of enactment of the A
7 Stronger Workforce for America Act, and every 8
8 years thereafter, the Governor shall—

9 “(A) review the designation of local areas;
10 and

11 “(B) carry out the requirements of para-
12 graph (3)(A)(ii), except that any redesignation
13 of local areas in a State that is approved by a
14 majority of the chief elected officials of the local
15 areas in the State through the process de-
16 scribed in paragraph (3)(C) shall take effect on
17 the first day of the next full program year after
18 the Governor’s review pursuant to this para-
19 graph.

20 “(5) INTERIM REVISIONS.—

21 “(A) APPROVAL OF CERTAIN REDESIGNA-
22 TION REQUESTS.—

23 “(i) IN GENERAL.—At any time, and
24 notwithstanding the requirements of para-
25 graphs (2), (3), and (4), the Governor,

1 upon receipt of a request for a redesigna-
2 tion of a local area described in clause (ii),
3 may approve such request.

4 “(ii) REQUESTS.—The following re-
5 quests may be approved pursuant to clause
6 (i) upon request:

7 “(I) A request from multiple
8 local areas to be redesignated as a
9 single local area.

10 “(II) A request from multiple
11 local areas for a revision to the des-
12 ignations of such local areas, which
13 would not impact the designations of
14 local areas that have not made such
15 request.

16 “(III) A request for designation
17 as a local area from an area described
18 in section 107(c)(1)(C).

19 “(B) OTHER REDESIGNATIONS.—Other
20 than the redesignations described in subpara-
21 graph (A), the Governor may only redesignate
22 a local area outside of the process described in
23 paragraphs (3) and (4), if the local area that
24 will be subject to such redesignation has not—

25 “(i) performed successfully;

1 “(ii) sustained fiscal integrity; or

2 “(iii) in the case of a local area in any
3 planning region described in subparagraph
4 (B) or (C) of subsection (a)(2), met the re-
5 quirements described in subsection (c)(1).

6 “(C) EFFECTIVE DATE.—Any redesigna-
7 tion of a local area approved by the Governor
8 under subparagraph (A) or (B) shall take effect
9 on the first date of the first full program year
10 after such date of approval.

11 “(6) APPEALS.—

12 “(A) IN GENERAL.—The local board of a
13 local area that is subject to a redesignation of
14 such local area under paragraph (3), (4), or (5)
15 may submit an appeal to maintain its existing
16 designation to the State board under an appeal
17 process established in the State plan as speci-
18 fied in section 102(b)(2)(D)(i)(III).

19 “(B) STATE BOARD REQUIREMENTS.—The
20 State board shall grant an appeal to maintain
21 an existing designation of a local area described
22 in subparagraph (A) only if the local board of
23 the local area can demonstrate that the process
24 for redesignation of such local area under para-

1 graph (3), (4), or (5), as applicable, has not
2 been followed.

3 “(C) SECRETARIAL REQUIREMENTS.—If a
4 request to maintain an existing designation as
5 a local area is not granted as a result of such
6 appeal, the Secretary, after receiving a request
7 for review from the local board of such local
8 area and determining that the local board was
9 not accorded procedural rights under the ap-
10 peals process referred to in subparagraph (A),
11 shall—

12 “(i) review the process for the redesignig-
13 nation of the local area under paragraph
14 (3), (4), or (5), as applicable; and

15 “(ii) upon determining that the appli-
16 cable process has not been followed, re-
17 quire that the local area’s existing designa-
18 tion be maintained.

19 “(7) REDESIGNATION INCENTIVE.—The State
20 may provide funding from funds made available
21 under sections 128(a)(1) and 133(a)(1) to provide
22 payments to incentivize—

23 “(A) groups of local areas to request to be
24 redesignated as a single local area under para-
25 graph (5)(A);

1 “(B) multiple local boards in a planning
2 region to develop an agreement to operate as a
3 regional consortium under subsection (c)(3); or

4 “(C) effective provision of services to indi-
5 viduals served by a local area, including individ-
6 uals with barriers to employment, during the
7 first program year that begins after the redesi-
8 gnation of a local area.”.

9 (c) REGIONAL COORDINATION.—Section 106(c) of
10 the Workforce Innovation and Opportunity Act (29 U.S.C.
11 3121(c)) is amended—

12 (1) in paragraph (1)—

13 (A) by redesignating subparagraphs (F)
14 through (H) as subparagraphs (G) through (I),
15 respectively; and

16 (B) by inserting the following after sub-
17 paragraph (E):

18 “(F) the establishment of cost arrange-
19 ments for services described in subsections (c)
20 and (d) of section 134, including the pooling of
21 funds for such services, as appropriate, for the
22 region;”;

23 (2) in paragraph (2), by inserting “, including
24 to assist with establishing administrative costs ar-
25 rangements or cost arrangements for services under

1 subparagraphs (F) and (G) of such paragraph”
2 after “delivery efforts”;

3 (3) by redesignating paragraph (3) as para-
4 graph (4); and

5 (4) by inserting after paragraph (2), as so
6 amended, the following:

7 “(3) REGIONAL CONSORTIUMS.—

8 “(A) IN GENERAL.—The local boards and
9 chief elected officials of any local area in any
10 planning region described in subparagraph (B)
11 or (C) of subsection (a)(2) may develop an
12 agreement to receive funding under section
13 128(b) and section 133(b) as a single consor-
14 tium for the planning region.

15 “(B) FISCAL AGENT.—If the local boards
16 and chief elected officials develop such an
17 agreement—

18 “(i) one of the chief elected officials in
19 the planning region shall designate the fis-
20 cal agent for the consortium;

21 “(ii) the local boards shall develop a
22 memorandum of understanding to jointly
23 administer the activities for the consor-
24 tium; and

1 “(iii) the required activities for local
2 areas under this Act (including the re-
3 quired functions of the local boards de-
4 scribed in section 107(d)) shall apply to
5 such a consortium as a whole and may not
6 be applied separately or differently to the
7 local areas or local boards within such con-
8 sortium.”.

9 (d) SINGLE STATE LOCAL AREAS.—Section 106(d)
10 of the Workforce Innovation and Opportunity Act (29
11 U.S.C. 3121(d)) is amended—

12 (1) by redesignating paragraph (2) as para-
13 graph (3); and

14 (2) by inserting after paragraph (1), the fol-
15 lowing:

16 “(2) NEW DESIGNATION.—

17 “(A) PROCESS.—If, upon a review de-
18 scribed in paragraph (3)(A) or (4)(B) of sub-
19 section (b) of a State described in subparagraph
20 (B) of this paragraph, the Governor of such
21 State determines, after consultation with the
22 State board, that such State should be des-
23 ignated as a single State local area—

1 “(i) the Governor shall propose to the
2 legislature of the State to designate such
3 State as a single State local area;

4 “(ii) in a case in which the majority
5 of the legislature of the State consents to
6 the Governor’s proposed designation—

7 “(I) such designation shall take
8 effect in accordance with subpara-
9 graph (C); and

10 “(II) the Governor shall identify
11 the State as a local area in the State
12 plan; and

13 “(iii) in a case in which in which the
14 majority of the legislature of the State
15 does not so consent to the Governor’s pro-
16 posed designation, the designations of the
17 local areas in the State shall be maintained
18 and shall be subject to the requirements of
19 subsection (b)(4).

20 “(B) STATE DESCRIBED.—A State de-
21 scribed in this subparagraph is a State that—

22 “(i) has not been designated as a sin-
23 gle State local area under paragraph (1);
24 and

1 “(ii)(I) has a population of less than
2 5,100,000, as determined by the last de-
3 cennial census preceding such designation;
4 or

5 “(II) contains 5 or fewer local areas.

6 “(C) EFFECTIVE DATE.—Notwithstanding
7 subsection (b)(2), a designation described in
8 paragraph (A) shall take effect on the later
9 of—

10 “(i) the first day of the third full pro-
11 gram year after the date of enactment of
12 the A Stronger Workforce for America Act;
13 or

14 “(ii) the first day of the first full pro-
15 gram year following the date on which the
16 Governor so designates the State as a sin-
17 gle State local area.

18 “(D) REESTABLISHMENT OF LOCAL
19 AREAS.—

20 “(i) IN GENERAL.—At the end of the
21 5-year period beginning on the date on
22 which a State is designated as a single
23 State local area under subparagraph (A),
24 the Secretary shall notify the Governor of
25 such State if, during such 5-year period,

1 the average of the overall State program
2 scores (as referred to in section 116(f)(2))
3 across the adult and dislocated worker pro-
4 grams and youth programs authorized
5 under chapters 2 and 3 of subtitle B are
6 lower than the average of the State overall
7 program scores across such programs dur-
8 ing the 5-year period ending on the date
9 prior the date on which such State was so
10 designated.

11 “(ii) DETERMINATION AFTER NO-
12 TICE.—

13 “(I) IN GENERAL.—If, after re-
14 ceiving the notice described in clause
15 (i) with respect to a State, the Gov-
16 ernor determines—

17 “(aa) that the designation of
18 the State as a single State local
19 area should be maintained, the
20 Governor shall comply with sub-
21 clause (II) or (III), as appro-
22 priate; or

23 “(bb) that such designation
24 should not be so maintained, the
25 Governor shall reestablish the

1 local areas that comprised the
2 State prior to the designation of
3 the State as a single State local
4 area under subparagraph (A),
5 and such reestablishment shall
6 take effect on the first day of the
7 first full program year after the
8 Governor receives such notice.

9 “(II) REQUIREMENTS FOR MAIN-
10 TAINING DESIGNATION.—A designa-
11 tion described in subclause (I)(aa)
12 with respect to a State may only be so
13 maintained if the Governor—

14 “(aa) not later than 180
15 days after the date on which
16 Governor receives the notice de-
17 scribed in clause (i), issues a
18 public notice of the determination
19 by the Governor that the designa-
20 tion of such State as a single
21 State local area should be main-
22 tained; and

23 “(bb) not later than 1 year
24 after the date on which the Gov-
25 ernor issues such public notice,

1 the Governor receives the consent
2 of a majority of the legislature of
3 the State to so maintain the des-
4 ignation.

5 “(III) FAILURE TO MEET RE-
6 QUIREMENTS.—If the Governor fails
7 to comply with each of the require-
8 ments of subclause (II) with respect
9 to a State—

10 “(aa) a designation de-
11 scribed in subclause (I)(aa) for
12 such State may not be so main-
13 tained; and

14 “(bb) the Governor shall re-
15 establish the local areas that
16 comprised the State prior to the
17 designation of the State as a sin-
18 gle State local area under sub-
19 paragraph (A), and such reestab-
20 lishment shall take effect on the
21 first full program year after the
22 date that is 1 year after the date
23 on which the Governor issues the
24 public notice described in sub-

1 clause (II)(aa) with respect to
2 the State.”.

3 (e) DEFINITION OF “PERFORMED SUCCESS-
4 FULLY”.—Section 106(e)(1) of the Workforce Innovation
5 and Opportunity Act (29 U.S.C. 3121(e)) is amended to
6 read as follows:

7 “(1) PERFORMED SUCCESSFULLY.—The term
8 ‘performed successfully’, used with respect to a local
9 area, means the local area is not subject to correc-
10 tive action as described in section 116(g)(2) on the
11 local performance accountability measures for the
12 most recent year for which data are available pre-
13 ceding the determination of performance under this
14 paragraph.”.

15 **SEC. 116. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

16 (a) MEMBERSHIP.—Section 107(b) of the Workforce
17 Innovation and Opportunity Act (29 U.S.C. 3122(b)) is
18 amended—

19 (1) in paragraph (2)—

20 (A) in subparagraph (B)—

21 (i) by striking “20” and inserting
22 “30”; and

23 (ii) in clause (iv), by striking “out-of-
24 school youth” and inserting “opportunity
25 youth”; and

1 (B) in subparagraph (C)—

2 (i) in clause (i), by inserting after
3 “title II” the following: “(including activi-
4 ties through corrections education pro-
5 grams under such title)”;

6 (ii) in clause (ii), by inserting after
7 “community colleges” the following: “and,
8 as applicable, historically Black colleges
9 and universities (meaning part B institu-
10 tions as defined in section 322 of the
11 Higher Education Act of 1965 (20 U.S.C.
12 1061)), minority-serving institutions
13 (meaning institutions defined in any of
14 paragraphs (1) through (7) of section
15 371(a) of such Act (20 U.S.C.1067q(a)),
16 and Tribal colleges or universities (as such
17 term is defined in section 316(b) of such
18 Act (20 U.S.C. 1059c(b))) and comprehen-
19 sive transition and postsecondary programs
20 for students with intellectual disabilities
21 (as such term is defined in section 760 of
22 the Higher Education Act of 1965 (20
23 U.S.C. 1140)))”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(iv) may include faculty and staff
2 members working directly with students in
3 providing workforce investment activities
4 through education or training programs
5 that support an industry cluster.”; and

6 (2) in paragraph (4)(A)—

7 (A) in clause (ii), by striking “include”
8 and all that follows through the period at the
9 end and inserting the following: “include—

10 “(I) representatives from commu-
11 nity-based organizations and other
12 representatives with professional ex-
13 pertise in youth workforce develop-
14 ment programs and with a dem-
15 onstrated record of success in serving
16 eligible youth;

17 “(II) opportunity youth, includ-
18 ing youth who are individuals with
19 disabilities;

20 “(III) at least one representative
21 of a public or nonprofit agency that
22 serves youth, including juvenile justice
23 and child welfare agencies, and at
24 least one representative of a local pub-
25 lic housing authority;

1 “(IV) for a local area in which a
2 Job Corps campus (as such term is
3 defined in section 142) is located, at
4 least one representative of that cam-
5 pus; and

6 “(V) for a local area in which a
7 center for a YouthBuild program (as
8 such term is defined in section
9 171(b)) is located, at least one rep-
10 resentative of that center.”; and

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

12 “(iv) A standing committee to provide
13 information and to assist with planning,
14 operational, and other issues relating to
15 the engagement of representatives of the
16 workforce in the local area, which—

17 “(I) shall include at least one
18 representative of local labor organiza-
19 tions or joint labor-management orga-
20 nizations, including at least one rep-
21 resentative of either of such organiza-
22 tions with special interest or expertise
23 in youth workforce readiness or ap-
24 prenticeship and pre-apprenticeship
25 programs that serve youth; and

1 “(II) may include, in a local area
2 with a significant number of dis-
3 located workers (as determined by the
4 local board), at least one representa-
5 tive with special interest or expertise
6 in providing supports for finding edu-
7 cation, training, and employment op-
8 portunities for dislocated workers.

9 “(v) A standing committee to provide
10 information and to assist with planning,
11 operational, and other issues relating to
12 the engagement of educational entities in
13 the local area, which shall include, at a
14 minimum—

15 “(I) at least one representative of
16 a local educational agency that serves
17 students residing in such local area;

18 “(II) at least one representative
19 of institutions of higher education in
20 the local area, including community
21 colleges; and

22 “(III) at least one representative
23 of entities administering education
24 and training activities, including ca-
25 reer and technical education programs

1 or after- school and summer learning
2 programs, in the local area.

3 “(vi) A standing committee to provide
4 information and to assist with planning,
5 operational, and other issues relating to
6 the provision of services to justice- involved
7 individuals, including pre-release edu-
8 cation, training, and career services for
9 such individuals, which shall include—

10 “(I) at least one justice-involved
11 individual; and

12 “(II) representatives from com-
13 munity-based organizations with spe-
14 cial interest or expertise in reentry
15 services for incarcerated and justice-
16 involved individuals, including at least
17 one representative of an organization
18 that is a recipient of a grant under
19 section 172.”.

20 (b) FUNCTIONS OF LOCAL BOARD.—Section 107(d)
21 of the Workforce Innovation and Opportunity Act (29
22 U.S.C. 3122(d)) is amended—

23 (1) in paragraph (2)(A), by striking “section
24 108(b)(1)(D)” and inserting “108(b)(1)(E)”;

1 (2) in paragraph (3), by inserting “, including,
2 to the extent practicable, local representatives of the
3 core programs and the programs described in section
4 121(b)(1)(B),” after “system stakeholders”;

5 (3) in paragraph (4)—

6 (A) in subparagraph (B), by inserting
7 “and industry and sector partnerships” after
8 “intermediaries”;

9 (B) in subparagraph (C), by inserting “,
10 local educational agencies, community colleges
11 and other institutions of higher education”
12 after “economic development entities”; and

13 (C) in subparagraph (D)—

14 (i) by striking “proven” and inserting
15 “evidence-based”;

16 (ii) by inserting “individual” after
17 “needs of”; and

18 (iii) by inserting “from a variety of in-
19 dustries and occupations” after “and em-
20 ployers”;

21 (4) in paragraph (5), by inserting “and which,
22 to the extent practicable, shall be aligned with career
23 and technical education programs of study (as de-
24 fined in section 3 of the Carl D. Perkins Career and
25 Technical Education Act of 2006 (20 U.S.C.

1 2302(3)) offered within the local area” before the
2 period at the end;

3 (5) in paragraph (6)—

4 (A) in the heading, by striking “PROVEN”
5 and inserting “EVIDENCE-BASED”;

6 (B) in subparagraph (A)—

7 (i) by striking “proven” and inserting
8 “evidence-based”;

9 (ii) by inserting “and covered veterans
10 (as defined in section 4212(a)(3)(A) of
11 title 38, United States Code)” after “em-
12 ployment”; and

13 (iii) by inserting “, and give priority
14 to covered persons in accordance with sec-
15 tion 4215 of title 38, United States Code”
16 after “delivery system”; and

17 (C) in subparagraph (B), by striking
18 “proven” and inserting “evidence-based”;

19 (6) in paragraph (10)(C)—

20 (A) by inserting “, on the State eligible
21 training provider list,” after “identify”; and

22 (B) by inserting “that operate in or are ac-
23 cessible to individuals” after “training serv-
24 ices”; and

1 (7) in paragraph (12)(A), by striking “activi-
2 ties” and inserting “funds allocated to the local area
3 under section 128(b) and section 133(b) for the
4 youth workforce development activities described in
5 section 129 and local employment and training ac-
6 tivities described in section 134(b), and the activi-
7 ties”.

8 (c) LIMITATIONS.—Section 107(g)(1)(D) of the
9 Workforce Innovation and Opportunity Act (29 U.S.C.
10 3122(g)(1)(D)) is amended by striking “needed or” and
11 inserting the following: “, that the local board is failing
12 to meet the requirements for eligible providers of training
13 services under section 122, or”.

14 **SEC. 117. LOCAL PLAN.**

15 Section 108 of the Workforce Innovation and Oppor-
16 tunity Act (29 U.S.C. 3123) is amended—

17 (1) in subsection (a)—

18 (A) by striking “section 102(b)(1)(E)” and
19 inserting “section 102(b)(1)(F); and

20 (B) by striking “shall prepare” and insert-
21 ing “may prepare”; and

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

1 (i) by redesignating subparagraphs
2 (D), (E), and (F) as subparagraphs (E),
3 (F), and (H), respectively;

4 (ii) by inserting the following after
5 subparagraph (C):

6 “(D) a description of—

7 “(i) how the local area will use real-
8 time labor market information to contin-
9 ually assess the economic conditions and
10 workforce trends described in subpara-
11 graphs (A), (B), and (C); and

12 “(ii) how changes in such conditions
13 or trends will be communicated to job-
14 seekers, education and training providers,
15 and employers in the local area;”;

16 (iii) in subparagraph (F), as so redesi-
17 gnated, by striking “and” at the end; and

18 (iv) by inserting after subparagraph
19 (F), as so redesignated, the following:

20 “(G) an analysis, which may be conducted
21 in coordination with the State, of the oppor-
22 tunity youth population in the local area includ-
23 ing the estimated number of such youth and
24 any gaps in services for such population from
25 other existing workforce development activities,

1 as identified under paragraph (9), and a de-
2 scription of how the local board will address any
3 such gaps in services identified in such analysis;
4 and”;

5 (B) in paragraph (2), by striking “section
6 102(b)(1)(E)” and inserting “section
7 102(b)(1)(F);

8 (C) in paragraph (4)—

9 (i) in subparagraph (A)—

10 (I) by striking “and” at the end
11 of clause (iii); and

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

14 “(v) carry out any statewide skills-
15 based initiatives identified in the State
16 plan that promote the use of demonstrated
17 skills and competencies as an alternative to
18 the exclusive use of degree attainment as a
19 requirement for employment or advance-
20 ment in a career; and”;

21 (ii) in subparagraph (B), by striking
22 “customized training” and inserting “em-
23 ployer-directed skills development”;

1 (D) in paragraph (6)(B), by inserting “,
2 such as the use of affiliated sites” after
3 “means”;

4 (E) in paragraph (9)—

5 (i) by striking “including activities”
6 and inserting the following: “including—
7 “(A) the availability of community based
8 organizations that serve youth primarily during
9 nonschool time hours to carry out activities
10 under section 129;
11 “(B) activities”;

12 (ii) in subparagraph (B), as so reded-
13 icated—

14 (I) by inserting “or evidence-
15 based” after “successful”; and

16 (II) by adding “and” at the end;
17 and

18 (iii) by adding at the end the fol-
19 lowing:
20 “(C) the availability of preapprenticeship
21 and apprenticeship programs serving youth;”;

22 (F) in paragraph (12), by inserting “in-
23 cluding as described in section 134(c)(2),” after
24 “system,”; and

1 (G) in paragraph (13), by inserting before
2 the semicolon at the end the following: “, and
3 encourage eligible youth who are enrolled in
4 adult education and literacy activities under
5 title II to co-enroll in youth workforce invest-
6 ment activities carried out by the local board,
7 as appropriate”.

8 **CHAPTER 3—PERFORMANCE**

9 **ACCOUNTABILITY**

10 **SEC. 119. PERFORMANCE ACCOUNTABILITY SYSTEM.**

11 (a) STATE PERFORMANCE ACCOUNTABILITY MEAS-
12 URES.—

13 (1) PRIMARY INDICATORS OF PERFORMANCE.—

14 Section 116(b)(2)(A) of the Workforce Innovation
15 and Opportunity Act (29 U.S.C. 3141(b)(2)(A)) is
16 amended—

17 (A) in clause (i)—

18 (i) in subclause (II)—

19 (I) by striking “fourth” and in-
20 serting “second”; and

21 (II) by inserting “and remain in
22 unsubsidized employment during the
23 fourth quarter after exit from the pro-
24 gram” after “the program”;

1 (ii) in subclause (IV), by striking
2 “secondary school diploma” and inserting
3 “regular high school diploma”;

4 (iii) in subclause (V)—

5 (I) by striking “, during a pro-
6 gram year,”;

7 (II) by striking “are in” and in-
8 serting “enter into”; and

9 (III) by inserting before the
10 semicolon at the end the following:
11 “within 12 months after the quarter
12 in which the participant enters into
13 the education and training program”;
14 and

15 (iv) by amending subclause (VI) to
16 read as follows:

17 “(VI) of the program partici-
18 pants who received training services
19 during a program year, the percentage
20 of such program participants who par-
21 ticipated in on-the-job training, em-
22 ployer-directed skills development, in-
23 cumbent worker training, or an ap-
24 prenticeship.”;

25 (B) in clause (ii)—

1 (i) in subclause (II)—

2 (I) by striking “fourth” and in-
3 serting “second”;

4 (II) by inserting “, and who re-
5 main either in such activities or un-
6 subsidized employment during the
7 fourth quarter after exit from the pro-
8 gram” after “the program”; and

9 (III) by striking “and” at the
10 end;

11 (ii) in subclause (III)—

12 (I) by striking “(VI)” and insert-
13 ing “(V)”; and

14 (II) by striking the period at the
15 end and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(IV) of the program partici-
19 pants who exited the program during
20 a program year, the percentage of
21 such program participants who com-
22 pleted, prior to such exit, a work ex-
23 perience as described in section
24 129(c)(2)(C).”; and

1 (C) in clause (iii), by striking “secondary
2 school diploma” and inserting “regular high
3 school diploma”; and

4 (D) by striking clause (iv).

5 (2) LEVELS OF PERFORMANCE.—Section
6 116(b)(3)(A) of the Workforce Innovation and Op-
7 portunity Act (29 U.S.C. 3141(b)(3)(A)) is amend-
8 ed—

9 (A) by amending clause (iii) to read as fol-
10 lows:

11 “(iii) IDENTIFICATION IN STATE
12 PLAN.—

13 “(I) SECRETARIES.—For each
14 State submitting a State plan, the
15 Secretary of Labor and the Secretary
16 of Education shall, not later than
17 January 15 of the year in which such
18 State plan is submitted, for the first
19 2 program years covered by the State
20 plan, and not later than January 15
21 of the second program year covered by
22 the State plan, for the third and
23 fourth program years covered by the
24 State plan—

1 “(aa) propose to the State
2 expected levels of performance,
3 for each of the corresponding pri-
4 mary indicators of performance
5 for each of the programs de-
6 scribed in clause (ii) for such
7 State, which shall—

8 “(AA) be consistent
9 with the factors listed in
10 clause (v); and

11 “(BB) be proposed in a
12 manner that ensures suffi-
13 cient time is provided for
14 the State to evaluate and re-
15 spond to such proposals; and

16 “(bb) publish, on a public
17 website of the Department of
18 Labor, the statistical model de-
19 veloped under clause (viii) and
20 the methodology used to develop
21 each such expected level of per-
22 formance.

23 “(II) STATES.—Each State
24 shall—

1 “(aa) evaluate each of the
2 expected levels of performance
3 proposed under subclause (I)
4 with respect to such State;

5 “(bb) based on such evalua-
6 tion of each such expected level
7 of performance—

8 “(AA) accept the ex-
9 pected level of performance
10 as so proposed; or

11 “(BB) provide a coun-
12 terproposal for such ex-
13 pected level of performance,
14 including an analysis of how
15 the counterproposal address-
16 es factors or circumstances
17 unique to the State that
18 may not have been ac-
19 counted for in the expected
20 level of performance; and

21 “(cc) include in the State
22 plan, with respect to each of the
23 corresponding primary indicators
24 of performance for each of the

1 programs described in clause (ii)
2 for such State—

3 “(AA) the expected
4 level of performance pro-
5 posed under subclause (I);

6 “(BB) the counter-
7 proposal for such proposed
8 level, if any; and

9 “(CC) the level of per-
10 formance that is agreed to
11 under clause (iv).”;

12 (B) in clause (iv)—

13 (i) in subclause (I)—

14 (I) in the second sentence, by
15 striking “the levels identified in the
16 State plan under clause (iii) and the
17 factors described in clause (v)” and
18 inserting “the factors described in
19 clause (v) and any counterproposal,
20 and the analysis provided by the State
21 with such counterproposal, described
22 in clause (iii)(II)(bb)(BB)”;

23 (II) in the third sentence, by
24 striking “incorporated into the State
25 plan” and inserting “included in the

1 State plan, as described in clause
2 (iii)(II)(cc),”; and
3 (ii) in subclause (II)—
4 (I) in the second sentence, by
5 striking “the factors described in
6 clause (v)” and inserting “the factors
7 described in clause (v) and any coun-
8 terproposal, and the analysis provided
9 by the State with such counter-
10 proposal, described in clause
11 (iii)(II)(bb)(BB)””; and
12 (II) in the third sentence, by
13 striking “incorporated into the State
14 plan” and inserting “included in the
15 State plan, as described in clause
16 (iii)(II)(cc),”; and
17 (C) in clause (v)(II)—
18 (i) in the matter preceding item (aa),
19 by striking “based on” and inserting
20 “based on each consideration that is found
21 to be predictive of performance on an indi-
22 cator for a program and consists of”; and
23 (ii) in item (bb), by striking “ex-of-
24 fender status, and welfare dependency”
25 and inserting “justice-involved individual

1 status, foster care status, school status,
2 education level, highest grade level com-
3 pleted, low-income status, and receipt of
4 public assistance”.

5 (b) PERFORMANCE REPORTS.—Section 116(d) of the
6 Workforce Innovation and Opportunity Act (29 U.S.C.
7 3141(d)) is amended—

8 (1) by amending paragraph (1) to read as fol-
9 lows:

10 “(1) IN GENERAL.—

11 “(A) TEMPLATES FOR PERFORMANCE RE-
12 PORTS.—Not later than 12 months after the
13 date of enactment of the A Stronger Workforce
14 for America Act, the Secretary of Labor, in
15 conjunction with the Secretary of Education,
16 shall develop, or review and modify, as appro-
17 priate, to comply with the requirements of this
18 subsection, the templates for performance re-
19 ports that shall be used by States (including by
20 States on behalf of eligible providers of training
21 services under section 122) and local areas to
22 produce a report on outcomes achieved by the
23 core programs. In developing, or reviewing and
24 modifying, such templates, the Secretary of
25 Labor, in conjunction with the Secretary of

1 Education, shall take into account the need to
2 maximize the value of the templates for work-
3 ers, jobseekers, employers, local elected officials,
4 State officials, Federal policymakers, and other
5 key stakeholders.

6 “(B) STANDARDIZED REPORTING.—In de-
7 veloping, or reviewing and modifying, the tem-
8 plates under subparagraph (A), the Secretary of
9 Labor, in conjunction with the Secretary of
10 Education, shall ensure that States and local
11 areas, in producing performance reports for
12 core programs and eligible providers of training
13 services, collect and report information on com-
14 mon data elements—

15 “(i) in a comparable and uniform for-
16 mat; and

17 “(ii) using terms that are assigned
18 identical meanings across all such reports.

19 “(C) ADDITIONAL REPORTING.—The Sec-
20 retary of Labor, in conjunction with the Sec-
21 retary of Education—

22 “(i) in addition to the information on
23 the common data elements, may require
24 additional information with respect to any

1 core program as necessary for effective re-
2 porting; and

3 “(ii) shall periodically review any such
4 requirement for additional information to
5 ensure the requirement is necessary and
6 does not impose an undue reporting bur-
7 den.

8 “(D) PRIVACY.—The Secretary of Labor,
9 in conjunction with the Secretary of Education,
10 shall ensure subparagraph (B) is carried out in
11 a manner that protects and promotes individual
12 privacy and data security, in accordance with
13 applicable Federal privacy laws.

14 “(E) ACCESS TO WAGE RECORDS.—

15 “(i) ACCESS.—A State may facilitate
16 for a local area that meets the require-
17 ments of clause (ii), for the sole purpose of
18 fulfilling the reporting requirements under
19 this subsection, access to the quarterly
20 wage records (excluding such records made
21 available by any other State) of program
22 participants in the local area.

23 “(ii) PRIVACY PROTECTIONS.—To re-
24 ceive access to such quarterly wage
25 records, the local area shall have dem-

1 onstrated to the State the ability to com-
2 ply, and agree to comply, with all applica-
3 ble Federal and State requirements relat-
4 ing to the access and use of such quarterly
5 wage records, including requirements relat-
6 ing to data privacy and cybersecurity.”;

7 (2) in paragraph (2)—

8 (A) in subparagraph (B), by inserting “,
9 and aggregated to compare those levels of per-
10 formance for all individuals with barriers to em-
11 ployment with those levels of performance for
12 all other individuals” before the semicolon at
13 the end;

14 (B) in subparagraphs (D) and (F), by
15 striking “career and training services, respec-
16 tively” and inserting “career services, training
17 services, and supportive services, respectively”;

18 (C) by redesignating subparagraphs (J)
19 through (L) as subparagraphs (K) through (M),
20 respectively and inserting after subparagraph
21 (I) the following:

22 “(J) the median earnings gain of partici-
23 pants who received training services, calculated
24 as the median value of the difference between—

1 “(i) participant earnings in unsub-
2 sidized employment during the 4 quarters
3 after program exit; and

4 “(ii) participant earnings in the 4
5 quarters prior to entering the program;”;
6 and

7 (D) in subparagraph (L), as so redesign-
8 nated—

9 (i) by striking clause (ii); and

10 (ii) by striking “strategies for pro-
11 grams” and all that follows through “the
12 performance”, and inserting “strategies for
13 programs, the performance”;

14 (3) in paragraph (3)—

15 (A) in subparagraph (A), by striking “(L)”
16 and inserting “(M)”;

17 (B) in subparagraph (B), by striking
18 “and” at the end;

19 (C) by redesignating subparagraph (C) as
20 subparagraph (F); and

21 (D) by inserting after subparagraph (B)
22 the following:

23 “(C) the percentage of the local area’s allo-
24 cation under section 133(b) that the local area
25 spent on services paid for through an individual

1 training account described in section
2 134(c)(3)(F)(iii) or a training contract de-
3 scribed in section 134(c)(3)(G)(ii);

4 “(D) the percentage of the local area’s al-
5 location under section 133(b) that the local
6 area spent on supportive services;

7 “(E) the percentage of the local area’s al-
8 location under section 133(b), if any, that is
9 spent on incumbent worker training,
10 disaggregated by whether the amount so spent
11 was spent on the provision of incumbent worker
12 training through contracts or through incum-
13 bent worker upskilling accounts described in
14 section 134(d)(4)(E); and”;

15 (4) by amending paragraph (4) to read as fol-
16 lows:

17 “(4) CONTENTS OF ELIGIBLE TRAINING PRO-
18 VIDERS PERFORMANCE REPORT.—

19 “(A) IN GENERAL.—The State shall use
20 the information submitted by the eligible pro-
21 viders of training services under section 122
22 and administrative records, including quarterly
23 wage records, of the participants of the pro-
24 grams offered by the providers to produce a
25 performance report on the eligible providers of

1 training services in the State, which shall in-
2 clude, subject to paragraph (6)(C)—

3 “(i) with respect to each program of
4 study (or the equivalent) of a provider on
5 the list described in section 122(d)—

6 “(I) information specifying the
7 levels of performance achieved with
8 respect to the primary indicators of
9 performance described in subclauses
10 (I) through (IV) of subsection
11 (b)(2)(A)(i) with respect to all individ-
12 uals engaging in the program of study
13 (or the equivalent); and

14 “(II) the total number of individ-
15 uals exiting from the program of
16 study (or the equivalent),
17 disaggregated by whether such indi-
18 viduals completed the program of
19 study (or equivalent); and

20 “(ii) with respect to all eligible pro-
21 viders of training services under section
22 122—

23 “(I) the total number of partici-
24 pants who received training services
25 through each adult and dislocated

1 worker program authorized under
2 chapter 3 of subtitle B, disaggregated
3 by the type of entity that provided the
4 training services, during the most re-
5 cent program year and the 3 pre-
6 ceding program years;

7 “(II) the total number of partici-
8 pants who exited from training serv-
9 ices, disaggregated by the type of en-
10 tity that provided the training serv-
11 ices, and by whether such participants
12 completed the training services, dur-
13 ing the most recent program year and
14 the 3 preceding program years;

15 “(III) the average cost per par-
16 ticipant for the participants who re-
17 ceived training services, disaggregated
18 by the type of entity that provided the
19 training, during the most recent pro-
20 gram year and the 3 preceding pro-
21 gram years;

22 “(IV) the average of the per-pro-
23 gram ratios of median earnings in-
24 crease for a participant to the total
25 cost of the provider’s program, as de-

1 scribed in section 122(b)(5)(B)(i)(III)
2 for the participant; and

3 “(V) the number of individuals
4 with barriers to employment served by
5 each adult and dislocated worker pro-
6 gram authorized under chapter 3 of
7 subtitle B, disaggregated by each sub-
8 population of such individuals, and by
9 race, ethnicity, sex, and age; and

10 “(iii) to the extent practicable, with
11 respect to each recognized postsecondary
12 credential on the list of credentials award-
13 ed by eligible providers in the State de-
14 scribed in section 122(d)(2)—

15 “(I) information specifying the
16 levels of performance achieved with
17 respect to the primary indicators of
18 performance described in subclauses
19 (I) through (IV) of subsection
20 (b)(2)(A)(i) for all participants in the
21 State receiving such credential; and

22 “(II) information specifying the
23 levels of performance achieved with
24 respect to the primary indicators of
25 performance described in subclauses

1 (I) through (IV) of subsection
2 (b)(2)(A)(i) for participants in the
3 State receiving such credential who
4 are individuals with barriers to em-
5 ployment, disaggregated by each sub-
6 population of such individuals, and by
7 race, ethnicity, sex, and age.”; and

8 (5) in paragraph (6)—

9 (A) by amending subparagraph (A) to read
10 as follows:

11 “(A) STATE PERFORMANCE REPORTS.—
12 The Secretary of Labor and the Secretary of
13 Education shall annually make available the
14 performance reports for States containing the
15 information described in paragraph (2), which
16 shall include making such reports available—

17 “(i) digitally using transparent,
18 linked, open, and interoperable data for-
19 mats that are human readable and ma-
20 chine actionable such that the data from
21 these reports—

22 “(I) are easily understandable;
23 and

24 “(II) can be easily included in
25 web-based tools and services sup-

1 porting search, discovery, comparison,
2 analysis, navigation, and guidance;

3 “(ii) in a printable format; and

4 “(iii) in multiple languages, to the ex-
5 tent practicable.”;

6 (B) in subparagraph (B)—

7 (i) by striking “(including by elec-
8 tronic means), in an easily understandable
9 format,”; and

10 (ii) by adding at the end the fol-
11 lowing: “The Secretary of Labor and the
12 Secretary of Education shall include, on
13 the website where the State performance
14 reports are required under subparagraph
15 (A) to be made available, a link to local
16 area performance reports and the eligible
17 provider of training services report for
18 each State. Such reports shall be made
19 available in each of the formats described
20 in subparagraph (A).”; and

21 (C) by adding at the end the following:

22 “(E) RULE OF CONSTRUCTION.—Nothing
23 in this subsection shall be construed to require
24 the retroactive collection of information, from
25 program years prior to the effective date de-

1 scribed in section 502(a)(1) of the A Stronger
2 Workforce for America Act, that was not re-
3 quired under this subsection prior to that effec-
4 tive date.”.

5 (c) EVALUATION OF STATE PROGRAMS.—Section
6 116(e) of the Workforce Innovation and Opportunity Act
7 (29 U.S.C. 3141(e)) is amended—

8 (1) in paragraph (1)—

9 (A) in the first sentence, by striking “shall
10 conduct ongoing” and inserting “shall use data
11 to conduct analyses and ongoing”; and

12 (B) in the second sentence, by striking
13 “conduct the” and inserting “conduct such
14 analyses and”; and

15 (2) in paragraph (2), by adding “A State may
16 use various forms of analysis, such as machine
17 learning or other advanced analytics, to improve pro-
18 gram operations and outcomes and to identify areas
19 for further evaluation.” at the end.

20 (d) SANCTIONS FOR STATE FAILURE TO MEET
21 STATE PERFORMANCE ACCOUNTABILITY MEASURES.—
22 Section 116(f) of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3141(f)) is amended to read as fol-
24 lows:

1 “(f) SANCTIONS FOR STATE FAILURE TO MEET
2 STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

3 “(1) TARGETED SUPPORT AND ASSISTANCE.—

4 “(A) IN GENERAL.—If a State fails to
5 meet 80 percent of the State adjusted level of
6 performance for an indicator described in sub-
7 section (b)(2)(A) (referred to in the regulations
8 carrying out this section as an ‘individual indi-
9 cator score’) for a core program for any pro-
10 gram year, the Secretary of Labor and the Sec-
11 retary of Education shall provide technical as-
12 sistance.

13 “(B) SANCTIONS.—

14 “(i) IN GENERAL.—If the State fails
15 in the manner described in subclause (I) or
16 (II) of clause (ii) with respect to the pro-
17 gram year specified in that subclause, the
18 percentage of each amount that could (in
19 the absence of this subsection) be reserved
20 by the Governor under section 128(a)(1)
21 for the immediately succeeding program
22 year shall be reduced by 5 percent and an
23 amount equivalent to the amount reduced
24 shall be returned to the Secretary of Labor
25 until such date as the Secretary of Labor

1 or the Secretary of Education, as appro-
2 priate, determines that the State meets the
3 State adjusted level of performance, in the
4 case of a failure described in clause (ii)(II),
5 or has submitted the reports for the appro-
6 priate program years, in the case of a fail-
7 ure described in clause (ii)(I).

8 “(ii) FAILURES.—A State shall be
9 subject to clause (i)—

10 “(I) if (except in the case of ex-
11 ceptional circumstances as determined
12 by the Secretary of Labor or the Sec-
13 retary of Education, as appropriate),
14 such State fails to submit a report
15 under subsection (d) for any program
16 year; or

17 “(II) for a failure under subpara-
18 graph (A) that has continued for a
19 second consecutive program year.

20 “(2) COMPREHENSIVE SUPPORT AND ASSIST-
21 ANCE.—

22 “(A) IN GENERAL.—If a State fails to
23 meet an average of 90 percent of the State ad-
24 justed levels of performance for a single core
25 program across all indicators of performance

1 (referred to in the regulations carrying out this
2 section as an ‘overall State program score’) for
3 any program year, or if a State fails to meet an
4 average of 90 percent of the State adjusted lev-
5 els of performance for a single indicator of per-
6 formance across all core programs (referred to
7 in the regulations carrying out this section as
8 an ‘overall State indicator score’) for any pro-
9 gram year, the Secretary of Labor and the Sec-
10 retary of Education shall provide technical as-
11 sistance, as described and authorized under sec-
12 tion 168(b), including assistance in the develop-
13 ment of a comprehensive performance improve-
14 ment plan.

15 “(B) SECOND CONSECUTIVE YEAR FAIL-
16 URE.—If such failure under subparagraph (A)
17 continues for a second consecutive program
18 year, the percentage of each amount that could
19 (in the absence of this subsection) be reserved
20 by the Governor under section 128(a)(1) for the
21 immediately succeeding program year shall be
22 reduced by 8 percent and an amount equivalent
23 to the amount reduced shall be returned to the
24 Secretary of Labor until such date as the Sec-
25 retary of Labor or the Secretary of Education,

1 as appropriate, determines that the State meets
2 such State adjusted levels of performance.

3 “(3) LIMITATION.—The total reduction under
4 this subsection to the percentage of each amount
5 that could (in the absence of this subsection) be re-
6 served by the Governor under section 128(a)(1) may
7 not exceed 10 percent for a program year.

8 “(4) REALLOTMENT OF REDUCTIONS.—

9 “(A) IN GENERAL.—The amounts available
10 for reallocation for a program year shall be re-
11 allotted to a State (in this paragraph referred
12 to as an ‘eligible State’) that—

13 “(i) was not subject to a reduction of
14 funds under paragraph (1)(B) or para-
15 graph (2)(B) of this subsection for such
16 program year;

17 “(ii) in the case of amounts available
18 under section 127(b)(1)(C), was 1 of the 5
19 States that achieved, in the most recent
20 program year, the greatest increase from
21 the prior year to the average of the State’s
22 adjusted levels of performance across all
23 indicators of performance for the youth
24 program under chapter 2 of subtitle B;

1 “(iii) in the case of amounts available
2 under section 132(b)(1)(B), was 1 of the 5
3 States that achieved, in the most recent
4 program year, the greatest increase from
5 the prior year to the average of the State’s
6 adjusted levels of performance across all
7 indicators of performance for the adult
8 program under chapter 3 of subtitle B;
9 and

10 “(iv) in the case of amounts available
11 under section 132(b)(2)(B), was 1 of the 5
12 States that achieved, in the most recent
13 program year, the greatest increase from
14 the prior year to the average of the State’s
15 adjusted levels of performance across all
16 indicators of performance for the dis-
17 located worker program under chapter 3 of
18 subtitle B.

19 “(B) AMOUNTS AVAILABLE FOR REALLOT-
20 MENT.—In this paragraph, the term ‘amounts
21 available for reallocation for a program year’
22 means the amounts available under section
23 127(b)(1)(C) and paragraphs (1)(B) and (2)(B)
24 of section 132(b) for such program year which
25 could (in the absence of the requirements to re-

1 turn funds of paragraph (1)(B) or paragraph
2 (2)(B) of this subsection) have otherwise been
3 reserved under section 128(a)(1) by a Governor
4 of a State for such program year.

5 “(C) REALLOTMENT AMOUNTS.—In mak-
6 ing reallocations under subparagraph (A) for a
7 program year to eligible States, the Secretary
8 shall allot to each eligible State—

9 “(i) in the case of amounts available
10 under section 127(b)(1)(C), an amount
11 based on the relative amount of the allot-
12 ment made (before the reallocations under
13 this paragraph are made) to such eligible
14 State under section 127(b)(1)(C) for such
15 program year, compared to the total allot-
16 ments made (before the reallocations under
17 this paragraph are made) to all eligible
18 States under section 127(b)(1)(C) for such
19 program year;

20 “(ii) in the case of amounts available
21 under paragraph (1)(B) of section 132(b),
22 an amount based on the relative amount of
23 the allotment made (before the reallo-
24 tments under this paragraph are made) to
25 such eligible State under paragraph (1)(B)

1 of section 132(b) for such program year,
2 compared to the total allotments made (be-
3 fore the reallocations under this paragraph
4 are made) to all eligible States under para-
5 graph (1)(B) of section 132(b) for such
6 program year; and

7 “(iii) in the case of amounts available
8 under paragraph (2)(B) of section 132(b),
9 an amount based on the relative amount of
10 the allotment made (before the realloco-
11 ments under this paragraph are made) to
12 such eligible State under paragraph (2)(B)
13 of section 132(b) for such program year,
14 compared to the total allotments made (be-
15 fore the reallocations under this paragraph
16 are made) to all eligible States under para-
17 graph (2)(B) of section 132(b) for such
18 program year.”.

19 (e) SANCTIONS FOR LOCAL AREA FAILURE TO MEET
20 LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—
21 Section 116(g) of the Workforce Innovation and Oppor-
22 tunity Act (29 U.S.C. 3141(g)) is amended—

23 (1) in paragraph (1)—

24 (A) by inserting “80 percent of the” before
25 “local performance”; and

1 (B) by striking “local performance ac-
2 countability measures established under sub-
3 section (c)” and inserting “local level of per-
4 formance established under subsection (c) for
5 an indicator of performance described in sub-
6 section (b)(2)(A) for a single program, an aver-
7 age of 90 percent of the local levels of perform-
8 ance across all such indicators for a single pro-
9 gram, or an average of 90 percent of the local
10 levels of performance for a single such indicator
11 across all programs,”; and

12 (2) in paragraph (2)—

13 (A) by amending subparagraph (A) to read
14 as follows:

15 “(A) IN GENERAL.—If such failure con-
16 tinues, the Governor shall take corrective ac-
17 tions, which shall include—

18 “(i) in the case of such failure, as de-
19 scribed in paragraph (1), for a second con-
20 secutive year, on any single indicator,
21 across indicators for a single program, or
22 on a single indicator across programs, a 5-
23 percent reduction in the amount that
24 would (in the absence of this clause) be al-
25 located to the local area for the imme-

1 diately succeeding program year under
2 chapter 2 or 3 of subtitle B for the pro-
3 gram subject to the performance failure;

4 “(ii) in the case of such failure, as de-
5 scribed in paragraph (1), for a third con-
6 secutive year, the development of a reorga-
7 nization plan through which the Governor
8 shall—

9 “(I) require the appointment and
10 certification of a new local board, con-
11 sistent with the criteria established
12 under section 107(b);

13 “(II) prohibit the use of one-stop
14 delivery system contractors or service
15 providers identified as achieving a
16 poor level of performance; and

17 “(III) redesignate a local area
18 (which may include merging a local
19 area with another local area), if the
20 Governor determines that the likely
21 cause of such continued performance
22 failure of a local area is due to such
23 local area’s designation being granted
24 without the appropriate consideration

1 of parameters described under section
2 106(b)(1)(B); or

3 “(iii) taking another significant action
4 determined appropriate by the Governor.”;

5 (B) in subparagraph (B)(i), by inserting
6 “(ii)” after “subparagraph (A)”; and

7 (C) by adding at the end the following:

8 “(D) REALLOCATION OF REDUCTIONS.—

9 With respect to any amounts available to carry
10 out section 128(b), paragraph (2)(A) or (3) of
11 section 133(b), and section 133(b)(2)(B) to a
12 Governor for a program year which would (in
13 the absence of subparagraph (A)(i)) have other-
14 wise been allocated by such Governor to a local
15 area (referred to individually in this subpara-
16 graph as an ‘unallocated amount’) for such pro-
17 gram year—

18 “(i) 10 percent of those 3 unallocated
19 amounts shall be reserved by the Governor
20 to provide technical assistance to local
21 areas within the State that were subject to
22 a reduction of allocation amounts pursuant
23 to subparagraph (A)(i) for such program
24 year; and

1 “(ii) the amounts remaining after the
2 reservations under clause (i) shall be re-
3 allocated by the Governor, to the local
4 areas within the State that were not sub-
5 ject to a reduction of allocation amounts
6 pursuant to subparagraph (A)(i) for such
7 program year, in a manner determined by
8 the Governor, which may take into consid-
9 eration the extent to which local areas
10 serve a significant number, as determined
11 by the Governor, of individuals with bar-
12 riers to employment.”.

13 (f) ESTABLISHING PAY-FOR-PERFORMANCE CON-
14 TRACT STRATEGY INCENTIVES.—Section 116(h) of the
15 Workforce Innovation and Opportunity Act (29 U.S.C.
16 3141(h)) is amended by striking “non-Federal funds” and
17 inserting “not more than 5 percent of the funds reserved
18 under section 128(a)(1)”.

19 (g) INFORMATION AND TECHNICAL ASSISTANCE.—
20 Section 116 of the Workforce Innovation and Opportunity
21 Act (29 U.S.C. 3141) is amended—

22 (1) by redesignating subsection (i) as subsection
23 (j); and

24 (2) by inserting after subsection (h) the fol-
25 lowing:

1 “(i) INFORMATION AND TECHNICAL ASSISTANCE.—
2 Beginning not later than 12 months after the date of en-
3 actment of the A Stronger Workforce for America Act,
4 the Secretary of Labor shall hold meetings with each State
5 board and State agency that administers a core program,
6 and that requests such a meeting, to provide information
7 and technical assistance concerning the performance ac-
8 countability measures established in accordance with sub-
9 section (b), and related requirements for States under this
10 section.”.

11 (h) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-
12 FORMATION SYSTEMS.—Section 116(j) of the Workforce
13 Innovation and Opportunity Act (29 U.S.C. 3141(j)), as
14 so redesignated, is amended—

15 (1) in the first sentence of paragraph (2), by
16 inserting “, and may use information provided from
17 the National Directory of New Hires in accordance
18 with section 453(j)(8) of the Social Security Act (42
19 U.S.C. 653(j)(8))” after “State law”;

20 (2) by redesignating paragraph (3) as para-
21 graph (4); and

22 (3) by inserting after paragraph (2) the fol-
23 lowing:

24 “(3) DESIGNATED ENTITY.—The Governor
25 shall designate a State agency (or appropriate State

1 entity) to assist in carrying out the performance re-
2 porting requirements of this section for core pro-
3 grams and eligible providers of training services.
4 The designated State agency (or appropriate State
5 entity) shall be responsible for—

6 “(A) facilitating data matches using quar-
7 terly wage record information, including wage
8 record information made available by other
9 States, to measure employment and earnings
10 outcomes;

11 “(B) notifying State agencies that admin-
12 ister core programs and eligible providers of
13 training services of the State’s procedures for
14 data validation and reliability, as described in
15 subsection (d)(5); and

16 “(C) protection against disaggregation that
17 would violate applicable privacy standards, as
18 described in subsection (d)(6)(C).”.

19 (i) IMPLEMENTATION OF PERFORMANCE ACCOUNT-
20 ABILITY MEASURES.—Section 116 of the Workforce Inno-
21 vation and Opportunity Act (29 U.S.C. 3141) is amended
22 by adding at the end the following:

23 “(k) IMPLEMENTATION OF PERFORMANCE ACCOUNT-
24 ABILITY MEASURES.—Not later than 12 months after the
25 date of enactment of the A Stronger Workforce for Amer-

1 ica Act, the Secretary of Labor and the Secretary of Edu-
2 cation shall fully implement the requirements of this sec-
3 tion for programs described in subsection (b)(3)(A)(iv), in-
4 cluding—

5 “(1) developing and disseminating the objective
6 statistical adjustment model described in subsection
7 (b)(3)(A)(viii) and using the model as described in
8 subsection (b)(3)(A)(viii) for each program; and

9 “(2) notifying the State agencies carrying out
10 such programs of the performance accountability
11 measures established under this section, of the re-
12 porting and evaluation requirements for such pro-
13 grams, and of the sanctions requirements for pro-
14 grams that fail to meet State adjusted levels of per-
15 formance under subsection (b)(3)(A)(iv).”.

16 **Subtitle C—Workforce Investment** 17 **Activities and Providers**

18 **CHAPTER 1—WORKFORCE INVESTMENT**

19 **ACTIVITIES AND PROVIDERS**

20 **SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-** 21 **TEMS.**

22 (a) ONE-STOP PARTNERS.—Section 121(b) of the
23 Workforce Innovation and Opportunity Act (29 U.S.C.
24 3151(b)) is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (B)—

2 (i) in clause (xi), by inserting “and”
3 at the end;

4 (ii) by striking clause (xii); and

5 (iii) by redesignating clause (xiii) as
6 clause (xii); and

7 (B) in subparagraph (C), by striking “sub-
8 paragraph (B)(xiii)” and inserting “subpara-
9 graph (B)(xii)”; and
10 (2) in paragraph (2)—

11 (A) in subparagraph (A), by striking
12 “With” and inserting “At the direction of the
13 Governor or with”; and

14 (B) in subparagraph (B)—

15 (i) in clause (vi), by striking “and” at
16 the end;

17 (ii) by redesignating clause (vii) as
18 clause (viii);

19 (iii) by inserting after clause (vi) the
20 following:

21 “(vii) any applicable economic devel-
22 opment and workforce development pro-
23 grams carried out in the State—

24 “(I) by the Economic Develop-
25 ment Administration;

1 “(II) under Public Law 117–167
2 (commonly known as the ‘CHIPS and
3 Science Act of 2022’);

4 “(III) under the Infrastructure
5 Investment and Jobs Act (Public Law
6 117–58); or

7 “(IV) under Public Law 117–168
8 (commonly known as the ‘Inflation
9 Reduction Act of 2022’); and”; and
10 (iv) in clause (viii), as so redesign-
11 nated—

12 (I) by inserting “opportunity
13 youth services,” after “education,”;
14 and

15 (II) by inserting “, by commu-
16 nity-based organizations,” after “li-
17 braries”.

18 (b) MEMORANDUM OF UNDERSTANDING.—Section
19 121(c)(2)(A)(iv) of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3151(c)(2)(A)(iv)) is amended by
21 striking “access to services, including access to technology
22 and materials, made” and inserting “access or referral to
23 services, including access or referral to technology, mate-
24 rials, and other supportive services, made”.

1 (c) ONE-STOP OPERATORS.—Section 121(d) of the
2 Workforce Innovation and Opportunity Act (29 U.S.C.
3 3151(d)) is amended—

4 (1) in paragraph (1), by striking “paragraphs
5 (2) and (3)” and inserting “paragraphs (2) and
6 (5)”;

7 (2) in paragraph (2)(B)—

8 (A) in the matter preceding clause (i), by
9 inserting “(including effectiveness in serving in-
10 dividuals with barriers to employment)” after
11 “demonstrated effectiveness”;

12 (B) in clause (i), by inserting after “edu-
13 cation” the following: “or an area career and
14 technical education school”;

15 (C) in clause (v), by striking “and”;

16 (D) by redesignating clause (vi) as clause
17 (viii);

18 (E) by inserting after clause (v) the fol-
19 lowing:

20 “(vi) a public library;

21 “(vii) a local board that meets the re-
22 quirements of paragraph (4); and”;

23 (F) in clause (viii), as so redesignated, by
24 inserting after “labor organization” the fol-

1 lowing: “or joint labor-management organiza-
2 tion”;

3 (3) by redesignating paragraphs (3) and (4) as
4 paragraphs (5) and (6), respectively; and

5 (4) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) RESPONSIBILITIES.—

8 “(A) IN GENERAL.—In operating a one-
9 stop delivery system referred to in subsection
10 (e), a one-stop operator—

11 “(i) shall—

12 “(I) manage the physical and vir-
13 tual infrastructure and operations of
14 the one-stop delivery system in the
15 local area;

16 “(II) facilitate coordination
17 among the one-stop partners in such
18 one-stop delivery system; and

19 “(III) take the necessary steps to
20 ensure efficient and effective service
21 delivery for individuals served by the
22 one-stop delivery system, including in-
23 dividuals with barriers to employment;
24 and

1 “(ii) may, subject to the requirements
2 under subparagraph (B), directly provide
3 services to job seekers and employers.

4 “(B) INTERNAL CONTROLS.—In a case in
5 which a one-stop operator seeks to operate as a
6 service provider pursuant to subparagraph
7 (A)(ii), the local board shall establish internal
8 controls (which shall include written policies
9 and procedures)—

10 “(i) with respect to the competition in
11 which the one-stop operator will compete to
12 be selected as such service provider, and
13 the subsequent oversight, monitoring, and
14 evaluation of the performance of such one-
15 stop operator as such service provider; and

16 “(ii) which—

17 “(I) require compliance with—

18 “(aa) relevant Office of
19 Management and Budget circu-
20 lars relating to conflicts of inter-
21 est; and

22 “(bb) any applicable State
23 conflict of interest policy; and

24 “(II) prohibit a one-stop operator
25 from developing, managing, or con-

1 ducting the competition in which the
2 operator intends to compete to be se-
3 lected as a service provider.

4 “(4) LOCAL BOARDS AS ONE-STOP OPERA-
5 TORS.—Subject to approval from the chief elected
6 official and Governor and in accordance with any
7 other eligibility criteria established by the State, a
8 local board may serve as a one-stop operator, if the
9 local board—

10 “(A) enters into a written agreement with
11 the chief elected official that clarifies how the
12 local board will carry out the functions and re-
13 sponsibilities as a one-stop operator in a man-
14 ner that complies with the appropriate internal
15 controls to prevent any conflicts of interest,
16 which shall include how the local board, while
17 serving as a one-stop operator, will—

18 “(i) comply with the relevant Office of
19 Management and Budget circulars relating
20 to conflicts of interest; and

21 “(ii) any applicable State conflict of
22 interest policy; and

23 “(B) complies with the other applicable re-
24 quirements of this subsection.”.

1 (d) ONE-STOP DELIVERY.—Section 121(e) of the
2 Workforce Innovation and Opportunity Act (29 U.S.C.
3 3151(e)) is amended—

4 (1) in paragraph (1)—

5 (A) by redesignating subparagraphs (D)
6 and (E) as subparagraphs (E) and (F), respec-
7 tively; and

8 (B) by inserting after subparagraph (C)
9 the following:

10 “(D) provide referrals to supportive serv-
11 ices, to the extent practicable;”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A), to read as fol-
14 lows:

15 “(A) shall make each of the programs,
16 services (meaning a referral in the case of sup-
17 portive services, for the purposes of this para-
18 graph), and activities described in paragraph

19 (1) available—

20 “(i) at not less than 1 physical or vir-
21 tual center for each local area of the State,
22 except that, in the case of 1 or more local
23 areas that share at least 1 common border,
24 each such local area may share—

1 “(I) a virtual center if the local
2 area complies with subparagraph (E);
3 or

4 “(II) a physical center, if such
5 center is located in a location that
6 promotes accessibility to services for
7 individuals residing in all such local
8 areas served by the center; and

9 “(ii) in a manner that is designed to
10 promote efficiency, coordination, quality,
11 and accessibility for individuals with bar-
12 riers to employment, as determined by the
13 local board, in the delivery of such pro-
14 grams, services, and activities;”;

15 (B) in subparagraph (B)(i), by inserting
16 after “affiliated sites” the following: “(such as
17 a site of any of the entities described in sub-
18 section (d)(2)(B))”;

19 (C) in subparagraph (C)—

20 (i) by inserting after “centers” the
21 following: “(which may be virtual or phys-
22 ical centers)”; and

23 (ii) by striking “and” at the end;

24 (D) in subparagraph (D)—

1 (i) by striking “as applicable and
2 practicable, shall” and inserting “in the
3 case of a one-stop delivery system that is
4 making each of the programs, services, and
5 activities described in paragraph (1) acces-
6 sible at not less than 1 physical center, as
7 described in subparagraph (A)(i)(II), shall,
8 as applicable and practicable,”; and

9 (ii) by striking the period at the end
10 and inserting “, and local areas that share
11 at least 1 common border may coordinate
12 in making such programs, services, and ac-
13 tivities accessible through electronic means
14 through such a one-stop delivery system;
15 and”; and

16 (E) by inserting after subparagraph (D)
17 the following:

18 “(E) in the case of a one-stop delivery sys-
19 tem that is making each of the programs, serv-
20 ices, and activities accessible through electronic
21 means, as described in subparagraph (A)(i)(I),
22 shall have not fewer than 2 affiliated sites (not
23 fewer than 1 of which will have not fewer than
24 1 professional staff member) with a physical lo-
25 cation where individuals can access, virtually,

1 each of the programs, services, and activities
2 described in paragraph (1) that are virtually ac-
3 cessible.”; and

4 (3) in paragraph (4), by inserting after the first
5 sentence the following: “The system identifier shall
6 be prominently and visibly displayed at each com-
7 prehensive and specialized one-stop center operated
8 by the one-stop delivery system, including physical
9 and virtual centers identified in paragraph (2)(A),
10 and the sites and centers described in subparagraphs
11 (B) through (E) of paragraph (2).”.

12 (e) CERTIFICATION AND IMPROVEMENT CRITERIA.—
13 Section 121(g)(2)(A) of the Workforce Innovation and
14 Opportunity Act (29 U.S.C. 3151(g)(2)(A)) is amended
15 by striking “under subsections (h)(1)” and inserting
16 “under subsections (h)(1)(C)”.

17 (f) FUNDING OF ONE-STOP INFRASTRUCTURE.—Sec-
18 tion 121(h) of the Workforce Innovation and Opportunity
19 Act (29 U.S.C. 3151(h)) is amended—

20 (1) by striking paragraph (1);

21 (2) by redesignating paragraphs (2) and (3) as
22 paragraphs (1) and (2), respectively;

23 (3) in paragraph (1), as so redesignated—

24 (A) by amending subparagraph (B) to read
25 as follows:

1 “(B) PARTNER CONTRIBUTIONS.—Subject
2 to subparagraph (D), the covered portions of
3 funding for a fiscal year shall be provided to
4 the Governor from the programs described in
5 subsection (b)(1) to pay the costs of infrastruc-
6 ture of one-stop centers in local areas of the
7 State.”;

8 (B) in subparagraph (C)(i)—

9 (i) by striking “for funding pursuant
10 to clause (i)(II) or (ii) of paragraph (1)(A)
11 by each partner,”; and

12 (ii) by striking the third sentence; and

13 (C) in subparagraph (D)—

14 (i) in clause (ii), by striking “For
15 local areas in a State that are not covered
16 by paragraph (1)(A)(i)(I), the” and insert-
17 ing “The”;

18 (ii) in clause (ii)—

19 (I) in subclause (I)—

20 (aa) by striking “WIA” in
21 the header and inserting
22 “WIOA”; and

23 (bb) by striking “3 percent”
24 and inserting “5 percent”; and

1 (II) by striking subclause (III)
2 and inserting the following:

3 “(III) VOCATIONAL REHABILITA-
4 TION.—Notwithstanding subclauses
5 (I) and (II), an entity administering a
6 program described in subsection
7 (b)(1)(B)(iii) shall not be required to
8 provide from that program, under this
9 paragraph, a portion that exceeds 1.5
10 percent of the amount of Federal
11 funds provided to carry out such pro-
12 gram in the State for a program
13 year.”; and

14 (iii) in clause (iii), by striking “For
15 local areas in a State that are not covered
16 by paragraph (1)(A)(i)(I), an” and insert-
17 ing “An”;

18 (4) in paragraph (2), as so redesignated—

19 (A) in subparagraph (A), by striking “pur-
20 poses of assisting in” and inserting “purpose
21 of”; and

22 (B) in subparagraph (B)—

23 (i) in the first sentence, by striking
24 “not funding costs of infrastructure under

1 the option described in paragraph
2 (1)(A)(i)(I)”; and

3 (ii) in the second sentence, by insert-
4 ing after “local area,” the following: “the
5 intensity of services provided by such cen-
6 ters, the number and types of one-stop
7 partners engaged by or providing services
8 through such centers”;

9 (5) by inserting after paragraph (2), as so re-
10 designated, the following:

11 “(3) SUPPLEMENTAL INFRASTRUCTURE FUND-
12 ING.—For any fiscal year in which the allocation re-
13 ceived by a local area under paragraph (2) is insuffi-
14 cient to cover the total costs of infrastructure of
15 one-stop centers in such local area, the local board,
16 the chief elected official, and the one-stop partners
17 that have entered into the local memorandum of un-
18 derstanding with the local board under subsection
19 (c) may agree to fund the remainder of any such
20 costs using a method described in such memo-
21 randum.”; and

22 (6) in paragraph (4), by inserting after “oper-
23 ation of the one-stop center” the following: “(wheth-
24 er for in-person or virtual service delivery)”.

1 (g) OTHER FUNDS.—Section 121(i)(2) of the Work-
2 force Innovation and Opportunity Act (29 U.S.C.
3 3151(i)(2)) is amended by striking “intake,” and all that
4 follows through “skills,” and inserting “intake, case man-
5 agement, assessment of needs, appraisal of foundational
6 skill needs,”.

7 **SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
8 **TRAINING SERVICES.**

9 (a) IN GENERAL.—Section 122 of the Workforce In-
10 novation and Opportunity Act (29 U.S.C. 3152) is amend-
11 ed—

12 (1) by redesignating subsections (f) through (i)
13 as subsections (g) through (j), respectively;

14 (2) by striking the section heading and all that
15 follows through subsection (e) and inserting the fol-
16 lowing:

17 **“SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
18 **TRAINING SERVICES.**

19 “(a) ELIGIBILITY.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 section (i), the Governor, after consultation with the
22 State board and considering the State’s adjusted lev-
23 els of performance described in section
24 116(b)(3)(A)(iv), shall establish—

1 “(A) procedures regarding the eligibility of
2 providers of training services to receive funds
3 provided under section 133(b) for the provision
4 of training services through programs with eli-
5 gibility under this section (in this section re-
6 ferred to as ‘eligible programs’) in local areas in
7 the State; and

8 “(B) the minimum levels of performance
9 on the criteria for a program to receive such eli-
10 gibility.

11 “(2) PROVIDERS.—Subject to the provisions of
12 this section, to be eligible to receive those funds for
13 the provision of training services, the provider shall
14 be—

15 “(A) an institution of higher education
16 that provides a program that leads to a recog-
17 nized postsecondary credential;

18 “(B) an entity that carries out programs
19 registered under the Act of August 16, 1937
20 (commonly known as the ‘National Apprentice-
21 ship Act’; 50 Stat. 664, chapter 663; 29 U.S.C.
22 50 et seq.); or

23 “(C) another public or private provider of
24 a program of training services, which may in-
25 clude joint labor-management organizations,

1 providers of entrepreneurial skills development
2 programs, industry or sector partnerships,
3 groups of employers, trade or professional asso-
4 ciations, and eligible providers of adult edu-
5 cation and literacy activities under title II (if
6 such activities are provided in combination with
7 occupational skills training or integrated edu-
8 cation and training programs).

9 “(3) INCLUSION IN LIST OF ELIGIBLE PRO-
10 VIDERS.—A provider described in subparagraph (A)
11 or (C) of paragraph (2) shall comply with the cri-
12 teria, information requirements, and procedures es-
13 tablished under this section to be included on the list
14 of eligible providers of training services described in
15 subsection (d). A provider described in paragraph
16 (2)(B) shall be included and maintained on the list
17 of eligible providers of training services described in
18 subsection (d) for so long as the corresponding pro-
19 gram of the provider remains registered as described
20 in paragraph (2)(B).

21 “(b) CRITERIA AND INFORMATION REQUIRE-
22 MENTS.—

23 “(1) GENERAL CRITERIA FOR PROGRAMS.—
24 Each provider shall demonstrate to the Governor

1 that the program for which the provider is seeking
2 eligibility under this section—

3 “(A) prepares participants to meet the hir-
4 ing requirements of potential employers in the
5 State, or a local area within the State, for em-
6 ployment that—

7 “(i) is high-skill and high-wage; or

8 “(ii) is in an in-demand industry sec-
9 tor or occupation;

10 “(B) leads to a recognized postsecondary
11 credential;

12 “(C) has been offered by the provider for
13 not less than 1 year; and

14 “(D) meets the performance requirements
15 for eligibility described in paragraph (2).

16 “(2) PERFORMANCE CRITERIA FOR ELIGI-
17 BILITY.—

18 “(A) IN GENERAL.—The Governor shall—

19 “(i) establish and publicize minimum
20 levels of performance for each of the cri-
21 teria listed in subparagraph (B) that a
22 program offered by a provider of training
23 services shall achieve, for all participants
24 in the program (including participants for
25 whom the provider receives payments

1 under this title) for the program to receive
2 and maintain eligibility under this section;

3 “(ii) verify the performance achieved
4 by such a program with respect to each
5 such criterion to determine whether the
6 program meets the corresponding min-
7 imum level of performance established
8 under clause (i)—

9 “(I) in the case of the criteria de-
10 scribed in (ii) through (iv) of subpara-
11 graph (B), using State administrative
12 data (such as quarterly wage records);
13 and

14 “(II) in the case of the criteria
15 described in subparagraph (B)(i),
16 using any applicable method for such
17 verification; and

18 “(iii) in verifying the performance
19 achievement of a program to make such
20 determination, verify that such program
21 included a sufficient number of program
22 participants to protect participants’ per-
23 sonally identifiable information, and to
24 provide information that is a reliable indi-
25 cator of performance achievement.

1 “(B) PERFORMANCE CRITERIA.—The per-
2 formance criteria to receive and maintain eligi-
3 bility for a program under this section are each
4 of the following:

5 “(i) The credential attainment rate of
6 program participants (calculated as the
7 percentage of program participants who
8 obtain the recognized postsecondary cre-
9 dential that the program prepares partici-
10 pants to earn within 6 months after exit
11 from the program).

12 “(ii) The job placement rate of pro-
13 gram participants (calculated as the per-
14 centage of program participants in unsub-
15 sidized employment during the second
16 quarter after exit from the program).

17 “(iii) The median earnings of program
18 participants who are in unsubsidized em-
19 ployment during the second quarter after
20 exit from the program.

21 “(iv) The ratio of median earnings in-
22 crease to the total cost of program, cal-
23 culated as the ratio of—

24 “(I) the median value of the dif-
25 ference between—

1 “(aa) participant wages
2 from unsubsidized employment
3 during the second quarter after
4 program exit; and

5 “(bb) participant wages dur-
6 ing the quarter prior to entering
7 the program; to

8 “(II) the total cost of the pro-
9 gram (as described in paragraph
10 (5)(B)(i)(III)).

11 “(C) LOCAL CRITERIA.—With respect to
12 any program receiving eligibility under this sec-
13 tion from a Governor, a local board in the State
14 may require higher levels of performance than
15 the minimum levels of performance established
16 by the Governor under this paragraph for the
17 program to be an eligible program in the cor-
18 responding local area, but may not—

19 “(i) require any information or appli-
20 cation from the provider that is not re-
21 quired for such eligibility; or

22 “(ii) establish a performance require-
23 ment with respect to any criterion not list-
24 ed in subparagraph (B).

1 “(3) EMPLOYER-SPONSORED OR INDUSTRY OR
2 SECTORAL PARTNERSHIP DESIGNATION.—

3 “(A) IN GENERAL.—The Governor shall
4 establish procedures and criteria for a provider
5 to demonstrate that a program meets, in apply-
6 ing for an employer-sponsored designation for a
7 program that has received eligibility under this
8 subsection, which shall include demonstrating a
9 commitment from an employer or an industry
10 or sectoral partnership to—

11 “(i) pay to the provider, on behalf of
12 each participant enrolled in such program
13 under this Act, not less than 25 percent of
14 the total cost of the program (as described
15 in paragraph (5)(B)(i)(III)), which shall be
16 provided in lieu of 25 percent of the
17 amount that the provider would have oth-
18 erwise received under section 133(b) for
19 the provision of training services by such
20 program to such participant; and

21 “(ii) guarantee an interview and
22 meaningful consideration for a job with the
23 employer, or in the case of an industry or
24 sector partnership, an employer within

1 such partnership, for each such participant
2 that successfully completes the program.

3 “(B) RESTRICTION ON FINANCIAL AR-
4 RANGEMENT.—A provider of a program receiv-
5 ing an employer-sponsored designation under
6 this paragraph may not—

7 “(i) have an ownership stake in the
8 employer or industry or sectoral partner-
9 ship making a commitment described in
10 subparagraph (A); or

11 “(ii) enter into an arrangement to re-
12 imburse an employer or partnership for the
13 costs of a participant paid by such em-
14 ployer or partnership under this para-
15 graph.

16 “(4) WORKFORCE INNOVATION LEADER DES-
17 IGNATION.—

18 “(A) IN GENERAL.—If the Governor deter-
19 mines that a program offered by an eligible pro-
20 vider meets the minimum levels of performance
21 described in subparagraph (B) to receive a
22 Workforce Innovation Leader (or WIL) des-
23 ignation, which designates the program as a
24 WIL program, the Governor shall grant the
25 program designation as a WIL program and in-

1 form the provider of such program of their abil-
2 ity to display the WIL seal, as described in sub-
3 paragraph (C), in marketing materials.

4 “(B) LEVELS.—A eligible program shall
5 meet the levels of performance to receive a WIL
6 designation if such program has achieved—

7 “(i) a credential attainment rate of
8 program participants (calculated as the
9 percentage of program participants who
10 obtain the recognized postsecondary cre-
11 dential that the program prepares partici-
12 pants to earn within 6 months after exit
13 from the program) of not less than 80 per-
14 cent;

15 “(ii) a job placement rate of program
16 participants (calculated as the percentage
17 of program participants in unsubsidized
18 employment during the second quarter
19 after exit from the program) of not less
20 than 70 percent;

21 “(iii) median earnings of program
22 participants who are in unsubsidized em-
23 ployment during the second quarter after
24 exit from the program that are not less
25 than 25 percent greater than the State-

1 level median earnings of individuals ages
2 25 through 34 in the labor force who have
3 only a regular high school diploma or its
4 recognized equivalent; and

5 “(iv) a ratio of greater than 1.5 of
6 median earnings increase to the total cost
7 of program, calculated as the ratio of—

8 “(I) the median value of the dif-
9 ference between—

10 “(aa) participant wages
11 from unsubsidized employment
12 during the second quarter after
13 program exit; and

14 “(bb) participant wages dur-
15 ing the quarter prior to entering
16 the program; to

17 “(II) the total cost of the pro-
18 gram (as described in paragraph
19 (5)(B)(i)(III)).

20 “(C) WIL SEAL.—Not later than 2 years
21 after the date of enactment of the A Stronger
22 Workforce for America Act, the Secretary shall
23 design a seal signifying that a program has
24 achieved a WIL designation, for the Governor
25 of each State to provide to any programs in

1 their State that achieve the performance nec-
2 essary to receive a WIL designation.

3 “(D) LOSS OF WIL DESIGNATION.—If, dur-
4 ing the annual review of eligibility described in
5 subsection (c)(3), the Governor determines that
6 a WIL program no longer meets the levels de-
7 scribed in subparagraph (B) or otherwise has
8 eligibility under this section revoked or termi-
9 nated, or the provider of the program has eligi-
10 bility terminated under subsection (g)(1)(A),
11 the Governor shall revoke the program’s WIL
12 designation and inform the provider of such
13 program that such provider may no longer dis-
14 play the WIL seal in marketing materials or
15 otherwise.

16 “(5) INFORMATION REQUIREMENTS.—A pro-
17 vider that seeks to establish eligibility under this
18 section, and an eligible provider, shall submit appro-
19 priate, accurate, and timely information to the Gov-
20 ernor, to enable the Governor to carry out sub-
21 section (d), with respect to all participants in each
22 eligible program (including participants for whom
23 the provider receives payments under this title) of-
24 fered by the provider, which information shall—

1 “(A) be made available by the State in a
2 common, linked, open, and interoperable data
3 format; and

4 “(B) consist of—

5 “(i) information on—

6 “(I) in the case of an eligible pro-
7 vider offering a program who is seek-
8 ing to maintain eligibility, the per-
9 formance of the program with respect
10 to the indicators described in section
11 116(b)(2)(A) for participants in the
12 program;

13 “(II) the recognized postsec-
14 ondary credentials received by such
15 participants, including, in relation to
16 each such credential, the issuing enti-
17 ty, any third-party endorsements, the
18 occupations for which the credential
19 prepares individuals, the competencies
20 achieved by the individuals, the level
21 of mastery of such competencies (in-
22 cluding how mastery is assessed)
23 achieved by the individuals, and any
24 transfer value or stackability;

1 “(III) the total cost of the pro-
2 gram, including the costs of the pub-
3 lished tuition and fees, supplies, and
4 books, and any other costs required
5 by the provider, for a participant in
6 the program;

7 “(IV) the percentage of such par-
8 ticipants that complete the program
9 within the expected time to comple-
10 tion; and

11 “(V) the program’s level of per-
12 formance on the criteria described in
13 paragraph (2) and not otherwise in-
14 cluded in clause (I) of this clause; and

15 “(ii) with respect to employment and
16 earnings measures described in subclauses
17 (I) through (III) of section 116(b)(2)(A)(i)
18 and the performance criteria described in
19 subsection (b)(2) for such participants—

20 “(I) the necessary information
21 for the State to develop program per-
22 formance data using State adminis-
23 trative data (such as quarterly wage
24 records); and

1 “(II) the necessary information
2 to determine the percentage of such
3 participants who entered unsubsidized
4 employment in an occupation related
5 to the program, to the extent prac-
6 ticable.

7 “(6) ELIGIBLE PROVIDER.—In this section,
8 other than subsection (i), a provider of an eligible
9 program under this section shall be considered to be
10 identified as an eligible provider of training services.

11 “(c) PROCEDURES.—

12 “(1) APPLICATION PROCEDURES.—The proce-
13 dures established under subsection (a) shall identify
14 the application process for a provider of training
15 services (for a program offered by the provider) to
16 become eligible to receive funds provided under sec-
17 tion 133(b) for the provision of training services.
18 That process shall be implemented in a manner that
19 minimizes the financial and administrative burden
20 on the provider and shall not require the submission
21 of information in excess of the information required
22 to determine a program’s eligibility under para-
23 graphs (1), (2), and (5) of subsection (b). The pro-
24 cedures shall identify the respective roles of the
25 State and local areas in receiving and reviewing the

1 applications and in making determinations of such
2 eligibility based on the criteria, information require-
3 ments, and procedures established under this sec-
4 tion. The procedures shall also establish a process,
5 for a provider of training services to appeal a denial
6 or revocation or termination of eligibility under this
7 section, that includes an opportunity for a hearing
8 and prescribes appropriate time limits to ensure
9 prompt resolution of the appeal.

10 “(2) APPROVAL.—A Governor shall make a de-
11 termination of such eligibility with respect to a pro-
12 gram for which the provider is seeking eligibility
13 under this section not later than 30 days after re-
14 ceipt of an application submitted by such provider
15 consistent with the procedures in paragraph (1).

16 “(3) RENEWAL PROCEDURES.—The procedures
17 established by the Governor shall also provide for
18 annual review and renewal of eligibility under this
19 section for a program of training services that con-
20 tinues to meet the requirements under paragraphs
21 (1), (2), and (5) of subsection (b).

22 “(4) REVOCATION OF ELIGIBILITY.—The proce-
23 dures established under subsection (a) shall adhere
24 to the following requirements for revocation of eligi-
25 bility by the Governor:

1 “(A) FAILURE TO PROVIDE REQUIRED IN-
2 FORMATION.—With respect to a provider of
3 training services that is eligible under this sec-
4 tion for a program year with respect to an eligi-
5 ble program, but that does not provide the in-
6 formation described in subsection (b)(5) with
7 respect to such program for such program year
8 (including information on performance nec-
9 essary to determine if the program meets the
10 minimum levels of performance on the perform-
11 ance criteria to maintain eligibility), the pro-
12 vider shall be ineligible under this section with
13 respect to such program for the program year
14 after the program year for which the provider
15 fails to provide such information.

16 “(B) FAILURE TO MEET PERFORMANCE
17 CRITERIA.—

18 “(i) FIRST YEAR.—The provider of an
19 eligible program that has received eligi-
20 bility under subsection (c)(2) for a pro-
21 gram year but fails to meet the minimum
22 levels of performance on the performance
23 criteria described in subsection (b)(2) for
24 the most recent program year for which
25 performance data on such criteria are

1 available shall be notified of such failure by
2 the Governor.

3 “(ii) SECOND CONSECUTIVE YEAR.—A
4 program that fails to meet the minimum
5 levels of performance for a second consecu-
6 tive program year shall be ineligible under
7 this section with respect to such program
8 for the program year following such second
9 consecutive program year and until the
10 program meets the minimum levels of per-
11 formance.

12 “(iii) REAPPLICATION.—A provider
13 that loses eligibility under this subpara-
14 graph with respect to a program may re-
15 apply to receive eligibility for the program
16 according to the procedures described in
17 this subparagraph if the program meets
18 the minimum levels of performance de-
19 scribed in clause (i), for the most recent
20 program year for which performance data
21 on the performance criteria are available.

22 “(C) REPEATED FAILURE.—A program for
23 which the Governor revokes eligibility under
24 subparagraph (A) or (B)—

1 “(i) 2 times shall be determined ineli-
2 gible under this section by the Governor
3 for a period of at least 2 years;

4 “(ii) 3 times shall be determined ineli-
5 gible under the section by the Governor for
6 a period of at least 5 years; and

7 “(iii) more than 3 times shall be de-
8 termined ineligible under this section by
9 the Governor for a period of at least 10
10 years.

11 “(5) CONTINUITY OF TRAINING SERVICES.—A
12 provider of a program for which the Governor re-
13 vokes eligibility under paragraph (4) shall—

14 “(A) be prohibited from enrolling any new
15 participants whose participation would be fund-
16 ed under section 133(b) in the program and
17 from receiving any payments from funds pro-
18 vided under section 133(b) for any participants
19 not already enrolled in the program on the date
20 of revocation or termination until and unless
21 the Governor determines that the provider has
22 demonstrated that the program offered by the
23 provider has met the requirements for the pro-
24 vider to gain the opportunity to reapply for eli-

1 gibility under the procedure described in para-
2 graph (4)(B)(iii); and

3 “(B) enable each participant currently en-
4 rolled in the program, on the date of the rev-
5 ocation or termination, to complete such pro-
6 gram.

7 “(6) NOTIFICATION OF PROGRAM LOSS OF ELI-
8 GIBILITY.—The local board serving participants
9 whose participation is funded under section 133(b)
10 in a program for which eligibility is revoked by the
11 Governor under this subsection shall notify such par-
12 ticipants that such program no longer meets the
13 State’s requirements for eligible providers of train-
14 ing services under this Act and that the participant
15 has the opportunity to continue receiving training
16 services from such program, in order to complete the
17 program.

18 “(7) MULTISTATE PROVIDERS.—The proce-
19 dures established under subsection (a) shall specify
20 the process for any provider of training services of-
21 fering a program that is eligible under this section
22 in a first State to establish eligibility under this sec-
23 tion in an additional State, which shall, to the extent
24 practicable, minimize financial and administrative
25 burdens on any such provider by authorizing the

1 provider to submit the same application materials
2 and information to the Governor of the additional
3 State that was accepted by the Governor granting
4 the provider's eligibility in the first State, as long as
5 the program meets the applicable State requirements
6 for such eligibility established under subsection (b).

7 “(8) ONLINE PROVIDERS.—The procedures es-
8 tablished under subsection (a) shall apply to a pro-
9 vider that delivers training services exclusively on-
10 line. If a participant chooses a provider that delivers
11 training services exclusively online and is not located
12 in the State of the local area that approved such
13 training services for the participant in accordance
14 with section 133(c)(3)(A)(i), such provider shall be
15 ineligible to receive payment for such participant
16 from funds allotted to such State under section 132
17 unless such provider is on the list of eligible pro-
18 viders of training services described in subsection (d)
19 for such State with respect to the program involved.

20 “(d) LIST AND INFORMATION TO ASSIST PARTICI-
21 PANTS IN CHOOSING PROVIDERS.—

22 “(1) IN GENERAL.—In order to facilitate and
23 assist participants in choosing employment and
24 training activities and in choosing providers of train-
25 ing services, the Governor shall ensure that an ap-

1 appropriate list of providers determined to be eligible
2 under this section to offer a program in the State
3 (and, as appropriate, in a local area), accompanied
4 by information identifying the recognized postsec-
5 ondary credential offered by the provider and other
6 appropriate information, is prepared. The list shall
7 be provided to the local boards in the State, and
8 made available to such participants and to members
9 of the public through the one-stop delivery system in
10 the State in accordance with paragraph (4).

11 “(2) CREDENTIAL NAVIGATION FEATURE.—

12 “(A) IN GENERAL.—In order to enhance
13 the ability of participants and employers to un-
14 derstand and compare the value of the recog-
15 nized postsecondary credentials awarded by eli-
16 gible programs offered by providers of training
17 services in a State, the Governor shall establish
18 (or develop in partnership with other States), a
19 credential navigation feature that allows partici-
20 pants and the public to search a list of such
21 recognized postsecondary credentials, and the
22 providers awarding and programs leading to
23 such a credential, which shall include, with re-
24 spect to each such credential (aggregated for all
25 participants in the State that have received

1 such credential through an eligible program
2 under this section or through, as applicable, an-
3 other program carried out under this title)—

4 “(i) the information required under
5 subsection (b)(5)(B)(i)(II); and

6 “(ii) the performance of participants
7 with respect to the indicators (relating to
8 employment and earnings outcomes) de-
9 scribed in subclauses (I) through (III) of
10 section 116(b)(2)(i).

11 “(B) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph shall be construed to require
13 a State that has a credential navigation feature
14 that permits a search of a list containing the
15 information described in this paragraph to re-
16 place such credential navigation feature with
17 the feature described in subparagraph (A).

18 “(3) ACCOMPANYING INFORMATION.—The ac-
19 companying information referred to in paragraph (1)
20 shall consist of—

21 “(A) with respect to providers described in
22 subparagraphs (A) and (C) of subsection (a)(2),
23 information provided by such providers
24 (disaggregated by local areas served, as applica-
25 ble) in accordance with subsection (b);

1 “(B) with respect to a program described
2 in subsection (b)(3) that is offered by a pro-
3 vider, information promoting the program as
4 having an employer-sponsored designation and
5 identifying the employer or partnership spon-
6 soring the program; and

7 “(C) with respect to a program described
8 in subsection (b)(4) that is offered by a pro-
9 vider, information promoting the program as
10 being a WIL program and displaying the seal
11 described in subsection (b)(4)(C).

12 “(4) AVAILABILITY.—The list (including the
13 credential navigation feature described in paragraph
14 (2)), and the accompanying information shall be
15 made available to participants and to members of
16 the public through the one-stop delivery system in
17 the State—

18 “(A) on a publicly accessible website
19 that—

20 “(i) is consumer-tested; and

21 “(ii) is searchable, easily understand-
22 able, and navigable, and allows for the
23 comparison of eligible programs through
24 the use of language in a common, linked,
25 open, and interoperable data format; and

1 “(B) in a manner that does not reveal per-
2 sonally identifiable information about an indi-
3 vidual participant.

4 “(5) WEBSITE TECHNICAL ASSISTANCE.—The
5 Secretary shall—

6 “(A) upon request, provide technical assist-
7 ance to a State on establishing a website that
8 meets the requirements of paragraph (4); and

9 “(B) disseminate to each State effective
10 practices or resources from States and private
11 sector entities related to establishing a website
12 that is consumer-tested to ensure that the
13 website is searchable, easily understandable,
14 and navigable.

15 “(6) LIMITATION.—In carrying out the require-
16 ments of this subsection, no personally identifiable
17 information regarding a student, including a Social
18 Security number, student identification number, or
19 other identifier, may be disclosed without the prior
20 written consent of the student or student’s parent in
21 compliance with section 444 of the General Edu-
22 cation Provisions Act (20 U.S.C. 1232g).

23 “(e) OPPORTUNITY TO SUBMIT COMMENTS.—In es-
24 tablishing, under this section, criteria, procedures, and the
25 list of eligible providers described in subsection (d), the

1 Governor shall provide an opportunity for interested mem-
2 bers of the public to make recommendations and submit
3 comments regarding such criteria, procedures, and list.

4 “(f) PROVIDER PERFORMANCE INCENTIVES.—

5 “(1) IN GENERAL.—The Governor shall estab-
6 lish a system of performance incentive payments to
7 be awarded to eligible providers in addition to the
8 amount paid under section 133(b) to such providers
9 for the provision of training services to participants
10 of eligible programs. Such system of performance in-
11 centive payments may be established to award the
12 payments to providers of eligible programs that—

13 “(A) achieve levels of performance above
14 the minimum levels established by the Governor
15 under subsection (b)(2);

16 “(B) serve a significantly higher number of
17 individuals with barriers to employment com-
18 pared to training providers offering similar
19 training services; or

20 “(C) achieve other performance successes,
21 including those related to jobs that provide eco-
22 nomic stability and upward mobility (such as
23 jobs with high wages and family sustainable
24 benefits) as determined by the State or the
25 local board.

1 “(2) INCENTIVE PAYMENTS.—Incentive pay-
2 ments to providers established under paragraph (1)
3 shall be awarded to eligible providers from funds re-
4 served by the Governor under section 128(a)(1), ex-
5 cept that not more than 5 percent of the funds re-
6 served by the Governor under section 128(a)(1) may
7 be used for such payments.”;

8 (3) by striking subsections (i) and (j) and in-
9 serting the following:

10 “(i) ON-THE-JOB TRAINING, EMPLOYER-DIRECTED
11 SKILLS DEVELOPMENT, INCUMBENT WORKER TRAINING,
12 AND OTHER TRAINING EXCEPTIONS.—

13 “(1) IN GENERAL.—Providers of on-the-job
14 training, employer-directed skills development, in-
15 cumbent worker training, internships, paid or un-
16 paid work experience opportunities, or transitional
17 employment shall not be subject to the requirements
18 of subsections (a) through (f).

19 “(2) COLLECTION AND DISSEMINATION OF IN-
20 FORMATION.—A one-stop operator in a local area
21 shall collect the minimum amount of information
22 from providers of on-the-job training, employer-di-
23 rected skills development, incumbent worker train-
24 ing, internships, paid or unpaid work experience op-
25 portunities, and transitional employment as nec-

1 essary to enable the use of State administrative data
2 to generate such performance information as the
3 Governor may require, and use the information to
4 determine whether the providers meet such perform-
5 ance criteria as the Governor may require. The one-
6 stop operator shall disseminate information identi-
7 fying such providers that meet the criteria as eligible
8 providers, and the performance information, through
9 the one-stop delivery system. Providers determined
10 to meet the criteria shall be considered to be identi-
11 fied as eligible providers of training services.

12 “(j) TECHNICAL ASSISTANCE.—The Governor may
13 apply to the Secretary for technical assistance, as de-
14 scribed in section 168(c), for purposes of carrying out the
15 requirements of the amendments made by the A Stronger
16 Workforce for America Act to this section, and the Sec-
17 retary shall provide such technical assistance in a timely
18 manner.”.

19 (b) REPORT TO CONGRESS ON STATE PERFORMANCE
20 CRITERIA.—Not later than 4 years after the date of enact-
21 ment of the A Stronger Workforce for America Act, the
22 Secretary shall submit a report to the Committee on Edu-
23 cation and the Workforce of the House of Representatives
24 and the Committee on Health, Education, Labor, and
25 Pensions of the Senate on eligible providers of training

1 services under section 122 of the Workforce Innovation
2 and Opportunity Act (29 U.S.C. 3152), as amended by
3 this division, in each State that shall include—

4 (1) the minimum levels of performance estab-
5 lished by the Governor of each State with respect to
6 the performance criteria under subsection (b)(2) of
7 that section 122 for such eligible providers of train-
8 ing services in the State;

9 (2) the number of such eligible providers of
10 training services in the State in each program year
11 that begins after the date of enactment of this Act,
12 compared with the number of such providers in the
13 State in the program year that began immediately
14 preceding that date of enactment; and

15 (3) the average length of time that such eligible
16 providers of training services in the State maintain
17 eligibility, disaggregated by the type of entity that
18 provided the training services.

19 **SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**
20 **VESTMENT ACTIVITIES.**

21 Section 123(a) of the Workforce Innovation and Op-
22 portunity Act (29 U.S.C. 3153(a)) is amended by insert-
23 ing “, which may include providers of pre-apprenticeship
24 programs, and apprenticeship programs, that serve
25 youth,” before “identified based”.

1 **CHAPTER 2—YOUTH WORKFORCE**
2 **INVESTMENT ACTIVITIES**

3 **SEC. 131. RESERVATIONS; REALLOCATION.**

4 (a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—
5 Section 128(a) of the Workforce Innovation and Oppor-
6 tunity Act (29 U.S.C. 3163(a)) is amended—

7 (1) in paragraph (2), by striking “reserved
8 amounts” in each place and inserting “reserved
9 amounts required under paragraph (1)”; and

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

11 “(3) CRITICAL INDUSTRY SKILLS FUND, AND
12 INDUSTRY SECTOR PARTNERSHIP AND CAREER
13 PATHWAYS DEVELOPMENT FUND.—

14 “(A) AUTHORIZED RESERVATION.—In ad-
15 dition to the reservations required under para-
16 graph (1) and section 133(a)(2), and subject to
17 subparagraph (B), the Governor may reserve
18 not more than 10 percent of each of the
19 amounts allotted to the State under section
20 127(b)(1)(C) and paragraphs (1)(B) and (2)(B)
21 of section 132(b) for a fiscal year to establish
22 and administer any one, or both, of the fol-
23 lowing:

24 “(i) A critical industry skills fund de-
25 scribed in section 134(a)(4).

1 “(ii) An industry or sector partner-
2 ship and career pathways development
3 fund described in section 134(a)(5).

4 “(B) MATCHING FUNDS.—

5 “(i) REQUIREMENT.—The amount of
6 funds reserved by a Governor under sub-
7 paragraph (A) for a fiscal year may not ex-
8 ceed the amount of funds that such Gov-
9 ernor commits to using from any of the
10 funds listed in clause (ii) of this subpara-
11 graph for the purposes of establishing and
12 administering the funds described in
13 clauses (i) and (ii) of subparagraph (A) for
14 such fiscal year.

15 “(ii) SOURCES OF MATCHING
16 FUNDS.—The funds listed in this clause
17 are as follows:

18 “(I) Funds reserved by the Gov-
19 ernor under paragraph (1) of this
20 subsection.

21 “(II) Other Federal funds not
22 described in subclause (I).

23 “(III) State funds.”.

1 (b) REALLOCATION AMONG LOCAL AREAS.—Section
2 128(c) of the Workforce Innovation and Opportunity Act
3 (29 U.S.C. 3173(c)) is amended—

4 (1) in paragraph (1), by inserting the following
5 before the period at the end: “as performance-based
6 incentive payments”; and

7 (2) in paragraph (4)—

8 (A) by striking “that does not” and insert-
9 ing the following: “that—

10 “(A) does not”;

11 (B) by striking the period at the end and
12 inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(B) has met or exceeded an average of
15 100 percent of the local level of performance
16 described in section 116(c)(1)(B) for the local
17 area across all indicators for the youth program
18 authorized under this chapter for the most re-
19 cent program year for which performance data
20 is available; and

21 “(C) was not subject to corrective action
22 by the Governor under section 184(a)(5)(A) for
23 a determination of non-compliance with the uni-
24 form administrative requirements described in
25 section 184(a)(3) for the program year for

1 which the determination under paragraph (2) is
2 made.”.

3 **SEC. 132. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**
4 **MENT ACTIVITIES.**

5 (a) OPPORTUNITY YOUTH.—Section 129 of the
6 Workforce Innovation and Opportunity Act (29 U.S.C.
7 3164) is amended by striking “out-of-school” each place
8 it appears and inserting “opportunity”.

9 (b) YOUTH PARTICIPANT ELIGIBILITY.—

10 (1) ELIGIBILITY DETERMINATION.—

11 (A) ELIGIBILITY.—Subparagraph (A) of
12 section 129(a)(1) of the Workforce Innovation
13 and Opportunity Act (29 U.S.C. 3164(a)(1)) is
14 amended to read as follows:

15 “(A) ELIGIBILITY DETERMINATION.—

16 “(i) IN GENERAL.—To be eligible to
17 participate in activities carried out under
18 this chapter during any program year, an
19 individual shall, at the time the eligibility
20 determination is made, be an opportunity
21 youth or an in-school youth.

22 “(ii) ENROLLMENT.—If a one-stop
23 operator or eligible provider of youth work-
24 force activities carrying out activities under
25 this chapter reasonably believes that an in-

1 dividual is eligible to participate in such
2 activities, the operator or provider may
3 allow such individual to participate in such
4 activities for not more than a 40-day pe-
5 riod during which the operator or provider
6 shall obtain the necessary information to
7 make an eligibility determination with re-
8 spect to such individual (which may involve
9 working with such individual and other en-
10 tities in the local area, and using available
11 sources of administrative data, to obtain
12 the necessary information).

13 “(iii) DETERMINATION OF INELIGI-
14 BILITY.—With respect to an individual who
15 is determined to be ineligible for activities
16 under this chapter by a one-stop operator
17 or an eligible provider of youth workforce
18 activities during the period described in
19 clause (ii) and who does not qualify for an
20 exception under paragraph (3)(A)(ii) appli-
21 cable to the local area involved, such oper-
22 ator or service provider—

23 “(I) may—

1 “(aa) continue serving such
2 individual using non-Federal
3 funds; or

4 “(bb) end the participation
5 of such individual in activities
6 under this chapter and refer the
7 individual to other services that
8 may be available in the local area
9 for which the individual may be
10 eligible; and

11 “(II) shall be paid for any serv-
12 ices provided to such individual under
13 this chapter during the period de-
14 scribed in clause (ii) by the local area
15 involved using funds allocated to such
16 area under section 128(b).

17 “(iv) DETERMINATION PROCESS FOR
18 YOUTH EXPERIENCING HOMELESSNESS
19 AND FOSTER YOUTH.—In determining
20 whether an individual is eligible to partici-
21 pate in activities carried out under this
22 chapter on the basis of being an individual
23 who is a youth experiencing homelessness,
24 or a youth in foster care, as described in

1 subparagraph (B)(iii)(V), the one-stop op-
2 erator or service provider involved shall—

3 “ (I) if determining whether the
4 individual is a youth experiencing
5 homelessness, use a process that is in
6 compliance with the requirements of
7 subsection (a) of section 479D of the
8 Higher Education Act of 1965 (20
9 U.S.C. 1087uu–2) for financial aid
10 administrators; and

11 “ (II) if determining whether the
12 individual is a youth in foster care,
13 use a process that is in compliance
14 with the requirements of subsection
15 (b) of section 479D of the Higher
16 Education Act of 1965 (20 U.S.C.
17 1087uu–2) for financial aid adminis-
18 trators.”.

19 (B) DEFINITION OF OPPORTUNITY
20 YOUTH.—Subparagraph (B) of section
21 129(a)(1) of the Workforce Innovation and Op-
22 portunity Act (29 U.S.C. 3164(a)(1)) is amend-
23 ed—

1 (i) in the subparagraph heading, by
2 striking “OUT-OF-SCHOOL” and inserting
3 “OPPORTUNITY”;

4 (ii) in clause (i), by inserting “, except
5 that an individual described in subpara-
6 graph (IV) or (V) of clause (iii) may be at-
7 tending school (as defined under State
8 law)” after “(as defined under State law)”;

9 (iii) in clause (ii), by inserting before
10 the semicolon at the end, the following : “,
11 except that an individual described in sub-
12 paragraph (IV) or (V) of clause (iii) may
13 be not younger than age 14 or older than
14 age 24”; and

15 (iv) in clause (iii)—

16 (I) in subclause (III)—

17 (aa) in the matter preceding
18 item (aa)—

19 (AA) by striking “sec-
20 ondary school diploma or its
21 recognized equivalent” and
22 inserting “regular high
23 school diploma or its recog-
24 nized equivalent”; and

1 (BB) by striking “and
2 is” and inserting “and”;

3 (bb) in item (aa), by striking
4 “basic skills deficient;” and in-
5 serting “has foundational skill
6 needs;”; and

7 (cc) in item (bb), by striking
8 “an English language learner”
9 and inserting “is an English
10 learner”; and

11 (II) in subclause (V)—

12 (aa) by striking “A homeless
13 individual (” and inserting “An
14 individual experiencing homeless-
15 ness (meaning a homeless indi-
16 vidual,”;

17 (bb) by striking “(42 U.S.C.
18 14043e-2(6))” and inserting “(34
19 U.S.C. 12473(6))”; and

20 (cc) by striking “a homeless
21 child or youth (” and inserting
22 “a youth experiencing homeless-
23 ness (meaning a homeless child
24 or youth,”.

1 (C) DEFINITION OF IN-SCHOOL YOUTH.—
2 Clause (iv) of section 129(a)(1)(C) of the Work-
3 force Innovation and Opportunity Act (29
4 U.S.C. 3164(a)(1)(C)) is amended—

5 (i) in subclause (I), by striking “Basic
6 skills deficient.” and inserting “An indi-
7 vidual who has foundational skill needs.”;

8 (ii) in subclause (II), by striking “lan-
9 guage”;

10 (iii) by striking subclauses (III) and
11 (IV); and

12 (iv) by redesignating subclauses (V),
13 (VI), and (VII) as subclauses (III), (IV),
14 and (V), respectively.

15 (D) RULE FOR CERTAIN OPPORTUNITY
16 YOUTH.—Section 129(a)(1) of the Workforce
17 Innovation and Opportunity Act (29 U.S.C.
18 3164(a)(1)) is amended by adding at the end
19 the following:

20 “(D) RULE FOR CERTAIN OPPORTUNITY
21 YOUTH.—An opportunity youth described in
22 subclause (IV) or (V) of subparagraph (B)(iii)
23 who is attending any school (as defined under
24 State law) shall be eligible to participate in any

1 activity for in-school youth carried out under
2 this chapter.”.

3 (2) EXCEPTION AND LIMITATION.—Section
4 129(a)(3) of the Workforce Innovation and Oppor-
5 tunity Act (29 U.S.C. 3164(a)(3)) is amended—

6 (A) in subparagraph (A)(ii), by striking
7 “5” and inserting “10”; and

8 (B) in subparagraph (B)—

9 (i) by striking “5” and inserting
10 “10”; and

11 (ii) by striking “paragraph
12 (1)(C)(iv)(VII)” and inserting “paragraph
13 (1)(C)(iv)(V)”.

14 (3) OPPORTUNITY YOUTH PRIORITY.—Section
15 129(a)(4) of the Workforce Innovation and Oppor-
16 tunity Act (29 U.S.C. 3164(a)(4)) is amended—

17 (A) in the paragraph heading, by striking
18 “OUT-OF-SCHOOL” and inserting “OPPOR-
19 TUNITY”;

20 (B) in subparagraph (A)—

21 (i) by striking “75” each place it ap-
22 pears and inserting “70”;

23 (ii) by inserting “the total amount of”
24 before “funds available”; and

1 (iii) by inserting “in the State” after
2 “subsection (c)”;

3 (C) in subparagraph (B)(i), by striking
4 “75” and inserting “70”;

5 (D) by redesignating subparagraph (B), as
6 so amended, as subparagraph (C); and

7 (E) by inserting after subparagraph (A)
8 the following:

9 “(B) LOCAL AREA TARGETS.—The local
10 board, the chief elected official, and the Gov-
11 ernor shall negotiate and reach agreement on
12 the minimum amount of funds provided to a
13 local area under subsection (c) that shall be
14 used to provide youth workforce investment ac-
15 tivities for opportunity youth based on the
16 needs of youth in the local area, which—

17 “(i) may not be an amount that is less
18 than 45 percent of the funds provided to
19 such local area under subsection (c); and

20 “(ii) shall be the amount that is nec-
21 essary for the State to meet the require-
22 ments of subparagraph (A) with respect to
23 the total amount of funds available for
24 local areas under subsection (c).”.

1 (c) REQUIRED STATEWIDE YOUTH ACTIVITIES.—
2 Section 129(b)(1) of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3164(b)(1)) is amended—

4 (1) in the matter preceding subparagraph (A),
5 by striking “sections 128(a)” and inserting “sections
6 128(a)(1)”;

7 (2) in subparagraph (B), by inserting “through
8 a website that is consumer-tested to ensure that the
9 website is easily understood, searchable, and navi-
10 gable and allows for comparison of eligible providers
11 based on the program elements offered by such pro-
12 viders and the performance of such providers on the
13 primary indicators of performance for the youth pro-
14 gram as described in section 116(b)(2)(A)(ii)” after
15 “under section 123”; and

16 (3) in subparagraph (D), by striking “section
17 116(i)” and inserting “section 116(j)”.

18 (d) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.—
19 Section 129(b)(2) of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3164(b)(2)) is amended—

21 (1) in the matter preceding subparagraph (A),
22 by striking “sections 128(a)” and inserting “sections
23 128(a)(1)”;

24 (2) in subparagraph (C), by inserting “, which
25 may include providing guidance on career options in

1 in-demand industry sectors or occupations” after “in
2 the State”;

3 (3) in subparagraph (D)—

4 (A) in clause (iv), by striking “and” at the
5 end; and

6 (B) by inserting after clause (v) the fol-
7 lowing:

8 “(vi) supporting the ability to under-
9 stand relevant tax information and obliga-
10 tions;”;

11 (4) in subparagraph (E), by striking the period
12 at the end and inserting a semicolon; and

13 (5) by adding at the end the following:

14 “(F) establishing, supporting, and expand-
15 ing work-based learning opportunities, including
16 transitional jobs, that are aligned with career
17 pathways;

18 “(G) raising public awareness (including
19 through public service announcements, such as
20 social media campaigns and elementary and
21 secondary school showcases and school visits)
22 about career and technical education programs
23 and community-based and youth services orga-
24 nizations, and other endeavors focused on pro-

1 grams that prepare students for in-demand in-
2 dustry sectors or occupations;

3 “(H) developing partnerships between edu-
4 cational institutions (including area career and
5 technical schools and institutions of higher edu-
6 cation) and employers to create or improve
7 workforce development programs to address the
8 identified education and skill needs of the work-
9 force and the employment needs of employers in
10 the regions or local areas of the State, as deter-
11 mined based on the most recent analysis con-
12 ducted under subparagraphs (B) and (C) of
13 section 102(b)(1);

14 “(I) coordinating activities with providers
15 of a pre-apprenticeship program or apprentice-
16 ship program for youth in the State to estab-
17 lish, support, or expand the program described
18 in this subparagraph, including any such pro-
19 gram in the State receiving assistance under
20 section 173;

21 “(J) coordinating activities with entities
22 implementing reentry projects in the State fo-
23 cused on establishing or improving workforce
24 development programs for justice- involved
25 youth, including any such reentry projects in

1 the State receiving assistance under section
2 172; and

3 “(K) coordinating activities with agencies
4 implementing corrections education and other
5 education programs in the State focused on
6 providing incarcerated youth with education
7 and skills development programs, including any
8 such programs in the State receiving assistance
9 under section 225.”.

10 (e) LOCAL ELEMENTS AND REQUIREMENTS.—

11 (1) PROGRAM DESIGN.—Section 129(c)(1) of
12 the Workforce Innovation and Opportunity Act (29
13 U.S.C. 3164(c)(1)) is amended—

14 (A) in subparagraph (A), by striking
15 “basic skills” and inserting “foundational skill
16 needs”;

17 (B) in subparagraph (B), by inserting
18 “(which, in the case of a participant 18 years
19 or older, may include co-enrollment in any em-
20 ployment or training activity provided under
21 section 134 for adults)” after “services for the
22 participant”;

23 (C) in subparagraph (C)—

24 (i) in clause (i), by striking “sec-
25 ondary school diploma or its recognized

1 equivalent” and inserting “regular high
2 school diploma or its recognized equiva-
3 lent”; and

4 (ii) in clause (v), by inserting “high-
5 skill, high-wage, or” after “small employ-
6 ers, in”; and

7 (D) in subparagraph (D), by striking “10”
8 and inserting “30”.

9 (2) PROGRAM ELEMENTS.—Section 129(c)(2)
10 of the Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3164(c)(2)) is amended—

12 (A) in the matter preceding subparagraph
13 (A), by striking “secondary school diploma or
14 its recognized equivalent” and inserting “reg-
15 ular high school diploma or its recognized
16 equivalent”;

17 (B) in subparagraph (A), by striking “sec-
18 ondary school diploma or its recognized equiva-
19 lent” and inserting “regular high school di-
20 ploma or its recognized equivalent”;

21 (C) in subparagraph (C)—

22 (i) in clause (i)—

23 (I) by striking “other” and in-
24 serting “year-round”; and

1 (II) by inserting “that meet the
2 requirements of paragraph (10)” after
3 “school year”;

4 (ii) in clause (ii), by inserting “and
5 apprenticeship programs that serve youth”
6 after “programs”;

7 (iii) by amending clause (iii) to read
8 as follows:

9 “(iii) internships that—

10 (I) are paid internships or are
11 unpaid internships for which academic
12 credit may be awarded;

13 (II) are, to the extent prac-
14 ticable, aligned with in-demand indus-
15 try sectors or occupations in the State
16 or local area; and

17 (III) for which participants
18 shall be paid (by the entity providing
19 the internship, through funds allo-
20 cated to the local area pursuant to
21 paragraph (1) for the program, or by
22 another entity) if such internships are
23 longer than—

24 “(aa) 4 weeks in the sum-
25 mer or 8 weeks during the school

1 year for in-school youth and op-
2 portunity youth who are enrolled
3 in school; or

4 “(bb) 8 weeks for oppor-
5 tunity youth who are not enrolled
6 in school;”;

7 (iv) by redesignating clause (iv) as
8 clause (v);

9 (v) by inserting after clause (iii), as so
10 amended, the following:

11 “(iv) job shadowing;”;

12 (vi) in clause (v), as so redesignated,
13 by inserting “and” at the end; and

14 (vii) by adding at the end the fol-
15 lowing:

16 “(vi) work-based learning;”;

17 (D) in subparagraph (H), by striking
18 “adult mentoring” and inserting “coaching and
19 adult mentoring services”;

20 (E) in subparagraph (I), by inserting “(in-
21 cluding case management)” after “services”;

22 (F) in subparagraph (M)—

23 (i) by inserting “high-skill, high-wage,
24 or” before “in-demand industry”; and

25 (ii) by striking the “and” at the end;

1 (G) in subparagraph (N), by striking the
2 period at the end and inserting “; and”; and

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

4 “(O) activities to develop fundamental
5 workforce readiness, which may include cre-
6 ativity, collaboration, critical thinking, digital
7 literacy, persistence, and other relevant skills.”.

8 (3) PRIORITY.—Section 129(c)(4) of the Work-
9 force Innovation and Opportunity Act (29 U.S.C.
10 3164(c)(4)) is amended to read as follows:

11 “(4) PRIORITY.—

12 “(A) WORK EXPERIENCES.—Not less than
13 40 percent of the funds allocated to the local
14 area as described in paragraph (1) shall be
15 used to provide in-school youth and opportunity
16 youth with activities under paragraph (2)(C).

17 “(B) APPRENTICESHIPS AND PRE-APPREN-
18 TICESHIPS FOR YOUTH.—Not less than 12 and
19 ½ percent of the funds used for the purposes
20 described in subparagraph (A) shall be used to
21 provide in-school youth and opportunity youth
22 with activities under paragraph (2)(C)(ii).”.

23 (4) RULE OF CONSTRUCTION.—Section
24 129(c)(5) of the Workforce Innovation and Oppor-

1 tunity Act (29 U.S.C. 3164(e)(5)) is amended by in-
2 serting “or local area” after “youth services”.

3 (5) LINKAGES.—Section 129(c)(7) of the Work-
4 force Innovation and Opportunity Act (29 U.S.C.
5 3164(e)(7)) is amended by inserting “, secondary
6 schools, and area career and technical schools” after
7 “agencies”.

8 (6) INDIVIDUAL TRAINING ACCOUNTS.—Section
9 129(c) of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3164(c)) is amended by adding at
11 the end the following:

12 “(9) INDIVIDUAL TRAINING ACCOUNTS.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), funds allocated pursuant to para-
15 graph (1) to a local area may be used to pay,
16 through an individual training account, an eligi-
17 ble provider of training services described in
18 section 122(d) for training services described in
19 section 134(c)(3) provided to in-school youth
20 who are not younger than age 16 and not older
21 than age 21 and opportunity youth, in the same
22 manner that an individual training account is
23 used to pay an eligible provider of training serv-
24 ices under section 134(c)(3)(F)(iii) for training

1 services provided to an adult or dislocated
2 worker.

3 “(B) SPECIAL RULE FOR IN-SCHOOL
4 YOUTH YOUNGER THAN AGE 18.—To use an in-
5 dividual training account to pay for a program
6 of training services that will take place during
7 regular school hours for an in-school youth who
8 is younger than the age 18, the local area shall
9 receive written approval from the secondary
10 school at which the in-school youth is enrolled
11 prior to the start of the program of training
12 services.”.

13 (7) SUMMER AND YEAR-ROUND EMPLOYMENT
14 OPPORTUNITIES REQUIREMENTS.—Section 129(c) of
15 the Workforce Innovation and Opportunity Act (29
16 U.S.C. 3164(c)) is further amended by adding at the
17 end the following:

18 “(10) SUMMER AND YEAR-ROUND EMPLOYMENT
19 OPPORTUNITIES REQUIREMENTS.—

20 “(A) IN GENERAL.—A summer employ-
21 ment opportunity or a year-round employment
22 opportunity referred to in paragraph (2)(C)(i)
23 shall be a program that matches eligible youth
24 participating in such program with an appro-
25 priate employer (based on factors including the

1 needs of the employer and the age, skill, and in-
2 formed aspirations of the eligible youth) that—

3 “(i) shall include—

4 “(I) a component of occupational
5 skills education; and

6 “(II) not less than 2 of the ac-
7 tivities described in subparagraphs
8 (G), (H), (I), (K), (M), and (O) of
9 paragraph (2);

10 “(ii) may not use funds allocated
11 under this chapter to subsidize more than
12 50 percent of the wages of each eligible
13 youth participant in such program;

14 “(iii) in the case of a summer employ-
15 ment opportunity, complies with the re-
16 quirements of subparagraph (B); and

17 “(iv) in the case of a year-round em-
18 ployment opportunity, complies with the
19 requirements of subparagraph (C).

20 “(B) SUMMER EMPLOYMENT OPPOR-
21 TUNITY.—In addition to the applicable require-
22 ments described in subparagraph (A), a sum-
23 mer employment opportunity—

24 “(i) may not be less than 4 weeks;

25 and

1 “(ii) may not pay less than the high-
2 est applicable wage required by the appli-
3 cable Federal, State, or local minimum
4 wage law.

5 “(C) YEAR-ROUND EMPLOYMENT OPPOR-
6 TUNITY.—In addition to the applicable require-
7 ments described in subparagraph (A), a year-
8 round employment opportunity—

9 “(i) may not be shorter than 180 days
10 or longer than 1 year;

11 “(ii) may not pay less than the high-
12 est applicable wage required by the appli-
13 cable Federal, State, or local minimum
14 wage law; and

15 “(iii) may not employ the eligible
16 youth for less than 20 hours per week, ex-
17 cept in instances when the eligible youth
18 are under the age of 18 or enrolled in
19 school.

20 “(D) PRIORITY.—In selecting summer em-
21 ployment opportunities or year-round employ-
22 ment opportunities for purposes of paragraph
23 (2)(C)(i), a local area shall give priority to such
24 opportunities that meet the requirements of this
25 paragraph and that are in existing or emerging

1 high-skill, high-wage, or in-demand industry
2 sectors or occupations.”.

3 (8) CONFORMING AMENDMENT.—Section
4 129(c)(3)(B) of the Workforce Innovation and Op-
5 portunity Act (29 U.S.C. 3164(c)(3)(B)) is amended
6 by striking “basic skills” and inserting
7 “foundational skill needs”.

8 **CHAPTER 3—ADULT AND DISLOCATED**
9 **WORKER EMPLOYMENT AND TRAIN-**
10 **ING ACTIVITIES**

11 **SEC. 141. STATE ALLOTMENTS.**

12 Section 132(a)(2)(A) of the Workforce Innovation
13 and Opportunity Act (29 U.S.C. 3172(a)(2)(A)) is amend-
14 ed by—

15 (1) striking “, 169(c) (relating to dislocated
16 worker projects),”; and

17 (2) by inserting “, and under subsections (c)
18 (related to dislocated worker projects) and (d) (re-
19 lated to workforce data quality initiatives) of section
20 169” before “; and”

21 **SEC. 142. RESERVATIONS FOR STATE ACTIVITIES; WITHIN**
22 **STATE ALLOCATIONS; REALLOCATION.**

23 (a) RESERVATIONS FOR STATE ACTIVITIES.—Section
24 133(a) of the Workforce Innovation and Opportunity Act
25 (29 U.S.C. 3173(a)) is amended—

1 (1) in paragraph (1), by striking “section
2 128(a)” and inserting “section 128(a)(1)”; and

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

4 “(3) CRITICAL INDUSTRY SKILLS FUND, AND
5 INDUSTRY OR SECTOR PARTNERSHIP AND CAREER
6 PATHWAYS FUND.—In addition to the reservations
7 required under paragraphs (1) and (2), the Gov-
8 ernor may make the reservation authorized under
9 section 128(a)(3).”.

10 (b) WITHIN STATE ALLOCATIONS.—Section
11 133(b)(1) of the Workforce Innovation and Opportunity
12 Act (29 U.S.C. 3173(b)) is amended—

13 (1) in subparagraph (A), by striking “sub-
14 section (a)(1)” and inserting “paragraph (1) or (3)
15 of subsection (a)”; and

16 (2) in subparagraph (B), by striking “para-
17 graph (1) or (2) of subsection (a)” and inserting
18 “paragraph (1), (2), or (3) of subsection (a)”.

19 (c) REALLOCATION AMONG LOCAL AREAS.—Section
20 133(c) of the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3173(c)) is amended—

22 (1) in paragraph (1), by inserting before the pe-
23 riod at the end, the following: “as performance-
24 based incentive payments”;

25 (2) in paragraph (4)—

1 (A) in subparagraph (A)—

2 (i) by striking “that does not” and in-
3 serting the following: “that—

4 “(i) does not”;

5 (ii) by striking “; and” and inserting
6 a semicolon; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(ii) has met or exceeded an average
10 of 100 percent of the local level of per-
11 formance described in section 116(c)(1)(B)
12 for the local area across all indicators for
13 the adult program authorized under this
14 chapter for the most recent program year
15 for which performance data is available;
16 and

17 “(iii) was not subject to corrective ac-
18 tion by the Governor under section
19 184(a)(5)(A) for a determination of non-
20 compliance with the uniform administrative
21 requirements described in section
22 184(a)(3) for the program year for which
23 the determination under paragraph (2) is
24 made; and”;

25 (B) in subparagraph (B)—

- 1 (i) by striking “that does not” and in-
2 serting the following: “that—
3 “(i) does not”;
4 (ii) by striking the period at the end
5 and inserting a semicolon; and
6 (iii) by adding at the end the fol-
7 lowing:
8 “(ii) has met or exceeded an average
9 of 100 percent of the local level of per-
10 formance described in section 116(c)(1)(B)
11 for the local area across all indicators for
12 the dislocated worker program authorized
13 under this chapter for the most recent pro-
14 gram year for which performance data is
15 available; and
16 “(iii) was not subject to corrective ac-
17 tion by the Governor under section
18 184(a)(5)(A) for a determination of non-
19 compliance with the uniform administrative
20 requirements described in section
21 184(a)(3) for the program year for which
22 the determination under paragraph (2) is
23 made; and”;
- 24 (3) by adding at the end the following:

1 “(5) USE OF INCENTIVE FUNDS.—Any amounts
2 provided to a local area as a performance incentive
3 payment under this subsection shall not be subject
4 to the requirements described in section
5 134(c)(1)(B).”.

6 **SEC. 143. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**
7 **ACTIVITIES.**

8 (a) STATEWIDE EMPLOYMENT AND TRAINING AC-
9 TIVITIES.—

10 (1) IN GENERAL.—Section 134(a)(1) of the
11 Workforce Innovation and Opportunity Act (29
12 U.S.C. 3174(a)(1))—

13 (A) in subparagraph (A), by striking
14 “and” at the end;

15 (B) in subparagraph (B)—

16 (i) in the matter preceding clause (i),
17 by striking “128(a)” and inserting
18 “128(a)(1)”; and

19 (ii) by amending clause (ii) to read as
20 follows:

21 “(ii) may be used to carry out any of
22 the statewide employment and training ac-
23 tivities described in paragraph (3) (includ-
24 ing establishing and administering any

1 one, or both, of the funds referred to in
2 subparagraph (C));” and

3 (C) by inserting before the flush left text
4 at the end the following:

5 “(C) as described in section 128(a)(3),
6 shall be used to establish and administer any
7 one, or both, of the following:

8 “(i) a critical industry skills fund de-
9 scribed in paragraph (4); or

10 “(ii) an industry or sector partnership
11 and career pathways development fund de-
12 scribed in paragraph (5),”.

13 (2) REQUIRED STATEWIDE EMPLOYMENT AND
14 TRAINING ACTIVITIES.—

15 (A) STATEWIDE RAPID RESPONSE ACTIVI-
16 TIES.—Section 134(a)(2)(A) of the Workforce
17 Innovation and Opportunity Act (29 U.S.C.
18 3174(a)(2)(A)) is amended—

19 (i) in clause (i)—

20 (I) in subclause (I)—

21 (aa) by striking “working”
22 and inserting “as a rapid re-
23 sponse unit working”; and

24 (bb) by striking “and” at
25 the end;

1 (II) in subclause (II), by striking
2 the period at the end and inserting “;
3 and”; and

4 (III) by adding at the end the
5 following:

6 “(III) provision of additional as-
7 sistance to any local area that has ex-
8 cess demand for individual training
9 accounts for dislocated workers in
10 such local area and requests such ad-
11 ditional assistance under this sub-
12 clause in accordance with paragraph
13 (4) of section 414(c) of the American
14 Competitiveness and Workforce Im-
15 provement Act of 1998 (29 U.S.C.
16 3224a(5)), upon a determination by
17 the State that, in using funds allo-
18 cated to such local area pursuant to
19 paragraph (1) of such section 414(c)
20 and in using funds as required under
21 subsection (c)(1)(B) of this section for
22 the purpose described in paragraph
23 (2)(A) of such section 414(c)), the
24 local area is in compliance with the

1 requirements of such section 414(c).”;

2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(iii) INSUFFICIENT FUNDS TO MEET
6 EXCESS DEMAND.—If a State determines
7 that a local area with excess demand as
8 described in clause (i)(III) has met the
9 compliance requirements described in such
10 clause, but the State does not have suffi-
11 cient funds reserved under section
12 133(a)(2) to meet such excess demand, the
13 State—

14 “(I) shall notify the Secretary of
15 such excess demand; and

16 “(II) if eligible, may apply for a
17 national dislocated worker grant
18 under section 170 of this Act.”.

19 (B) STATEWIDE EMPLOYMENT AND TRAIN-
20 ING ACTIVITIES.—Section 134(a)(2)(B) of the
21 Workforce Innovation and Opportunity Act (29
22 U.S.C. 3174(a)(2)(B) is amended—

23 (i) in clause (i)—

24 (I) in subclause (III), by striking
25 “and” at the end;

1 (II) by amending subclause (IV)
2 to read as follows:

3 “(IV) local areas, one-stop opera-
4 tors, one-stop partners, and eligible
5 providers, including the development
6 and training of staff, which may in-
7 clude—

8 “(aa) the development and
9 training of staff to provide infor-
10 mation about wage levels and
11 available benefits across in-de-
12 mand industry sectors or occupa-
13 tions, and information about op-
14 portunities for individuals with
15 barriers to employment to enter
16 in-demand industry sectors or oc-
17 cupations and nontraditional oc-
18 cupations;

19 “(bb) providing capacity
20 building and technical assistance
21 to State board and local board
22 members on the development of
23 exemplary program activities;

24 “(cc) the development and
25 education of staff to increase ex-

1 pertise in providing opportunities
2 for covered veterans (as defined
3 in section 4212(a)(3)(A) of title
4 38, United States Code) to enter
5 in-demand industry sectors or oc-
6 cupations and nontraditional oc-
7 cupations: and

8 “(dd) the provision of tech-
9 nical assistance to local areas
10 that fail to meet local perform-
11 ance accountability measures de-
12 scribed in section 116(c); and”;
13 and

14 (III) by adding at the end the
15 following:

16 “(V) local boards and eligible
17 providers of training services in car-
18 rying out the performance reporting
19 required under section 116(d), includ-
20 ing facilitating data matches for pro-
21 gram participants—

22 “(aa) using quarterly wage
23 record information (including the
24 wage records made available by
25 any other State and information

1 provided from the National Di-
2 rectory of New Hires in accord-
3 ance with section 453(j)(8) of the
4 Social Security Act (42 U.S.C.
5 653(j)(8)); and

6 “(bb) other sources of infor-
7 mation, as necessary to measure
8 the performance of programs and
9 activities conducted under this
10 chapter or chapter 2 of this sub-
11 title;”;

12 (ii) in clause (ii), by striking “section
13 106(b)(7)” and inserting “section
14 106(b)(6)”;

15 (iii) in clause (iii), by striking “section
16 116(i)” and inserting “section 116(j)”;
17 and

18 (iv) in clause (v)—

19 (I) in subclause (II)—

20 (aa) by striking “customized
21 training” and inserting “em-
22 ployer-directed skills develop-
23 ment”; and

24 (bb) by striking “transi-
25 tional jobs” and inserting “tran-

1 sitional jobs, or sponsors of ap-
2 prenticeships and pre-apprentice-
3 ships”;

4 (II) in subclause (III), by insert-
5 ing “, including business engaged in
6 joint labor-management partnerships”
7 before the semicolon;

8 (III) in subclause (IV), by insert-
9 ing “, including on the principles of
10 universal design for learning” before
11 the semicolon;

12 (IV) by redesignating subclauses
13 (V) and (VI) as subclauses (VI) and
14 (VII), respectively;

15 (V) by inserting after subclause
16 (IV) the following:

17 “(V) information on effective co-
18 ordination of supportive services for
19 workers and jobseekers;”;

20 (VI) in subclause (VI), as so re-
21 designated—

22 (aa) by striking “subsections
23 (d) and (h) of section 122” and
24 inserting “subsections (d) and (i)
25 of section 122”; and

1 (bb) by striking “and” at
2 the end; and

3 (VII) by adding at the end the
4 following:

5 “(VIII) information to partici-
6 pants on understanding and accessing
7 State-administered programs and
8 services available to jobseekers;”;

9 (v) by redesignating clause (vi) as
10 clause (vii);

11 (vi) by inserting after clause (v) the
12 following:

13 “(vi) notifying participants of an eligi-
14 ble program of training services whose par-
15 ticipation is funded under this Act, if such
16 program’s status as an eligible program of
17 training services is revoked under section
18 122(c)(4);”;

19 (vii) in clause (vii), as so redesi-
20 gnated, by striking the period at the end
21 and inserting a semicolon; and

22 (viii) by adding at the end the fol-
23 lowing:

24 “(viii) coordinating (which may be
25 done in partnership with other States) with

1 industry organizations, employers (includ-
2 ing small and mid-sized employers), indus-
3 try or sector partnerships, training pro-
4 viders, local boards, and institutions of
5 higher education to identify or develop
6 competency-based assessments that are a
7 valid and reliable method of collecting in-
8 formation with respect to, and measuring,
9 the prior knowledge, skills, and abilities of
10 individuals who are adults or dislocated
11 workers for the purpose of—

12 “(I) awarding, based on the
13 knowledge, skills, and abilities of such
14 an individual validated by such assess-
15 ments—

16 “(aa) a recognized postsec-
17 ondary credential that is used by
18 employers in the State for re-
19 cruitment, hiring, retention, or
20 advancement purposes;

21 “(bb) postsecondary credit
22 toward a recognized postsec-
23 ondary credential aligned with in-
24 demand industry sectors and oc-
25 cupations in the State for the

1 purpose of accelerating attain-
2 ment of such credential; and
3 “(cc) postsecondary credit
4 for progress along a career path-
5 way developed by the State or a
6 local area within the State;
7 “(II) developing individual em-
8 ployment plans under subsection
9 (c)(2)(B)(vii)(II) that incorporate the
10 knowledge, skills, and abilities of such
11 an individual to identify—
12 “(aa) in-demand industry
13 sectors or occupations that re-
14 quire similar knowledge, skills,
15 and abilities; and
16 “(bb) any upskilling needed
17 for the individual to secure em-
18 ployment in such a sector or oc-
19 cupation; and
20 “(III) helping such an individual
21 communicate such knowledge, skills,
22 and abilities to prospective employers
23 through a skills-based resume, profile,
24 or portfolio; and

1 “(ix) disseminating to local areas and
2 employers information relating to the com-
3 petency-based assessments identified or de-
4 veloped pursuant to clause (viii), includ-
5 ing—

6 “(I) any credential or credit
7 awarded pursuant to items (aa)
8 through (cc) of clause (viii)(I);

9 “(II) the industry organizations,
10 employers, training providers, and in-
11 stitutions of higher education located
12 within the State that recognize the
13 knowledge, skills, and abilities of an
14 individual validated by such assess-
15 ments;

16 “(III) how such assessments may
17 be provided to, and accessed by, indi-
18 viduals through the one-stop delivery
19 system; and

20 “(IV) information on the extent
21 to which such assessments are being
22 used by employers and local areas in
23 the State.”.

24 (3) ALLOWABLE STATEWIDE EMPLOYMENT AND
25 TRAINING ACTIVITIES.—Section 134(a)(3)(A) of the

1 Workforce Innovation and Opportunity Act (29
2 U.S.C. 3174(a)(3)(A))—

3 (A) in clause (i)—

4 (i) by inserting “or evidence-based”
5 after “innovative”;

6 (ii) by inserting “local communities
7 and” after “needs of”;

8 (iii) by striking “customized training”
9 and inserting “employer-directed skills de-
10 velopment”;

11 (iv) by inserting “and partnerships
12 with” after “utilization of”;

13 (v) by inserting “and labor-manage-
14 ment partnerships” after “business inter-
15 mediaries”; and

16 (vi) by inserting “and medium-sized”
17 before “employers) in the State, and”;

18 (B) in clause (ii)—

19 (i) by inserting “, or bringing evi-
20 dence-based strategies to scale,” after
21 “strategies”; and

22 (ii) by inserting “supporting such in-
23 dividuals in achieving economic self-suffi-
24 ciency and mobility, and” after “employ-
25 ment and”;

1 (C) in clause (iii)—

2 (i) by striking “ and prior learning as-
3 sessment to” and inserting “, prior learn-
4 ing assessment, or a competency-based as-
5 sessment identified or developed by the
6 State under paragraph (2)(B)(viii), to”;
7 and

8 (ii) by striking “stackable” and insert-
9 ing “permit articulation into higher level
10 degree or other credential programs”;

11 (D) in clause (iv), by inserting “, which
12 may include on-the job training, employer-di-
13 rected skills development, transitional jobs, in-
14 dustry or sector partnerships, apprenticeships,
15 and other programs” after “employment”;

16 (E) in clause (v), by inserting “which ac-
17 tivities may incorporate the principles of uni-
18 versal design for learning and be” after “sub-
19 section (c)(3),”;

20 (F) in clause (viii)—

21 (i) in subclause (I), by inserting “, in-
22 cluding such activities funded through
23 other Federal and State laws” after “de-
24 velopment activities”; and

25 (ii) in subclause (II)—

1 (I) in item (cc), by inserting “ac-
2 tivities carried out by comprehensive
3 transition and postsecondary pro-
4 grams for students with intellectual
5 disabilities established under section
6 767 of the Higher Education Act of
7 1965 (20 U.S.C. 1140g),” after “de-
8 velopmental disabilities,”;

9 (II) in item (dd), by striking “ac-
10 tivities, including those” and inserting
11 “activities and services to promote
12 digital literacy skills, including activi-
13 ties and services”;

14 (III) in item (ee), by striking
15 “ex-offenders in reentering the work-
16 force; and” and inserting “ justice-in-
17 volved individuals in reentering the
18 workforce;”; and

19 (IV) by adding at the end the fol-
20 lowing:

21 “(gg) programs under the
22 Older Americans Act of 1965 (42
23 U.S.C. 3001 et seq.) that support
24 employment and economic secu-
25 rity; and”;

1 (G) in clause (xi), by inserting “that ex-
2 ceed the local levels of performance” after
3 “local areas”;

4 (H) in clause (xiii), by striking “and” at
5 the end;

6 (I) in clause (xiv)—

7 (i) by inserting “conducting feasibility
8 studies for the effectiveness of such strate-
9 gies in meeting the employment and skills
10 development needs of target populations in
11 the local areas that are using such feasi-
12 bility studies,” after “data collection,”; and

13 (ii) by striking the period at the end
14 and inserting a semicolon; and

15 (J) by adding at the end the following:

16 “(xv) supporting employers seeking to
17 implement skills-based hiring practices,
18 which may include technical assistance on
19 the use and validation of employment as-
20 sessments (including competency-based as-
21 sessments developed or identified by the
22 State pursuant to paragraph (2)(B)(viii)),
23 and support in the creation of skills-based
24 job descriptions;

1 “(xvi) developing partnerships be-
2 tween educational institutions (including
3 area career and technical education
4 schools, local educational agencies, and in-
5 stitutions of higher education) and employ-
6 ers to create or improve workforce develop-
7 ment programs to address the identified
8 education and skill needs of the workforce
9 and the employment needs of employers in
10 regions of the State, as determined by the
11 most recent analysis conducted under sub-
12 paragraphs (A), (B), and (D) of section
13 102(b)(1);

14 “(xvii) identifying and making avail-
15 able to residents of the State, free or re-
16 duced cost access to online skills develop-
17 ment programs that are aligned with in-de-
18 mand industries or occupations in the
19 State and lead to attainment of a recog-
20 nized postsecondary credential valued by
21 employers in such industries or occupa-
22 tions;

23 “(xviii) establishing and administering
24 a critical industry skills fund described in
25 paragraph (4); and

1 “(xix) establishing and administering
2 an industry or sector partnership and ca-
3 reer pathways development fund described
4 in paragraph (5).”.

5 (4) CRITICAL INDUSTRY SKILLS FUND.—Sec-
6 tion 134(a) of the Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3174(a)), as amended, is fur-
8 ther amended by adding at the end the following:

9 “(4) CRITICAL INDUSTRY SKILLS FUND.—

10 “(A) PERFORMANCE-BASED PAYMENTS.—
11 In addition to the funds described in paragraph
12 (3)(A), a State may use any funds reserved
13 under paragraph (3)(A) of section 128(a) to es-
14 tablish and administer a critical industry skills
15 fund to award performance-based payments on
16 a per-worker basis to eligible entities that pro-
17 vide, to prospective workers or incumbent work-
18 ers (which may include youth age 18 through
19 age 24), eligible skills development programs
20 that are in any of the industries and occupa-
21 tions identified by the Governor (in consultation
22 with the State board) for purposes of this para-
23 graph, and that will result in employment or re-
24 tention with an employer in such an industry or

1 occupation (in this paragraph referred to as a
2 ‘participating employer’).

3 “(B) OPTIONAL PRIORITY.—The Governor
4 (in consultation with the State board) may se-
5 lect the industries and occupations identified
6 under subparagraph (A) that should be
7 prioritized under this paragraph.

8 “(C) SUBMISSION OF PROPOSALS.—To be
9 eligible to receive a payment under the critical
10 industry skills fund established under this para-
11 graph by a State, an eligible entity shall submit
12 to the Governor, a proposal describing the eligi-
13 ble skills development program to be provided
14 by the eligible entity under this paragraph, in
15 such form, at such time, and containing such
16 information, as the Governor may reasonably
17 require.

18 “(D) REIMBURSEMENT FOR APPROVED
19 PROPOSALS.—

20 “(i) STATE REQUIREMENTS.—

21 “(I) IN GENERAL.—With respect
22 to each eligible entity whose proposal
23 under subparagraph (C) has been ap-
24 proved by the Governor, the Governor
25 shall make payments (in an amount

1 determined by the Governor and sub-
2 ject to the requirements of subclause
3 (II) of this clause, subparagraph (E),
4 and any other limitations determined
5 necessary by the State) from the crit-
6 ical industry skills fund established
7 under this paragraph to such eligible
8 entity for each participant of the eligi-
9 ble skills development program de-
10 scribed in such proposal and with re-
11 spect to whom the eligible entity
12 meets the requirements of clause (ii).

13 “(II) PAYMENTS.—In making
14 payments to an eligible entity under
15 subclause (I) with respect to a partici-
16 pant—

17 “(aa) a portion of the total
18 payment shall be made after the
19 participant successfully completes
20 the eligible skills development
21 program offered by the eligible
22 entity; and

23 “(bb) the remainder of such
24 total payment shall be made after
25 the participant has been em-

1 employed by the participating em-
2 ployer of the eligible entity for
3 the 6-month period after success-
4 ful completion of the program.

5 “(ii) ELIGIBLE ENTITY REQUIRE-
6 MENTS.—To be eligible to receive the pay-
7 ments described in clause (i) with respect
8 to a participant, an eligible entity shall
9 submit such documentation as the Gov-
10 ernor determines necessary to verify
11 whether the participant meets the require-
12 ments of items (aa) and (bb) of clause
13 (i)(II), and to comply with the perform-
14 ance reporting described in subparagraph
15 (F).

16 “(E) NON-FEDERAL COST SHARING.—

17 “(i) LIMITS ON FEDERAL SHARE.—An
18 eligible entity may not receive funds under
19 subparagraph (D) with respect to a partici-
20 pant of the eligible skills development pro-
21 gram offered by the eligible entity in ex-
22 cess of the following costs of such program
23 with respect to such participant:

24 “(I) In the case of a partici-
25 pating employer of such eligible entity

1 with 25 or fewer employees, 90 per-
2 cent of the costs.

3 “(II) In the case of a partici-
4 pating employer of such eligible entity
5 with more than 25 employees, but
6 fewer than 100 employees, 75 percent
7 of the costs.

8 “(III) In the case of a partici-
9 pating employer of such eligible entity
10 with 100 or more employees, 50 per-
11 cent of the costs.

12 “(ii) NON-FEDERAL SHARE.—

13 “(I) IN GENERAL.—Any costs of
14 the eligible skills development pro-
15 gram offered to a participant by such
16 eligible entity that are not covered by
17 the funds received under subpara-
18 graph (D) shall be the non-Federal
19 share provided by the eligible entity
20 (in cash or in-kind).

21 “(II) EMPLOYER COST SHAR-
22 ING.—If the eligible skills develop-
23 ment program is being provided on-
24 the-job, the non-Federal share pro-
25 vided by an eligible entity may include

1 the amount of the wages paid by the
2 participating employer of the eligible
3 entity to a participant while such par-
4 ticipant is receiving the training.

5 “(F) PERFORMANCE REPORTING.—Using
6 the participant information provided by eligible
7 entities under subparagraph (D)(ii), the State
8 shall submit to the Secretary a report, on an
9 annual basis, with respect to all participants for
10 which the eligible entities received funds under
11 this paragraph for the most recent program
12 year, which shall include—

13 “(i) the number of individuals who
14 participated in eligible skills development
15 programs provided by such eligible entities
16 through the critical industry skills fund
17 under this paragraph; and

18 “(ii) the performance of such partici-
19 pants on the primary indicators of per-
20 formance described in subclauses (I)
21 through (III) of section 116(b)(2)(A)(i).

22 “(G) DEFINITIONS.—In this paragraph:

23 “(i) ELIGIBLE ENTITY.—The term ‘el-
24 ible entity’ means—

1 “(I) a participating employer or
2 a group of participating employers;

3 “(II) an industry or sector part-
4 nership that includes a participating
5 employer; or

6 “(III) another entity serving as
7 an intermediary (such as a local
8 board) that is in partnership with a
9 participating employer.

10 “(ii) ELIGIBLE SKILLS DEVELOPMENT
11 PROGRAM.—The term ‘eligible skills devel-
12 opment program’, when used with respect
13 to an eligible entity—

14 “(I) means a program with re-
15 spect to which a State may set a max-
16 imum and minimum length (in
17 weeks);

18 “(II) includes work-based edu-
19 cation or related occupational skills
20 instruction that—

21 “(aa) develops the specific
22 technical skills necessary for suc-
23 cessful performance of the occu-
24 pations in which participants are

1 to be employed upon completion;

2 and

3 “(bb) may be provided—

4 “(AA) by the eligible
5 entity; or

6 “(BB) by any training
7 provider that is selected by
8 the eligible entity and with-
9 out regard to whether such
10 provider is on a list of eligi-
11 ble providers of training
12 services described in section
13 122(d); and

14 “(III) does not include employee
15 onboarding, orientation, or profes-
16 sional development generally provided
17 to employees.”.

18 (5) INDUSTRY OR SECTOR PARTNERSHIP AND
19 CAREER PATHWAYS DEVELOPMENT FUND.—Section
20 134(a) of the Workforce Innovation and Opportunity
21 Act (29 U.S.C. 3174(a)), as amended, is further
22 amended by adding at the end the following:

23 “(5) INDUSTRY OR SECTOR PARTNERSHIP AND
24 CAREER PATHWAYS DEVELOPMENT FUND.—

1 “(A) PURPOSE.—The purpose of this para-
2 graph is to establish new or expand existing in-
3 dustry or sector partnerships and career path-
4 way programs to encourage regional economic
5 growth and competitiveness, and improve work-
6 er training, retention, and advancement.

7 “(B) DESCRIPTION OF FUND.—In addition
8 to the funds described in paragraph (3)(A), a
9 State may use any funds reserved under para-
10 graph (3)(A) of section 128(a) to establish and
11 administer an industry or sector partnership
12 and career pathways development fund to
13 award grants to eligible partnerships to estab-
14 lish or expand industry or sector partnerships
15 that include employers in a high-growth or
16 high-wage industry of the State in order to
17 meet the following objectives:

18 “(i) Build capacity among such part-
19 nerships to prepare jobseekers and incum-
20 bent workers participating in such partner-
21 ships for careers in such a high-growth or
22 high-wage industry.

23 “(ii) Leverage the capacity of such
24 partnerships to develop, improve, expand,
25 or implement education, employment, and

1 training opportunities for individuals with
2 barriers to employment.

3 “(iii) Strengthen coordination between
4 such industry or sector partnerships and
5 one-stop partners for the local areas in-
6 volved that are described in paragraphs (1)
7 and (2) of section 121(b).

8 “(iv) Develop or expand a career
9 pathway program that utilizes integrated
10 education and training strategies and sup-
11 ports multiple points of entry and exit for
12 working learners.

13 “(C) DURATION.—Each grant awarded
14 under this paragraph shall be for a period of
15 not more than 2 years.

16 “(D) AWARD BASIS.—

17 “(i) GEOGRAPHIC DIVERSITY.—The
18 Governor shall award grants under this
19 paragraph in a manner that ensures geo-
20 graphic diversity in the areas in the State
21 in which activities will be carried out under
22 the grants.

23 “(ii) PRIORITY.—In awarding grants
24 under this paragraph, the Governor shall

1 give priority consideration to eligible part-
2 nerships that—

3 “(I) include (or will include) as a
4 partner in the industry or sector part-
5 nership to be established or expanded
6 under this paragraph, a 2-year public
7 institution of higher education;

8 “(II) demonstrate long-term sus-
9 tainability of such industry or sector
10 partnership; and

11 “(III) demonstrate the ability of
12 such industry or sector partnership to
13 serve individuals who—

14 “(aa) are individuals with a
15 barrier to employment, including
16 individuals with disabilities;

17 “(bb) are facing significant
18 worker dislocation due to a dis-
19 ruption or change in the regional
20 or State economy or labor mar-
21 ket;

22 “(cc) have traditionally been
23 underserved by regional economic
24 development and sector partner-

1 ship activities (including rural
2 areas in the State); or

3 “(dd) are—

4 “(AA) opportunity
5 youth, disadvantaged youth,
6 or disadvantaged adults; or

7 “(BB) unemployed in-
8 dividuals, within the mean-
9 ing of section 6(b)(1)(B) of
10 the Wagner-Peyser Act (29
11 U.S.C. 49e(b)(1)(B)).

12 “(iii) ADDITIONAL OPTIONAL PRI-
13 ORITY.—In awarding grants under this
14 paragraph, in addition to the priority con-
15 sideration required under clause (ii), the
16 Governor may give priority consideration
17 to eligible partnerships that include, or will
18 include, as a partner in the industry or
19 sector partnership to be established or ex-
20 panded under this section—

21 “(I) a 4-year public institution of
22 higher education at which the highest
23 degree that is predominantly awarded
24 to students is an associate degree; or

1 “(II) a 2-year Tribal College or
2 University (as defined in section
3 316(b) of the Higher Education Act
4 of 1965 (20 U.S.C. 1059c(b)).

5 “(E) APPLICATION.—

6 “(i) IN GENERAL.—An eligible part-
7 nership seeking a grant under this para-
8 graph shall submit an application to the
9 Governor at such time, in such manner,
10 and containing such information as the
11 Governor may reasonably require, includ-
12 ing the contents described in clause (ii).

13 “(ii) CONTENTS.—An eligible partner-
14 ship seeking a grant under this paragraph
15 shall submit an application to the Governor
16 under clause (i) containing, at minimum—

17 “(I) a description of the eligible
18 partnership, and the industry or sec-
19 tor partnership that will be estab-
20 lished or expanded with such grant;

21 “(II) the expected participation
22 and responsibilities of each of the
23 partners that will be included in such
24 industry or sector partnership;

1 “(III) a description of the high-
2 growth or high-wage industry sector
3 to be served by such industry or sec-
4 tor partnership, and a description of
5 how such industry sector was identi-
6 fied;

7 “(IV) a description of the work-
8 ers and other individuals who will be
9 targeted or recruited by such industry
10 or sector partnership, including the
11 number of workers and other individ-
12 uals who will be served by the part-
13 nership;

14 “(V) an analysis of the existing
15 labor market to be served by such in-
16 dustry or sector partnership, which in-
17 cludes—

18 “(aa) a description of poten-
19 tial barriers to employment for
20 the targeted workers and other
21 individuals;

22 “(bb) the estimated share of
23 such workers and other individ-
24 uals who are individuals with a
25 barrier to employment; and

1 “(cc) a description of strate-
2 gies that will be developed to help
3 such workers and other individ-
4 uals overcome such barriers;

5 “(VI) a description of the Fed-
6 eral and non-Federal resources, avail-
7 able under provisions of law other
8 than this paragraph, that will be le-
9 veraged in support of such industry or
10 sector partnership and the activities
11 carried out by the partnership under
12 this paragraph;

13 “(VII) a description, using com-
14 mon, linked, open-data descriptive
15 language, of the recognized postsec-
16 ondary credential that will be provided
17 to individuals who successfully com-
18 plete the education and training pro-
19 gram provided through an education
20 provider in such industry or sector
21 partnership;

22 “(VIII) an assurance that any el-
23 igible provider of training services in
24 such industry or sector partnership is
25 on a list of eligible providers of train-

1 ing services described in section
2 122(d); and

3 “(IX) a commitment from a par-
4 ticipating employer in such industry
5 or sector partnership to employ each
6 participant of such education and
7 training program (which may be a ca-
8 reer pathway program) for not less
9 than a 1-year period, in accordance
10 with the employment policies of such
11 employer, after successful completion
12 of the training portion of the edu-
13 cation and training program operated
14 by such participating employer.

15 “(F) USES OF FUNDS.—

16 “(i) IN GENERAL.—An eligible part-
17 nership awarded a grant under this para-
18 graph shall use such grant funds to estab-
19 lish a new industry or sector partnership
20 or expand the industry or sector partner-
21 ship of the eligible partnership to meet the
22 objectives listed in subparagraph (B)—

23 “(I) by engaging businesses in
24 accordance with clause (iii); and

1 “(II) by carrying out an edu-
2 cation and training program that—

3 “(aa) leads to the recognized
4 postsecondary credential de-
5 scribed in the eligible partner-
6 ship’s application in subpara-
7 graph (E)(ii)(VII);

8 “(bb) includes an appren-
9 ticeship, work-based learning, or
10 on-the-job training program that
11 leads to an employment commit-
12 ment described in subparagraph
13 (E)(ii)(IX) with a participating
14 employer of the industry or sec-
15 tor partnership;

16 “(cc) may include the devel-
17 opment or expansion of a new or
18 existing career pathway program
19 as described in clause (iv); and

20 “(dd) may include the provi-
21 sion of supportive services as de-
22 scribed in clause (v).

23 “(ii) PLANNING ACTIVITIES.—An eli-
24 gible partnership receiving a grant under
25 this paragraph may use not more than 20

1 percent of the grant funds to carry out
2 planning activities during the first year of
3 the grant period that are necessary to es-
4 tablish a new industry or sector partner-
5 ship or expand the industry or sector part-
6 nership of the eligible partnership, which
7 may include—

8 “(I) recruiting key stakeholders
9 in the high-growth or high-wage in-
10 dustry to be served by such industry
11 or sector partnership;

12 “(II) conducting outreach to local
13 businesses, employers, labor organiza-
14 tions, local boards, education and
15 training providers, and business and
16 employer associations;

17 “(III) identifying, through an
18 evaluation, the training needs of mul-
19 tiple businesses in the high-growth or
20 high-wage industry, including identi-
21 fying any needs for—

22 “(aa) skills critical to com-
23 petitiveness and innovation in the
24 high-growth or high-wage indus-
25 try;

1 “(bb) an education and
2 training program, including any
3 apprenticeship program or other
4 work-based learning program
5 supported by the grant; and

6 “(cc) the usage of career
7 pathways to align education and
8 training with job openings in the
9 high-growth or high-wage indus-
10 try; and

11 “(IV) recruiting individuals with
12 barriers to employment to participate
13 in the education and training pro-
14 gram.

15 “(iii) BUSINESS ENGAGEMENT.—An
16 industry or sector partnership established
17 or expanded with a grant under this para-
18 graph shall use the grant funds to engage
19 businesses (including small and medium-
20 sized businesses that are in the high-
21 growth or high-wage industry and that
22 may be a participating employer of the
23 partnership) in the establishment and im-
24 plementation of an apprenticeship, work-
25 based learning, or on-the-job training pro-

1 gram offered through the education and
2 training program of the partnership, and
3 which may include—

4 “(I) the navigation of the reg-
5 istration process for a sponsor of such
6 an apprenticeship program;

7 “(II) the connection of the busi-
8 ness with an education provider in the
9 industry or sector partnership to de-
10 velop classroom instruction to com-
11 plement learning through such an ap-
12 prenticeship, work-based learning, or
13 on-the-job training program;

14 “(III) the development of such a
15 work-based learning program;

16 “(IV) the provision of career
17 awareness activities for participants of
18 such an apprenticeship, work-based
19 learning, or on-the-job training pro-
20 gram, such as career guidance and
21 academic counseling;

22 “(V) the recruitment of individ-
23 uals with barriers to employment to
24 participate in such an apprenticeship,

1 work-based learning, or on-the-job
2 training program; and

3 “(VI) other evidence-based ap-
4 proaches to connecting businesses
5 with workers and establishing path-
6 ways to unsubsidized employment for
7 individuals participating in the edu-
8 cation and training program and
9 other programs funded under this
10 title.

11 “(iv) CAREER PATHWAY PROGRAMS.—

12 “(I) IN GENERAL.—An industry
13 or sector partnership established or
14 expanded with a grant under this
15 paragraph may use such grant funds
16 for the development or expansion of a
17 new or existing career pathway pro-
18 gram that utilizes integrated edu-
19 cation and training strategies and
20 supports multiple entry and exit
21 points for working students and other
22 working participants, which may in-
23 clude—

24 “(aa) dual-enrollment ap-
25 proaches for participants, includ-

1 ing youth, seeking to participate
2 in a career pathway program;

3 “(bb) strategies that help
4 working students and other non-
5 traditional and adult student
6 populations access skills and the
7 recognized postsecondary creden-
8 tials described in subparagraph
9 (E)(ii)(VII) of the eligible part-
10 nership’s application; and

11 “(cc) strategies that incor-
12 porate the principles of universal
13 design for learning.

14 “(II) AUTHORIZED ACTIVITIES.—
15 In establishing or expanding such new
16 or existing career pathway program,
17 the industry or sector partnership
18 may use a grant under this paragraph
19 for—

20 “(aa) the provision of evi-
21 dence-based professional develop-
22 ment for faculty and other staff
23 of an education provider in the
24 industry or sector partnership,
25 which may incorporate the prin-

1 principles of universal design for
2 learning, as appropriate;

3 “(bb) the acquisition of
4 equipment necessary to support
5 the delivery of the career path-
6 way program; and

7 “(cc) any other evidence-
8 based activities to support the
9 development or implementation
10 of the career pathway program.

11 “(v) SUPPORTIVE SERVICES.—In ac-
12 cordance with section 181(h), an industry
13 or sector partnership established or ex-
14 panded with a grant under this paragraph
15 may use such grant funds to provide sup-
16 portive services to support the success of
17 individuals, including individuals with bar-
18 riers to employment, who are participating
19 in training services, as described in sub-
20 section (c)(3)(D), which are offered
21 through such partnership.

22 “(G) DESIGNATION OF A FISCAL AGENT.—
23 An eligible partnership receiving a grant under
24 this paragraph shall designate an entity of the
25 eligible partnership as the fiscal agent for the

1 receipt, management, and expenditure of the
2 grant funds.

3 “(H) NON-FEDERAL COST SHARING.—

4 “(i) LIMITS ON FEDERAL SHARE.—An
5 industry or sector partnership established
6 or expanded with a grant under this para-
7 graph may not receive such grant funds
8 for purposes of funding the education and
9 training program offered through such
10 partnership in excess of the following costs
11 of establishing, operating, and sustaining
12 such program:

13 “(I) In the case in which the par-
14 ticipating employers in such eligible
15 partnership employ 25 or fewer em-
16 ployees, 70 percent of the costs.

17 “(II) In the case in which the
18 participating employers in such eligi-
19 ble partnership employ more than 25
20 employees, but fewer than 100 em-
21 ployees, 55 percent of the costs.

22 “(III) In the case in which the
23 participating employers in such eligi-
24 ble partnership employ 100 or more
25 employees, 40 percent of the costs.

1 “(ii) NON-FEDERAL SHARE.—Any
2 costs of establishing, operating, and sus-
3 taining such program that are not covered
4 by the grant received under this paragraph
5 shall be the non-Federal share provided by
6 the industry or sector partnership.

7 “(I) PERFORMANCE REPORTING.—Not
8 later than 2 years after the first award of funds
9 under this paragraph is made by the Governor
10 and on an annual basis thereafter, the Governor
11 shall prepare and submit to the Secretary a re-
12 port with respect to the participants served by
13 each eligible partnership receiving funds under
14 this paragraph in the most recent program
15 year, which report shall include—

16 “(i) levels of performance achieved by
17 the eligible partnership, with respect to the
18 primary indicators of performance under
19 clause (i) or (ii) of section 116(b)(2)(A), as
20 applicable, for all individuals served by the
21 eligible partnership, disaggregated by race,
22 ethnicity, sex, disability status, and age;
23 and

24 “(ii) levels of performance achieved by
25 the eligible partnership with respect to the

1 primary indicators of performance under
2 clause (i) or (ii) of section 116(b)(2)(A), as
3 applicable, for individuals with barriers to
4 employment served by the eligible partner-
5 ship, disaggregated by race, ethnicity, sex,
6 disability status, and age.

7 “(J) AVAILABILITY OF REPORT.—The re-
8 port submitted by eligible partnerships under
9 subparagraph (I) shall—

10 “(i) be made digitally available by the
11 Secretary using linked, open, and inter-
12 operable data; and

13 “(ii) include the number of individuals
14 who were served by each such eligible part-
15 nership.

16 “(K) LIMIT ON ADMINISTRATIVE COSTS.—
17 An eligible partnership receiving a grant under
18 this paragraph may not use more than 10 per-
19 cent of the grant funds for administrative costs.

20 “(L) DEFINITIONS.—In this paragraph:

21 “(i) ELIGIBLE PARTNERSHIP.—The
22 term ‘eligible partnership’ means—

23 “(I) an industry or sector part-
24 nership that—

1 “(aa) includes a partici-
2 pating employer; and

3 “(bb) is seeking to further
4 implement or expand such indus-
5 try or sector partnership; or

6 “(II) a workforce collaborative
7 that is seeking to become an industry
8 or sector partnership that includes a
9 participating employer.

10 “(ii) HIGH-GROWTH OR HIGH-WAGE
11 INDUSTRY.—The term ‘high-growth or
12 high-wage industry’, when used with re-
13 spect to an eligible partnership, means an
14 industry that—

15 “(I) has, or is expected to have,
16 a high rate of growth and an unmet
17 demand for skilled workers, as deter-
18 mined by the Governor of the State in
19 which the eligible partnership is lo-
20 cated;

21 “(II) has been designated by the
22 Governor as an in-demand industry
23 experiencing high growth in such
24 State; and

1 “(III) includes occupations deter-
2 mined by the Governor—

3 “(aa) with wages that are
4 significantly higher than an occu-
5 pation of similar level of skill or
6 needed skill development; or

7 “(bb) that are aligned with
8 career pathways into higher wage
9 occupations.

10 “(iii) PARTICIPATING EMPLOYER.—
11 The term ‘participating employer’, when
12 used with respect to an eligible partner-
13 ship, means an employer in a high-growth
14 or high-wage industry that is (or will be)
15 part of the industry or sector partnership
16 that will be expanded (or established) by
17 the eligible partnership under this para-
18 graph.”.

19 (b) REQUIRED LOCAL EMPLOYMENT AND TRAINING
20 ACTIVITIES.—

21 (1) MINIMUM AMOUNT FOR SKILLS DEVELOP-
22 MENT.—Section 134(c)(1) of the Workforce Innova-
23 tion and Opportunity Act (29 U.S.C. 3174(c)(1)) is
24 amended—

1 (A) in subparagraph (A)(iv), by striking
2 “to” and inserting “to provide business services
3 described in paragraph (4) and”;

4 (B) by redesignating subparagraph (B) as
5 subparagraph (C); and

6 (C) by inserting after subparagraph (A),
7 as so amended, the following:

8 “(B) MINIMUM AMOUNT FOR SKILLS DE-
9 VELOPMENT.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), not less than 50 percent of the funds
12 described in subparagraph (A) shall be
13 used by the local area—

14 “(I) for the payment of training
15 services—

16 “(aa) provided to adults
17 under paragraph (3)(F)(iii); and

18 “(bb) provided to adults and
19 dislocated workers under para-
20 graph (3)(G)(ii); and

21 “(II) for the payment of training
22 services under paragraph (2)(A) of
23 section 414(c) of the American Com-
24 petitiveness and Workforce Improve-
25 ment Act of 1998 (29 U.S.C.

1 3224a(c)) after funds allocated to
2 such local area under paragraph (1)
3 of such section 414(c) have been ex-
4 hausted.

5 “(ii) EXCEPTION.—With respect to a
6 local area that uses any funds described in
7 subparagraph (A) to provide supportive
8 services, in accordance with subsection
9 (d)(2) of this section, for adults and dis-
10 located workers who are participating in
11 training services, or individualized career
12 services described in clauses (iii) and (vii)
13 of paragraph (2)(B) that enable participa-
14 tion in training services, each percentage
15 of such funds so used shall reduce, by one
16 percentage point, the percentage of such
17 funds required to be used by such local
18 area in accordance with clause (i), except
19 that such percentage of funds may not be
20 reduced by more than 10 percentage points
21 pursuant to this clause.”; and

22 (D) in subparagraph (C), as so redesign-
23 nated, by striking “and (ii)” and inserting “,
24 (ii), and (iv)”.

1 (2) CAREER SERVICES.—Section 134(c)(2) of
2 the Workforce Innovation and Opportunity Act (29
3 U.S.C. 3174(c)(2)) is amended—

4 (A) by redesignating subparagraphs (A)
5 through (C) as subparagraphs (B) through (D),
6 respectively;

7 (B) by inserting before subparagraph (B),
8 as so redesignated, the following:

9 “(A) BASIC CAREER SERVICES.—

10 “(i) IN GENERAL.—The one-stop de-
11 livery system—

12 “(I) shall coordinate with the
13 Employment Service office colocated
14 with the one-stop delivery system for
15 such Employment Service office to
16 provide, using the funds allotted to
17 the State under section 6 of the Wag-
18 ner-Peyser Act (29 U.S.C. 49e), basic
19 career services, which shall—

20 “(aa) include, at a min-
21 imum, the services listed in
22 clause (ii); and

23 “(bb) be available to individ-
24 uals who are adults or dislocated
25 workers in an integrated manner

1 to streamline access to assistance
2 for such individuals, to avoid du-
3 plication of services, and to en-
4 hance coordination of services;
5 and

6 “(II) may use funds allocated
7 under paragraph (1), as necessary, to
8 supplement the services that are pro-
9 vided pursuant to subclause (I) to in-
10 dividuals who are adults or dislocated
11 workers.

12 “(ii) SERVICES.—The basic career
13 services provided pursuant to clause (i)
14 shall include—

15 “(I) provision of workforce and
16 labor market employment statistics in-
17 formation, including the provision of
18 accurate (and, to the extent prac-
19 ticable, real-time) information relating
20 to local, regional, and national labor
21 market areas, including—

22 “(aa) job vacancy listings in
23 such labor market areas;

1 “(bb) information on job
2 skills necessary to obtain the jobs
3 included on such listings; and

4 “(cc) information relating to
5 local occupations in demand
6 (which may include entrepreneur-
7 ship opportunities), and the earn-
8 ings, skill requirements, and op-
9 portunities for advancement for
10 such occupations;

11 “(II) labor exchange services, in-
12 cluding job search and placement as-
13 sistance and, in appropriate cases, ca-
14 reer counseling, including—

15 “(aa) provision of informa-
16 tion on in-demand industry sec-
17 tors and occupations;

18 “(bb) provision of informa-
19 tion on nontraditional employ-
20 ment; and

21 “(cc) provision of informa-
22 tion on entrepreneurship, as ap-
23 propriate;

24 “(III)(aa) provision of informa-
25 tion, in formats that are usable by

1 and understandable to one-stop center
2 customers, relating to the availability
3 of supportive services or assistance,
4 including child care, child support,
5 medical or child health assistance
6 under title XIX or XXI of the Social
7 Security Act (42 U.S.C. 1396 et seq.
8 and 1397aa et seq.), benefits under
9 the supplemental nutrition assistance
10 program established under the Food
11 and Nutrition Act of 2008 (7 U.S.C.
12 2011 et seq.), assistance through the
13 earned income tax credit under sec-
14 tion 32 of the Internal Revenue Code
15 of 1986, and assistance under a State
16 program for temporary assistance for
17 needy families funded under part A of
18 title IV of the Social Security Act (42
19 U.S.C. 601 et seq.) and other sup-
20 portive services and transportation
21 provided through funds made avail-
22 able under such part, available in the
23 local area; and

1 “(bb) referral to the services or assist-
2 ance described in item (aa), as appro-
3 priate;

4 “(IV) provision of information
5 and assistance regarding filing claims
6 for unemployment compensation; and

7 “(V) assistance in establishing
8 eligibility for programs of financial aid
9 assistance for training and education
10 programs that are not funded under
11 this Act.”;

12 (C) in subparagraph (B), as so redesign-
13 nated—

14 (i) in the heading, by striking the
15 heading and inserting “INDIVIDUALIZED
16 CAREER”;

17 (ii) in the matter preceding clause
18 (i)—

19 (I) by inserting “individualized”
20 before “career services”; and

21 (II) by inserting “shall, to the ex-
22 tent practicable, be evidence-based,”
23 before “and shall”;

24 (iii) in clause (iii), by inserting “, and
25 a determination (considering factors in-

1 cluding prior work experience, military
2 service, education, and the in-demand in-
3 dustry sectors and occupations in the local
4 area) of whether such an individual would
5 benefit from a competency-based assess-
6 ment developed or identified by the State
7 pursuant to subsection (a)(2)(B)(viii) to
8 accelerate the time to obtaining employ-
9 ment that leads to economic self-sufficiency
10 or career advancement” before the semi-
11 colon at the end;

12 (iv) by striking clauses (iv), (vi), (ix),
13 (x), and (xi);

14 (v) by redesignating clauses (v), (vii),
15 (viii), (xii), and (xiii) as clauses (iv), (v),
16 (vi), (vii), and (viii), respectively;

17 (vi) in clause (v), as so redesignated,
18 by inserting “and credential” after “by
19 program”;

20 (vii) in clause (vi), as so redesignated,
21 by inserting “and in multiple languages, to
22 the extent practicable,” after “customers,”;
23 and

24 (viii) in clause (vii), as so redesign-
25 ated—

1 (I) in subclause (I)(aa), as so re-
2 designated, by inserting “, including a
3 competency-based assessment devel-
4 oped or identified by the State pursu-
5 ant to subsection (a)(2)(B)(viii)” after
6 “tools”;

7 (II) in subclause (VI), by insert-
8 ing “digital literacy skills,” after
9 “learning skills,”;

10 (III) in subclause (X), by strik-
11 ing “or” at the end;

12 (IV) in subclause (XI)—
13 (aa) by striking “language”;
14 and

15 (bb) by striking “and” at
16 the end and inserting “or”;

17 (V) by adding at the end the fol-
18 lowing:

19 “(XII) review or creation of a re-
20 sume or similar document showcasing
21 the skills, experience, relevant creden-
22 tials, and education of the individual;
23 and”.

24 (D) by amending subparagraph (C), as so
25 redesignated, to read as follows:

1 “(C) USE OF PREVIOUS ASSESSMENTS.—A
2 one-stop operator or one-stop partner shall not
3 be required to conduct a new interview, evalua-
4 tion, or assessment of a participant under sub-
5 paragraph (B)(vii) if the one-stop operator or
6 one-stop partner determines that—

7 “(i) it is appropriate to use a recent
8 interview, evaluation, or assessment of the
9 participant conducted pursuant to another
10 education or training program; and

11 “(ii) using such recent interview, eval-
12 uation, or assessment will accelerate an eli-
13 gibility determination.”; and

14 (E) in subparagraph (D), as so redesign-
15 nated—

16 (i) in the matter preceding clause
17 (i)—

18 (I) by inserting “individualized”
19 before “career”; and

20 (II) by striking “subparagraph
21 (A)” and inserting “subparagraph
22 (B)”;

23 (ii) in clause (ii), by inserting “, li-
24 braries, and community-based organiza-
25 tions” after “nonprofit service providers”.

1 (3) TRAINING SERVICES.—Section 134(c)(3) of
2 the Workforce Innovation and Opportunity Act (29
3 U.S.C. 3174(c)(3)) is amended—

4 (A) in subparagraph (A)—

5 (i) in clause (i), in the matter pre-
6 ceding subclause (I), by striking “clause
7 (ii)” and inserting “clause (ii) or (iii)”;

8 (ii) by amending clause (i)(II) to read
9 as follows:

10 “(II) who select programs of
11 training services that are directly
12 linked to the employment opportuni-
13 ties—

14 “(aa) in the local area or the
15 planning region;

16 “(bb) in another area to
17 which the adults or dislocated
18 workers are willing to commute
19 or relocate; or

20 “(cc) that may be performed
21 remotely;”.

22 (iii) by redesignating clause (iii) as
23 clause (iv);

24 (iv) by inserting after clause (ii) the
25 following:

1 “(iii) EMPLOYER REFERRAL.—

2 “(I) IN GENERAL.—A one-stop
3 operator or one-stop partner shall not
4 be required to conduct an interview,
5 evaluation, or assessment of an indi-
6 vidual under clause (i) if such indi-
7 vidual—

8 “(aa) is referred by an em-
9 ployer to receive on-the-job train-
10 ing or employer-directed skills de-
11 velopment in connection with
12 that employer; and

13 “(bb) has been certified by
14 the employer as being an indi-
15 vidual who is in need of training
16 services to obtain unsubsidized
17 employment with such employer
18 and who has the skills and quali-
19 fications to successfully partici-
20 pate in the selected program of
21 training services.

22 “(II) PRIORITY.—A one-stop op-
23 erator or one-stop partner shall follow
24 the priority system in effect under
25 subparagraph (E) to determine wheth-

1 er an individual who meets the re-
2 quirements of subclause (I) of this
3 clause is eligible to receive training
4 services.”; and

5 (v) by adding at the end the following:

6 “(v) ADULT EDUCATION AND FAMILY
7 LITERACY ACTIVITIES.—In the case of an
8 individual who, after an interview, evalua-
9 tion, or assessment under clause (i)(I), is
10 determined to not have the skills and
11 qualifications to successfully participate in
12 the selected program of training services
13 under clause (i)(I)(cc), the one-stop oper-
14 ator or one-stop partner shall refer such
15 individual to adult education and literacy
16 activities under title II, including for co-en-
17 rollment in such activities, as appro-
18 priate.”;

19 (B) in subparagraph (B)—

20 (i) in clause (i)—

21 (I) in subclause (I), by striking
22 “other grant assistance for such serv-
23 ices, including” and inserting “assist-
24 ance for such services under”; and

1 (II) by striking “under other
2 grant assistance programs, including”
3 and inserting “under”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(iv) PARTICIPATION DURING ELIGI-
7 BILITY DETERMINATION.—An individual
8 may participate in a program of training
9 services during the period during which
10 such individual’s eligibility for training
11 services under subparagraph (A)(i) is being
12 determined, except that the provider of
13 such a program shall receive reimburse-
14 ment under this Act for the individual’s
15 participation during such period only if
16 such individual is determined to be eligible
17 under subparagraph (A)(i).”;

18 (C) in subparagraph (D)(xi), by striking
19 “customized training” and inserting “employer-
20 directed skills development”;

21 (D) in subparagraph (E)—

22 (i) by striking “are basic skills defi-
23 cient” and inserting “have foundational
24 skill needs”; and

1 (ii) by striking “paragraph
2 (2)(A)(xii)” and inserting “paragraph
3 (2)(B)(vii)”;

4 (E) in subparagraph (F)(ii), by inserting
5 “and the levels of performance for such pro-
6 viders on the performance criteria described in
7 section 122(b) for the 2 most recent program
8 years” after “in section 122(d)”;

9 (F) in subparagraph (G)(ii)—

10 (i) in subclause (II), by striking “cus-
11 tomized training” and inserting “employer-
12 directed skills development”; and

13 (ii) in subclause (IV)—

14 (I) by striking “is a” and insert-
15 ing “is an evidence-based”; and

16 (II) by inserting “and to support
17 such individuals in gaining requisite
18 skills for in-demand industry sectors
19 or occupations in the local area, ob-
20 taining recognized postsecondary cre-
21 dentials, and entering unsubsidized
22 employment” after “employment”;

23 (G) in subparagraph (H)—

24 (i) in clause (i), in the matter pre-
25 ceding subclause (I), by striking “reim-

1 bursement described in section 3(44)” and
2 inserting “reimbursement described in sec-
3 tion 3(48)”;

4 (ii) in clause (ii)—

5 (I) in subclause (I), by inserting
6 “, such as the extent to which partici-
7 pants are individuals with barriers to
8 employment” after “participants”;
9 and

10 (II) in subclause (III), by insert-
11 ing “in an occupation or industry sec-
12 tor, including whether the skills a par-
13 ticipant will obtain are transferable to
14 other employers, occupations, or in-
15 dustries in the local area or the
16 State” after “opportunities”; and

17 (H) by adding at the end the following:

18 “(I) EMPLOYER-DIRECTED SKILLS DEVEL-
19 OPMENT.—An employer may receive a contract
20 from a local board to provide employer-directed
21 skills development to a participant or group of
22 participants if the employer submits to the local
23 board an agreement that establishes—

24 “(i) the provider of the skills develop-
25 ment program, which may be the employer;

1 “(ii) the length of the skills develop-
2 ment program;

3 “(iii) the recognized postsecondary
4 credentials that will be awarded to, or the
5 occupational skills that will be gained by,
6 program participants;

7 “(iv) the cost of the skills development
8 program;

9 “(v) the estimated earnings of pro-
10 gram participants upon successful comple-
11 tion of the program;

12 “(vi) the amount of such cost that will
13 be paid by the employer, which shall not be
14 less than the amount specified in subpara-
15 graph (C) of section 3(19); and

16 “(vii) a commitment by the employer
17 to employ the participating individual or
18 individuals upon successful completion of
19 the program.”.

20 (c) BUSINESS SERVICES.—Section 134(c) of the
21 Workforce Innovation and Opportunity Act (29 U.S.C.
22 3174(c)) is further amended by adding at the end the fol-
23 lowing:

24 “(4) BUSINESS SERVICES.—Funds described in
25 paragraph (1) shall be used to provide appropriate

1 recruitment and other business services and strate-
2 gies on behalf of employers, including small employ-
3 ers and mid-sized employers, that meet the work-
4 force investment needs of area employers, as deter-
5 mined by the local board and consistent with the
6 local plan under section 108, which services—

7 “(A) may be provided—

8 “(i) through effective business inter-
9 mediaries working in conjunction with the
10 local board;

11 “(ii) on a fee-for-service basis; or

12 “(iii) through the leveraging of eco-
13 nomic development, philanthropic, and
14 other public and private resources in a
15 manner determined appropriate by the
16 local board; and

17 “(B) may include one or more of the fol-
18 lowing:

19 “(i) Developing and implementing in-
20 dustry sector strategies (including strate-
21 gies involving industry partnerships, re-
22 gional skills alliances, industry skill panels,
23 and sectoral skills partnerships).

24 “(ii) Developing and delivering inno-
25 vative workforce investment services and

1 strategies for area employers, which may
2 include career pathways, skills upgrading,
3 skill standard development and certifi-
4 cation for recognized postsecondary creden-
5 tial or other employer use, apprenticeship,
6 developing and offering industry-recognized
7 credential (including short-term industry-
8 recognized credential) programs, including
9 those that support individuals with
10 foundational skill needs, and other effective
11 initiatives for meeting the workforce in-
12 vestment needs of area employers and
13 workers.

14 “(iii) Assistance to area employers in
15 managing reductions in force in coordina-
16 tion with rapid response activities provided
17 under subsection (a)(2)(A) and developing
18 strategies for the aversion of layoffs, which
19 strategies may include early identification
20 of firms at risk of layoffs, use of feasibility
21 studies to assess the needs of and options
22 for at-risk firms, and the delivery of em-
23 ployment and training activities to address
24 risk factors.

1 “(iv) The marketing of business serv-
2 ices offered under this title to appropriate
3 area employers, including small and mid-
4 sized employers.

5 “(v) Technical assistance or other
6 support to employers seeking to implement
7 skills-based hiring practices, which may in-
8 clude technical assistance on the use and
9 validation of employment assessments, in-
10 cluding competency-based assessments de-
11 veloped or identified by the State pursuant
12 to paragraph (2)(B)(viii), and support in
13 the creation of skills-based job descrip-
14 tions.

15 “(vi) Other services described in this
16 subsection, including providing information
17 and referral to microenterprise services, as
18 appropriate, and specialized business serv-
19 ices not traditionally offered through the
20 one-stop delivery system.”.

21 (d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAIN-
22 ING ACTIVITIES.—

23 (1) ACTIVITIES.—Section 134(d)(1)(A) of the
24 Workforce Innovation and Opportunity Act (29
25 U.S.C. 3174(d)(1)(A)) is amended—

1 (A) in clause (iii), by striking “10 percent”
2 and inserting “30 percent”;

3 (B) in clause (v), by inserting “case man-
4 agement,” after “assessments,”;

5 (C) in clause (vi)—

6 (i) in subclause (III), by striking
7 “and” at the end;

8 (ii) by redesignating subclause (IV) as
9 subclause (VI); and

10 (iii) by inserting after subclause (III)
11 the following:

12 “(IV) employment and training
13 activities under subsections (d) and
14 (o) of section 6 of the Food and Nu-
15 trition Act of 2008 (7 U.S.C. 2015);

16 “(V) programs under the Older
17 Americans Act of 1965 (42 U.S.C.
18 3001 et seq.) that support employ-
19 ment and economic security; and”;

20 (D) in clause (vii)—

21 (i) in subclause (II)—

22 (I) by inserting “and providers of
23 supportive services,” after “small em-
24 ployers,”; and

25 (II) by striking “and” at the end;

1 (ii) in subclause (III), by inserting
2 “and” at the end; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(IV) to strengthen, through pro-
6 fessional development activities, the
7 knowledge and capacity of one-stop
8 staff to use the latest digital tech-
9 nologies, tools, and strategies to de-
10 liver high quality services and out-
11 comes for jobseekers, workers, and
12 employers, which may incorporate uni-
13 versal design for learning;”;

14 (E) by striking clause (ix);

15 (F) by redesignating clauses (x) through
16 (xii) as clauses (ix) through (xi), respectively;

17 (G) in clause (x), as so redesignated, by
18 striking “and” at the end;

19 (H) in clause (xi), as so redesignated, by
20 striking the period at the end and inserting a
21 semicolon; and

22 (I) by adding at the end the following:

23 “(xii) training programs for individ-
24 uals who are dislocated workers as a result
25 of advances in automation technology;

1 “(xiii) the use of competency-based
2 assessments for individuals upon initial as-
3 sessment of skills (pursuant to subsection
4 (c)(2)(A)(iii)) or completion of training
5 services or other learning experiences;

6 “(xiv) the development of partnerships
7 between educational institutions (including
8 area career and technical education
9 schools, local educational agencies, and in-
10 stitutions of higher education) and employ-
11 ers to create or improve workforce develop-
12 ment programs to address the identified
13 education and skill needs of the workforce
14 and the employment needs of employers in
15 a region, as determined based on the most
16 recent analysis conducted by the local
17 board under section 107(d)(2); and

18 “(xv) assistance to one or more public
19 libraries located in the local area that has
20 demonstrated success in leveraging addi-
21 tional resources (such as staff, facilities,
22 computers, and learning materials) to pro-
23 vide free and open access to individualized
24 career services, in order to promote and
25 expand access to such services.”.

1 (2) SUPPORTIVE SERVICES.—Section
2 134(d)(2)(B) of the Workforce Innovation and Op-
3 portunity Act (29 U.S.C. 3174(d)(2)(B)) is amend-
4 ed, by inserting “, including through programs of
5 one-stop partners, who are” after “programs”.

6 (3) NEEDS-RELATED PAYMENTS.—Section
7 134(d)(3) of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3174(d)(3)) is amended—

9 (A) in subparagraph (A), by inserting “or
10 for financial assistance through a program car-
11 ried out by a one-stop partner” after “com-
12 pensation”; and

13 (B) in subparagraph (B), by inserting “or
14 financial assistance through a program carried
15 out by a one-stop partner” after “compensa-
16 tion”

17 (4) INCUMBENT WORKER TRAINING PRO-
18 GRAMS.—

19 (A) IN GENERAL.—Section 134(d)(4)(A) of
20 the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3174(d)(4)(A)) is amended—

22 (i) in clause (i), by striking “20” and
23 inserting “30”;

1 (ii) by redesignating clauses (ii) and
2 (iii) as clauses (iii) and (iv), respectively;
3 and

4 (iii) by inserting after clause (i) the
5 following:

6 “(ii) INCREASE IN RESERVATION OF
7 FUNDS.—Notwithstanding clause (i)—

8 “(I) with respect to a local area
9 that had a rate of unemployment of
10 not more than 3 percent for not less
11 than 6 months during the preceding
12 program year, clause (i) shall be ap-
13 plied by substituting ‘40 percent’ for
14 ‘30 percent’; or

15 “(II) with respect to a local area
16 that meets the requirement in sub-
17 clause (I) and is located in a State
18 that had a labor force participation
19 rate of not less than 69 percent for
20 not less than 6 months during the
21 preceding program year, clause (i)
22 shall be applied by substituting ‘45
23 percent’ for ‘30 percent’.”

24 (B) TRAINING ACTIVITIES.—Section
25 134(d)(4)(B) of the Workforce Innovation and

1 Opportunity Act (29 U.S.C. 3174(d)(4)(B)) is
2 amended—

3 (i) by striking “The training”, and in-
4 serting the following:

5 “(i) IN GENERAL.—The training”;
6 and

7 (ii) by striking “delivering training”
8 and inserting “delivering training, such as
9 industry or sector partnerships”.

10 (C) NON-FEDERAL SHARE.—Section
11 134(d)(4)(D)(ii)(III) of the Workforce Innova-
12 tion and Opportunity Act (29 U.S.C.
13 3174(d)(4)(D)(ii)(III)) is amended by striking
14 “50” and inserting “55”.

15 (D) INCUMBENT WORKER UPSKILLING AC-
16 COUNTS.—Section 134(d)(4) of the Workforce
17 Innovation and Opportunity Act (29 U.S.C.
18 3174(d)(4)) is further amended by adding at
19 the end the following:

20 “(E) INCUMBENT WORKER UPSKILLING
21 ACCOUNTS.—

22 “(i) IN GENERAL.—To establish in-
23 cumbent worker upskilling accounts
24 through which an eligible provider of train-
25 ing services under section 122 may be paid

1 for the program of training services pro-
2 vided to an incumbent worker, a local
3 board—

4 “(I)(aa) may use, from the funds
5 reserved by the local area under sub-
6 paragraph (A)(i), an amount that
7 does not exceed 5 percent of the funds
8 allocated to such local area under sec-
9 tion 133(b); or

10 “(bb) if the local area reserved funds
11 under subparagraph (A)(ii), may use, from
12 the funds reserved by the local area under
13 subparagraph (A)(ii), an amount that does
14 not exceed 10 percent of the funds allo-
15 cated to such local area under section
16 133(b); and

17 “(II) may use funds reserved
18 under section 134(a)(2)(A) for state-
19 wide rapid response activities and pro-
20 vided by the State to local area to es-
21 tablish such accounts.

22 “(ii) ELIGIBILITY.—

23 “(I) IN GENERAL.—Subject to
24 subclause (II), a local board that
25 seeks to establish incumbent worker

1 upskilling accounts under clause (i)
2 shall establish criteria for determining
3 the eligibility of an incumbent worker
4 to receive such an account, which
5 shall take into account factors of—

6 “(aa) the wages of the in-
7 cumbent worker as of the date of
8 determining such worker’s eligi-
9 bility under this clause;

10 “(bb) the career advance-
11 ment opportunities for the in-
12 cumbent worker in the occupa-
13 tion of such worker as of such
14 date; and

15 “(cc) the ability of the in-
16 cumbent worker to, upon comple-
17 tion of the program of training
18 services selected by such worker,
19 secure employment in an in-de-
20 mand industry or occupation in
21 the local area that will lead to
22 economic self-sufficiency and
23 wages higher than the current
24 wages of the incumbent worker.

25 “(II) LIMITATION.—

1 “(aa) IN GENERAL.—An in-
2 cumbent worker described in item
3 (bb) shall be ineligible to receive
4 an incumbent worker upskilling
5 account under this subparagraph.

6 “(bb) INELIGIBILITY.—Item
7 (aa) shall apply to an incumbent
8 worker—

9 “(AA) whose total an-
10 nual wages for the most re-
11 cent year are greater than
12 the median household in-
13 come of the State; or

14 “(BB) who has earned
15 a baccalaureate or profes-
16 sional degree.

17 “(iii) COST SHARING FOR CERTAIN IN-
18 CUMBENT WORKERS.—With respect to an
19 incumbent worker who is determined to be
20 eligible to receive an incumbent worker
21 upskilling account and who is not a low-in-
22 come individual—

23 “(I) such incumbent worker shall
24 pay not less than 25 percent of the

1 cost of the program of training serv-
2 ices selected by such worker; and

3 “(II) funds provided through the
4 incumbent worker upskilling account
5 established for such worker shall cover
6 the remaining 75 percent of the cost
7 of the program.”.

8 (E) TRANSITIONAL JOBS.—Section
9 134(d)(5) of the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3174(d)(5)) is amend-
11 ed by striking “10” and inserting “15”.

12 (e) RULE OF CONSTRUCTION.—Section 134 of the
13 Workforce Innovation and Opportunity Act (29 U.S.C.
14 3174) is further amended by adding at the end the fol-
15 lowing:

16 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to abrogate a collective bargaining
18 agreement that covers employees of an entity providing a
19 program of training services, including an incumbent
20 worker training program.”.

21 **CHAPTER 4—GENERAL WORKFORCE**

22 **INVESTMENT PROVISIONS**

23 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 136 of the Workforce Innovation and Oppor-
25 tunity Act (29 U.S.C. 3181) is amended to read as follows:

1 **“SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) YOUTH WORKFORCE INVESTMENT ACTIVI-
3 TIES.—There are authorized to be appropriated to carry
4 out the activities described in section 127(a)
5 \$976,573,900 for each of the fiscal years 2025 through
6 2030.

7 “(b) ADULT EMPLOYMENT AND TRAINING ACTIVI-
8 TIES.—There are authorized to be appropriated to carry
9 out the activities described in section 132(a)(1)
10 \$912,218,500 for each of the fiscal years 2025 through
11 2030.

12 “(c) DISLOCATED WORKER EMPLOYMENT AND
13 TRAINING ACTIVITIES.—There are authorized to be ap-
14 propriated to carry out the activities described in section
15 132(a)(2) \$1,391,483,193 for each of the fiscal years
16 2025 through 2030.”.

17 **Subtitle D—Job Corps**

18 **SEC. 151. PURPOSES.**

19 Section 141 of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3191) is amended—

21 (1) by striking “centers” each place it appears
22 and inserting “campuses”; and

23 (2) in paragraph (1)(A)—

24 (A) by striking “secondary school diplo-
25 mas” and inserting “regular high school diplo-
26 mas or their recognized equivalents”;

1 (B) in clause (i), by striking “or” at the
2 end;

3 (C) in clause (ii), by striking “, including
4 an apprenticeship program; and” and inserting
5 “; or”; and

6 (D) by adding at the end the following:

7 “(iii) enrollment in an apprenticeship
8 program; and”.

9 **SEC. 152. DEFINITIONS.**

10 Section 142 of the Workforce Innovation and Oppor-
11 tunity Act (29 U.S.C. 3192) is amended—

12 (1) in paragraphs (1), (7), (8), and (10), by
13 striking “center” each place it appears and inserting
14 “campus”;

15 (2) in paragraph (1)(B), by inserting “the com-
16 munity in which the Job Corps campus is located or
17 the” after “serves”;

18 (3) in paragraph (5)—

19 (A) by striking “secondary school diploma
20 or” and inserting “regular high school diploma
21 or its”;

22 (B) by striking “that prepares” and insert-
23 ing “that—

24 “(A) prepares”;

1 (C) in subparagraph (A), as so redesignated,
2 nated, by striking the period at the end and inserting
3 “; and”; and

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

5 “(B) may lead to the attainment of a recognized
6 postsecondary credential.”; and

7 (4) in paragraph (7), by striking “CENTER” in
8 the heading and inserting “CAMPUS”.

9 **SEC. 153. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

10 Section 144 of the Workforce Innovation and Opportunity
11 Act (29 U.S.C. 3194) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking “21” and inserting
15 “24”;

16 (ii) by inserting “ or, if the date of
17 enrollment is not greater than 60 days
18 after the date of application, the date of
19 application,” after “enrollment,”;

20 (iii) by amending subparagraph (A) to
21 read as follows:

22 “(A) an individual who is age 16 or 17
23 shall be eligible only upon an individual determination
24 by the director of a Job Corps campus
25 that such individual meets the criteria described

1 in subparagraph (A) or (B) of section
2 145(b)(1); and”;

3 (iv) in subparagraph (B), by striking
4 “either”;

5 (B) in paragraph (2), by inserting after
6 “individual” the following: “or a resident of a
7 qualified opportunity zone as defined in section
8 1400Z–1(a) of the Internal Revenue Code of
9 1986”;

10 (C) in paragraph (3)—

11 (i) by amending subparagraph (A) to
12 read as follows:

13 “(A) Has foundational skill needs.”; and

14 (ii) in subparagraph (C)—

15 (I) by striking “A homeless indi-
16 vidual (as” and inserting “An indi-
17 vidual experiencing homelessness
18 (meaning a homeless individual as”;

19 (II) by striking “(42 U.S.C.
20 14043e-2(6))” and inserting “(34
21 U.S.C. 12473(6))”;

22 (III) by striking “homeless child
23 or youth (as” and inserting “youth
24 experiencing homelessness (meaning a
25 homeless child or youth as”;

1 (2) in subsection (b)—

2 (A) in the heading, by inserting “AND
3 CERTAIN OTHER ARMED FORCES MEMBERS”
4 after “VETERANS”; and

5 (B) by inserting “or a member of the
6 Armed Forces eligible for preseparation coun-
7 seling of the Transition Assistance Program
8 under section 1142 of title 10, United States
9 Code,” after “a veteran”; and

10 (3) by inserting at the end the following:

11 “(c) SPECIAL RULE FOR YOUTH EXPERIENCING
12 HOMELESSNESS AND FOSTER YOUTH.—In determining
13 whether an individual is eligible to enroll for services
14 under this subtitle on the basis of being a youth experi-
15 encing homelessness, or a youth in foster care, as de-
16 scribed in subsection (a)(3)(C), staff shall—

17 “(1) if determining whether the individual is a
18 youth experiencing homelessness, use a process that
19 is in compliance with the requirements of subsection
20 (a) of section 479D of the Higher Education Act of
21 1965 (20 U.S.C. 1087uu–2) for financial aid admin-
22 istrators; and

23 “(2) if determining whether the individual is a
24 youth in foster care, use a process that is in compli-
25 ance with the requirements of subsection (b) of such

1 section 479D of the Higher Education Act of 1965
2 (20 U.S.C. 1087uu–2) for financial aid administra-
3 tors.”.

4 **SEC. 154. RECRUITMENT, SCREENING, SELECTION, AND AS-**
5 **SIGNMENT OF ENROLLEES.**

6 Section 145 of the Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3195) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A), by striking
11 “45” and inserting “55”;

12 (ii) in subparagraph (D), by striking
13 “and”;

14 (iii) in subparagraph (E), by striking
15 the period and inserting “; and”; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(F) assist applicable one-stop centers and
19 other entities identified in paragraph (3) in de-
20 veloping joint applications for Job Corps,
21 YouthBuild, and the youth activities described
22 in section 129.”; and

23 (2) in subsections (b), (c), and (d)—

24 (A) by striking “center” each place it ap-
25 pears and inserting “campus”; and

1 (B) by striking “centers” each place it ap-
2 pears and inserting “campuses”.

3 **SEC. 155. JOB CORPS CAMPUSES.**

4 Section 147 of the Workforce Innovation and Oppor-
5 tunity Act (29 U.S.C. 3197) is amended—

6 (1) in the heading, by striking “**CENTERS**”
7 and inserting “**CAMPUSES**”;

8 (2) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “center” each place it
11 appears and inserting “campus”; and

12 (ii) in subparagraph (A), by inserting
13 after “area career and technical education
14 school,” the following: “an institution of
15 higher education,”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) by striking “center” each
19 place it appears and inserting “cam-
20 pus”; and

21 (II) by inserting after “United
22 States Code,” the following: “and sec-
23 tion 159(f)(2)(B)(i)(III),”; and

24 (ii) in subparagraph (B)—

25 (I) in clause (i)—

1 (aa) by striking “operate a
2 Job Corps center” and inserting
3 “operate a Job Corps campus”;

4 (bb) by striking subclause
5 (IV);

6 (cc) by redesignating sub-
7 clauses (I), (II), (III), and (V),
8 as subclauses (III), (IV), (V),
9 and (VI), respectively;

10 (dd) by inserting before sub-
11 clause (III), as so redesignated,
12 the following:

13 “(I)(aa) in the case of an entity
14 that has previously operated a Job
15 Corps campus, a numeric metric of
16 the past achievement on the primary
17 indicators of performance for eligible
18 youth described in section
19 116(b)(2)(A)(ii); or

20 “(bb) in the case of an entity that has
21 not previously operated a Job Corps cam-
22 pus, a comparable alternative numeric met-
23 ric on the past effectiveness of the entity
24 in successfully assisting at-risk youth to
25 connect to the labor force, based on such

1 primary indicators of performance for eligi-
2 ble youth;

3 “(II) in the case of an entity that
4 has previously operated a Job Corps
5 campus, any information regarding
6 the entity included in any report de-
7 veloped by the Office of Inspector
8 General of the Department of
9 Labor;”;

10 (ee) in subclause (III), as so
11 redesignated, by striking “cen-
12 ter” and inserting “campus”;

13 (ff) by amending subclause
14 (IV), as so redesignated, to read
15 as follows:

16 “(IV) the ability of the entity to
17 offer career and technical education
18 and training that has been proposed
19 by the workforce council under section
20 154(c), including—

21 “(aa) the degree to which
22 such education and training re-
23 flects employment opportunities
24 in the local areas in which enroll-

1 ees at the campus intend to seek
2 employment; and

3 “(bb) the degree to which
4 such education and training leads
5 to a recognized postsecondary
6 credential, or postsecondary cred-
7 it, that permits articulation into
8 a higher level or other degree or
9 credential program;”;

10 (gg) in subclause (V), as so
11 redesignated, by striking “center
12 is located;” and inserting “cam-
13 pus is located, including agree-
14 ments to provide off-campus
15 work-based learning opportunities
16 aligned with the career and tech-
17 nical education provided to en-
18 rollees; and”;

19 (hh) by amending subclause
20 (VI), as so redesignated, to read
21 as follows:

22 “(VI) the ability of the entity to
23 implement an effective behavior man-
24 agement plan, as described in section
25 152(a), and maintain a safe and se-

1 cure learning environment for enroll-
2 ees.”; and

3 (II) in clause (ii), by striking
4 “center” and inserting “campus”; and
5 (C) in paragraph (3)—

6 (i) by striking “center” each place it
7 appears and inserting “campus”;

8 (ii) in subparagraph (B), by inserting
9 “or postsecondary credit, which credit shall
10 permit articulation into a credential pro-
11 gram” after “program”;

12 (iii) in subparagraph (D), by inserting
13 after “is located” the following: “, includ-
14 ing agreements to provide off-campus
15 work-based learning opportunities aligned
16 with the career and technical education
17 provided to enrollees”;

18 (iv) by redesignating subparagraphs
19 (E), (F), (G), (H), (I), (J), and (K) as
20 subparagraphs (F), (G), (H), (I), (J), (K),
21 and (L), respectively; and

22 (v) by inserting after subparagraph
23 (D) the following:

24 “(E) A description of the policies that will
25 be implemented at the campus regarding secu-

1 rity and access to campus facilities, including
2 procedures to report on and respond to viola-
3 tions of the disciplinary policy described in sec-
4 tion 152(b) and other emergencies occurring on
5 campus.”;

6 (3) in subsection (b)—

7 (A) in the heading, by striking “CENTERS”
8 and inserting “CAMPUSES”;

9 (B) by striking “center” each place it ap-
10 pears and inserting “campus”;

11 (C) by striking “centers” each place it ap-
12 pears and inserting “campuses”;

13 (D) in paragraph (2)(A), by striking “20
14 percent” and inserting “25 percent”; and

15 (E) in paragraph (3)(A)(iv), by striking
16 “secondary school diplomas” and inserting
17 “regular high school diplomas”;

18 (4) in subsection (c)—

19 (A) by striking “centers” and inserting
20 “campuses”; and

21 (B) by striking “20 percent” and inserting
22 “30 percent”;

23 (5) in subsection (d)—

24 (A) in the first sentence, by striking “cen-
25 ters” and inserting “campuses”; and

1 (B) in the second sentence, by striking
2 “centers” and inserting “Centers”;

3 (6) in subsection (e)—

4 (A) in paragraph (1), by striking “centers”
5 and inserting “campuses”; and

6 (B) in paragraph (2), by striking “450b)”
7 and inserting “5304”;

8 (7) in subsection (f), by striking “2-year pe-
9 riod” and inserting “3-year period”; and

10 (8) in subsection (g)—

11 (A) by striking “center” each place it ap-
12 pears and inserting “campus”;

13 (B) in paragraph (1)—

14 (i) by striking subparagraphs (A) and
15 (B) and inserting the following:

16 “(A) failed to achieve an average of 80
17 percent or higher of the expected level of per-
18 formance under section 159(c)(1) across all of
19 the primary indicators of performance for eligi-
20 ble youth described in section 116(b)(2)(A)(ii);
21 or

22 “(B) failed to—

23 “(i) take reasonable measures to
24 achieve an average of 80 percent of the
25 planned average onboard strength that was

1 agreed to in the agreement described in
2 subsection (a)(1)(A); or

3 “(ii) achieve an average of 60 percent
4 of the planned average onboard strength
5 that was agreed to in the agreement de-
6 scribed in subsection (a)(1)(A).”;

7 (C) in paragraph (2)(B), by inserting “or
8 onboard strength or enrollment” after “per-
9 formance”;

10 (D) in paragraph (3), by striking “shall
11 provide” and inserting “shall provide, at least
12 30 days prior to renewing the agreement”; and

13 (E) in paragraph (4)—

14 (i) in subparagraph (C), by striking
15 “and” after the semicolon;

16 (ii) by redesignating subparagraph
17 (D) as subparagraph (E); and

18 (iii) by inserting after subparagraph
19 (C) the following:

20 “(D) has maintained a safe and secure
21 campus environment; and”.

22 **SEC. 156. PROGRAM ACTIVITIES.**

23 Section 148 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3198) is amended—

1 (1) by striking “center” each place it appears
2 and inserting “campus”;

3 (2) by striking “centers” each place it appears
4 and inserting “campuses”;

5 (3) in subsection (a)—

6 (A) in the subsection heading, by striking
7 “CENTERS” and inserting “CAMPUSES”;
8 and

9 (B) in paragraph (1)—

10 (i) by inserting “incorporate the prin-
11 ciples of universal design for learning and
12 may” after “may”;

13 (ii) by inserting before the period at
14 the end the following: “, and productive ac-
15 tivities, such as tutoring or other skills de-
16 velopment opportunities, for enrollees to
17 participate in outside of regular class time
18 and work hours”; and

19 (iii) by striking “clauses (i) through
20 (xi) of section 134(c)(2)(A)” and inserting
21 “subclauses (I) through (V) of section
22 134(c)(2)(A)(ii) or in clauses (i) through
23 (viii) of section 134(c)(2)(B)”;

1 (4) in subsection (b), by striking “career and
2 technical educational institutions” and inserting
3 “area career and technical education schools”;

4 (5) in subsection (c)(1)—

5 (A) by striking “the eligible providers” and
6 inserting “any eligible provider”; and

7 (B) by inserting after “under section 122”
8 the following: “that is aligned with the career
9 and technical education an enrollee has com-
10 pleted”; and

11 (6) in subsection (d), by inserting “, in coordi-
12 nation with the operator of the Job Corps program
13 in which a graduate was enrolled,” after “Sec-
14 retary”.

15 **SEC. 157. COUNSELING AND JOB PLACEMENT.**

16 Section 149(b) of the Workforce Innovation and Op-
17 portunity Act (29 U.S.C. 3199(b)) is amended—

18 (1) by inserting “, in coordination with the op-
19 erator of a Job Corps campus,” after “The Sec-
20 retary”;

21 (2) by inserting “assigned to such campus”
22 after “for enrollees”; and

23 (3) by inserting “, in coordination with the op-
24 erator,” after “, the Secretary”.

1 **SEC. 158. SUPPORT.**

2 Section 150 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3200) is amended—

4 (1) in subsection (a), by striking “centers” and
5 inserting “campuses”; and

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

7 “(d) PERIOD OF TRANSITION.—Notwithstanding the
8 requirements of section 146(b), a Job Corps graduate may
9 remain an enrollee and a resident of a Job Corps campus
10 for not more than one month after graduation as such
11 graduate transitions into independent living and employ-
12 ment if such graduate receives written approval from the
13 director of the Job Corps campus to remain such a resi-
14 dent.”.

15 **SEC. 159. OPERATIONS.**

16 Section 151 of the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3201) is amended—

18 (1) by striking “center” each place it appears
19 and inserting “campus”; and

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

21 “(d) LOCAL AUTHORITY.—

22 “(1) IN GENERAL.—Subject to the limitations
23 of the budget approved by the Secretary for a Job
24 Corps campus, the operator of a Job Corps campus
25 shall have the authority, without prior approval from
26 the Secretary, to—

1 “(A) hire staff and provide staff profes-
2 sional development;

3 “(B) set terms and enter into agreements
4 with Federal, State, or local educational part-
5 ners, such as secondary schools, institutions of
6 higher education, child development centers,
7 units of Junior Reserve Officers’ Training
8 Corps programs established under section 2031
9 of title 10, United States Code, or employers;
10 and

11 “(C) engage with and educate stakeholders
12 (including eligible applicants for the Job Corps)
13 about Job Corps operations, selection proce-
14 dures, and activities.

15 “(2) NONAPPLICABILITY.—Notwithstanding
16 section 6702 of title 41, United States Code, or any
17 other provision of law, chapter 67 of such title shall
18 not apply to any agreement described in paragraph
19 (1)(B) for the purpose of providing child care to en-
20 rollees between an entity described in such para-
21 graph and an operator of a Job Corps campus, if
22 the operator is not using amounts made available
23 under this subtitle to pay for such child care serv-
24 ices.

1 “(e) PRIOR NOTICE.—Prior to making a change to
2 the agreement described in section 147(a) or an operating
3 plan described in this section, the Secretary shall solicit
4 from the operators of the Job Corps campuses information
5 on any operational costs the operators expect to result
6 from such change.”.

7 **SEC. 160. STANDARDS OF CONDUCT.**

8 Section 152 of the Workforce Innovation and Oppor-
9 tunity Act (29 U.S.C. 3202) is amended—

10 (1) by striking “centers” each place it appears
11 and inserting “campuses”;

12 (2) in subsection (a), by inserting “As part of
13 the operating plan required under section 151(a),
14 the director of each Job Corps campus shall develop
15 and implement a behavior management plan con-
16 sistent with the standards of conduct and subject to
17 the approval of the Secretary.” at the end;

18 (3) in subsection (b)(2)—

19 (A) in subparagraph (A), by striking “or
20 disruptive”; and

21 (B) in subparagraph (C)(ii), by inserting
22 “, subject to the appeal process described in
23 subsection (c)” after “subparagraph (A)”; and

24 (4) by amending subsection (c) to read as fol-
25 lows:

1 “(c) APPEAL PROCESS.—

2 “(1) ENROLLEE APPEALS.—A disciplinary
3 measure taken by a director under this section shall
4 be subject to expeditious appeal in accordance with
5 procedures established by the Secretary.

6 “(2) DIRECTOR APPEALS.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of the A Stronger
9 Workforce for America Act, the Secretary shall
10 establish an appeals process under which the di-
11 rector of a Job Corps campus may submit a re-
12 quest that an enrollee who has engaged in an
13 activity which is a violation of the guidelines es-
14 tablished pursuant to subsection (b)(2)(A) re-
15 main enrolled in the program, but be subject to
16 other disciplinary actions in lieu of automatic
17 separation from the program.

18 “(B) CONTENTS.—A request under sub-
19 paragraph (A) shall include—

20 “(i) a signed certification from the di-
21 rector attesting that, to the belief of the di-
22 rector, the continued enrollment of such
23 enrollee would not impact the safety or
24 learning environment of the campus; and

1 “(ii) the behavioral records of such
2 enrollee.

3 “(C) DEFAULT APPROVAL.—The Secretary
4 shall review such appeal within 30 days of re-
5 ceiving such appeal and either approve or deny
6 the appeal. An appeal shall be considered ap-
7 proved if the Secretary has not denied such ap-
8 peal after 30 days.”.

9 **SEC. 161. COMMUNITY PARTICIPATION.**

10 Section 153 of the Workforce Innovation and Oppor-
11 tunity Act (29 U.S.C. 3203) is amended—

12 (1) by striking “center” each place it appears
13 and inserting “campus”;

14 (2) in subsection (a), by striking “centers” and
15 inserting “campuses”;

16 (3) in subsection (b)(1)(C)—

17 (A) in clause (iii), by striking “and” at the
18 end; and

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

20 “(v) industry or sector partnerships, where
21 applicable; and”; and

22 (4) in subsection (c), in the heading, by striking
23 “CENTERS” and inserting “CAMPUSES”.

1 **SEC. 162. WORKFORCE COUNCILS.**

2 Section 154 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3204) is amended—

4 (1) by striking “center” each place it appears
5 and inserting “campus”;

6 (2) in subsection (b)(1)—

7 (A) in subparagraph (B), by striking
8 “and” at the end;

9 (B) by redesignating subparagraph (C) as
10 subparagraph (D); and

11 (C) by inserting the following after sub-
12 paragraph (B):

13 “(C) representatives of community-based
14 organizations; and”;

15 (3) in subsection (c)(2)(C), by inserting “, rec-
16 ognized postsecondary credentials,” after “skills”;
17 and

18 (4) in subsection (d), in the heading, by strik-
19 ing “NEW CENTERS” and inserting “NEW CAM-
20 PUSES”.

21 **SEC. 163. ADVISORY COMMITTEES.**

22 Section 155 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3205) is amended—

24 (1) by striking “The Secretary” and inserting
25 “(a) IN GENERAL.—The Secretary”;

1 (2) by striking “centers” and inserting “cam-
2 puses”;

3 (3) by striking “center” and inserting “cam-
4 pus”; and

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

6 “(b) ADVISORY COMMITTEE TO IMPROVE JOB CORPS
7 SAFETY AND PERFORMANCE.—Not later than one year
8 after the date of enactment of the A Stronger Workforce
9 for America Act, the Secretary shall establish an advisory
10 committee to provide recommendations on effective or evi-
11 dence-based strategies to improve—

12 “(1) safety, security, and learning conditions on
13 Job Corps campuses;

14 “(2) the standards for campus safety estab-
15 lished under section 159(c)(4);

16 “(3) the levels of performance established under
17 section 159(c)(1), including recommendations to im-
18 prove the effectiveness and rigor of such levels of
19 performance and recommendations to ensure such
20 levels promote continuous performance improvement;
21 and

22 “(4) the effectiveness of performance improve-
23 ment plans and other measures to continuously im-
24 prove the performance of the Job Corps program.”.

1 **SEC. 164. EXPERIMENTAL PROJECTS AND TECHNICAL AS-**
2 **SISTANCE.**

3 Section 156 of the Workforce Innovation and Oppor-
4 tunity Act (29 U.S.C. 3206) is amended—

5 (1) by striking “center” and inserting “cam-
6 pus”;

7 (2) by striking “centers” and inserting “cam-
8 puses”; and

9 (3) in subsection (b)—

10 (A) by striking “ $\frac{1}{4}$ of 1 percent to pro-
11 vide” and inserting “1.25 percent to provide”;
12 and

13 (B) in paragraph (1), by striking “and” at
14 the end of subparagraph (C) and by adding at
15 the end the following:

16 “(D) in the development and implementa-
17 tion of a behavior management plan under sec-
18 tion 152(a); and

19 “(E) in complying with the campus and
20 student safety standards described in section
21 159(c)(4); and”.

22 **SEC. 165. SPECIAL PROVISIONS.**

23 Section 158 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3208) is amended—

25 (1) by striking “center” each place it appears
26 and inserting “campus”; and

1 (2) in subsection (f)—

2 (A) by striking “may accept on behalf of
3 the Job Corps or individual Job Corps cam-
4 puses charitable donations of cash” and insert-
5 ing “(or the Secretary of Agriculture, as appro-
6 priate), on behalf of the Job Corps, or a Job
7 Corps campus operator, on behalf of such cam-
8 pus, may accept grants, charitable donations of
9 cash,”; and

10 (B) by inserting at the end the following:
11 “Notwithstanding sections 501(b) and 522 of
12 title 40, United States Code, any property ac-
13 quired by a Job Corps campus shall be directly
14 transferred, on a nonreimbursable basis, to the
15 Secretary.”.

16 **SEC. 166. MANAGEMENT INFORMATION.**

17 (a) LEVELS OF PERFORMANCE.—Section 159 of the
18 Workforce Innovation and Opportunity Act (29 U.S.C.
19 3209) is amended—

20 (1) by striking “center” each place it appears
21 and inserting “campus”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) by striking “The Secretary” and
25 inserting the following:

1 “(A) IN GENERAL.—The Secretary”;

2 (ii) by inserting “that are ambitious
3 yet achievable and” after “program”; and

4 (iii) by adding at the end the fol-
5 lowing new subparagraphs:

6 “(B) LEVELS OF PERFORMANCE.—In es-
7 tablishing the expected levels of performance
8 under subparagraph (A) for a Job Corps cam-
9 pus, the Secretary may take into account fac-
10 tors including—

11 “(i) how the levels involved compare
12 with the recent performance of such cam-
13 pus and the performance of other cam-
14 puses within the same State or geographic
15 region;

16 “(ii) the levels of performance set for
17 the primary indicators of performance de-
18 scribed in section 116(b)(2)(A)(ii) for the
19 youth programs authorized under chapter
20 2 of subtitle B for the State in which the
21 campus is located;

22 “(iii) the extent to which the levels in-
23 volved promote continuous improvement in
24 performance on the primary indicators of
25 performance by such campus and ensure

1 optimal return on the use of Federal
2 funds; and

3 “(iv) any other considerations identi-
4 fied by the Secretary after reviewing the
5 recommendations of the advisory group de-
6 scribed in section 155(b).

7 “(C) PERFORMANCE PER CONTRACT.—The
8 Secretary shall ensure the expected levels of
9 performance are established in the relevant con-
10 tract or agreement.

11 “(D) ADJUSTMENTS BASED ON ECONOMIC
12 CONDITIONS AND INDIVIDUALS SERVED DURING
13 THE PROGRAM YEAR.—

14 “(i) IN GENERAL.—In the event of a
15 significant economic downturn, the Sec-
16 retary shall adjust the applicable levels of
17 performance for each of the campuses for
18 a program year to reflect the actual eco-
19 nomic conditions during such program
20 year.

21 “(ii) REPORT TO CONGRESS.—Prior
22 to implementing the adjustments described
23 in clause (i), the Secretary shall submit to
24 the Committee on Education and the
25 Workforce of the House of Representatives

1 and the Committee on Health, Education,
2 Labor, and Pensions of the Senate a re-
3 port explaining the reason for such adjust-
4 ments.

5 “(E) REVIEW OF LEVELS OF PERFORM-
6 ANCE.—The Office of Inspector General of the
7 Department of Labor shall, every 5 years, sub-
8 mit to the Committee on Education and the
9 Workforce of the House of Representatives and
10 the Committee on Health, Education, Labor,
11 and Pensions of the Senate, and publish in the
12 Federal Register and on a publicly available
13 website of the Department, a report con-
14 taining—

15 “(i) a quadrennial review of the ex-
16 pected levels of performance; and

17 “(ii) an evaluation of whether—

18 “(I) the Secretary is establishing
19 such expected levels of performance in
20 accordance with this Act; and

21 “(II) such expected levels have
22 led to continued improvement of the
23 Job Corps program.”;

24 (B) in paragraph (2)(B), by striking “(L),
25 and (M)” and inserting “(M), and (N)”;

1 (C) in paragraph (3)(B), by striking “(J),
2 and (K)” and inserting “(K), and (L)”;

3 (D) by redesignating paragraph (4) as
4 paragraph (5);

5 (E) by inserting after paragraph (3) the
6 following:

7 “(4) CAMPUS SAFETY.—

8 “(A) IN GENERAL.—The Secretary shall
9 establish campus and student safety standards.
10 The Secretary shall provide technical assistance
11 and develop a safety improvement plan for a
12 Job Corps campus that fails to achieve such
13 standards.

14 “(B) CONSIDERATIONS.—In establishing
15 the campus and student safety standards under
16 subparagraph (A), the Secretary shall take into
17 account—

18 “(i) incidents related to safety that
19 are reported to the Secretary;

20 “(ii) survey data from enrollees, fac-
21 ulty, staff, and community members; and

22 “(iii) any other considerations identi-
23 fied by the Secretary after reviewing the
24 recommendations of the advisory group de-
25 scribed in section 155(b).”;

1 (F) in paragraph (5), as so redesignated—

2 (i) in subparagraph (A), by striking
3 “and” at the end;

4 (ii) in subparagraph (B), by striking
5 the period at the end and inserting a semi-
6 colon; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(C) the number of contracts that were
10 awarded a renewal compared to those eligible
11 for a renewal;

12 “(D) the number of campuses where the
13 contract was awarded to a new operator; and

14 “(E) the number of campuses that were
15 required to receive performance improvement,
16 as described under subsection (f)(2).”; and

17 (G) by adding at the end the following:

18 “(6) WAGE RECORDS.—The Secretary shall
19 make arrangements with a State or other appro-
20 priate entity to facilitate the use of State wage
21 records to evaluate the performance of Job Corps
22 campuses on the employment and earnings indica-
23 tors described in clause (i)(III) of subparagraph (A)
24 of section 116(b)(2) and subclauses (I) and (II) of

1 clause (ii) of such subparagraph for the purposes of
2 the report required under paragraph (5).”;

3 (3) in subsection (d)(1)—

4 (A) by inserting “and make available on
5 the website of the Department pertaining to the
6 Job Corps program in a manner that is con-
7 sumer-tested to ensure it is easily understood,
8 searchable, and navigable,” after “subsection
9 (c)(4),”;

10 (B) in subparagraph (B), by striking “gen-
11 der” and inserting “sex”;

12 (C) in subparagraph (F), by striking “reg-
13 ular secondary school diploma” and inserting
14 “regular high school diploma”;

15 (D) in subparagraph (G), by striking “reg-
16 ular secondary school diploma” and inserting
17 “regular high school diploma”;

18 (E) by redesignating subparagraphs (J)
19 through (O) as subparagraphs (K) through (P),
20 respectively; and

21 (F) by inserting the following after sub-
22 paragraph (I):

23 “(J) the number of appeals under section
24 152(c) and a description of each appeal that
25 was approved;”;

1 (4) in subsection (e), by striking “116(i)(2)”
2 and inserting “116(j)(2)”; and

3 (5) in subsection (g)(2), by striking “comply”
4 and inserting “attest to compliance”.

5 (b) PERFORMANCE ASSESSMENTS AND IMPROVE-
6 MENTS.—Section 159(f) of the Workforce Innovation and
7 Opportunity Act (29 U.S.C. 3209) is amended to read as
8 follows:

9 “(f) PERFORMANCE ASSESSMENTS AND IMPROVE-
10 MENTS.—

11 “(1) ASSESSMENTS.—The Secretary shall con-
12 duct an annual assessment of the performance of
13 each Job Corps campus on the primary indicators of
14 performance described in section 116(b)(2)(A)(ii),
15 where each indicator shall be given equal weight in
16 determining the overall performance of the campus.
17 Based on the assessment, the Secretary shall take
18 measures to continuously improve the performance
19 of the Job Corps program.

20 “(2) PERFORMANCE IMPROVEMENT.—

21 “(A) COMPREHENSIVE IMPROVEMENT.—

22 “(i) IN GENERAL.—With respect to a
23 Job Corps campus that, for a program
24 year, performs as described in clause (ii)
25 and is not already subject to a perform-

1 ance improvement plan under this para-
2 graph for such program year or the suc-
3 ceeding program year, the Secretary shall
4 develop and implement, for a comprehen-
5 sive improvement period beginning with
6 the succeeding program year, a perform-
7 ance improvement plan that meets the re-
8 quirements of clause (iii).

9 “(ii) PERFORMANCE FAILURES.—A
10 Job Corps campus performs as described
11 in this clause if, for a program year, such
12 campus—

13 “(I) fails to meet an average of
14 90 percent on the expected levels of
15 performance across all the primary in-
16 dicators of performance specified in
17 subsection (c)(1); and

18 “(II) is ranked among the lowest
19 20 percent of all Job Corps campuses.

20 “(iii) PERFORMANCE IMPROVEMENT
21 PLAN REQUIREMENTS.—A performance im-
22 provement plan, with respect to a Job
23 Corps campus, shall require the Secretary
24 to take substantial action during a 3 con-
25 secutive program year period (in this para-

1 graph, referred to as a ‘comprehensive im-
2 provement period’) to improve the perform-
3 ance of such campus, which shall include—

4 “(I) providing technical assist-
5 ance to the campus;

6 “(II) changing the management
7 staff of the campus;

8 “(III) changing the career and
9 technical education and training of-
10 fered at the campus;

11 “(IV) replacing the operator of
12 the campus; or

13 “(V) reducing the capacity of the
14 campus.

15 “(B) CHRONIC FAILURE.—

16 “(i) IN GENERAL.—With respect to a
17 Job Corps campus that, for the two con-
18 secutive program years immediately fol-
19 lowing a comprehensive improvement pe-
20 riod and regardless of whether such cam-
21 pus is subject to a subsequent comprehen-
22 sive improvement period, fails to meet an
23 average of 85 percent on the expected lev-
24 els of performance across all the primary
25 indicators and is ranked among the lowest

1 15 percent of all Job Corps campuses, the
2 Secretary shall take further substantial ac-
3 tion to improve the performance of such
4 campus, which shall include—

- 5 “(I) relocating the campus;
6 “(II) closing the campus; or
7 “(III) notifying the State in
8 which the campus is located of such
9 failure and, if such State submits a
10 written plan to operate a residential
11 campus in the current location, the
12 Secretary—

13 “(aa) shall enter into a
14 memorandum of understanding
15 with the State for the purpose of
16 so operating a residential campus
17 and award funding directly to the
18 State for such purpose;

19 “(bb) may encourage inno-
20 vation in such memorandum of
21 understanding by waiving any
22 statutory or regulatory require-
23 ment of this subtitle except for
24 those related to participant eligi-
25 bility under section 144, program

1 activities under section 148,
2 counseling and job placement
3 under section 149, standards of
4 conduct under section 152, and
5 performance reporting and ac-
6 countability under this section;
7 and

8 “(cc) if a State chooses to
9 award funds received under this
10 clause to an entity that is not a
11 State agency or other State enti-
12 ty, require that such State de-
13 velop award criteria that will give
14 priority consideration for the pri-
15 mary contract or grant for oper-
16 ation of the campus to any appli-
17 cant that is a non-profit organi-
18 zation with expertise in serving
19 opportunity youth and that oth-
20 erwise meets such award criteria.

21 “(ii) INDIAN TRIBES.—

22 “(I) IN GENERAL.—In the case
23 of a Job Corps campus described in
24 clause (i) that is located on an Indian

1 reservation, subclause (III) of such
2 clause shall be applied by—

3 “(aa) by substituting ‘Indian
4 Tribe’ for ‘State’ in each place it
5 appears; and

6 “(bb) in item (cc), by sub-
7 stituting ‘Tribal organization’ for
8 ‘State agency or other State enti-
9 ty’.

10 “(II) DEFINITION.—In this para-
11 graph, the terms ‘Indian Tribe’ and
12 ‘Tribal organization’ have the mean-
13 ings given such terms in subsections
14 (e) and (l), respectively, of section 4
15 of the Indian Self-Determination and
16 Education Assistance Act (25 U.S.C.
17 5304).

18 “(3) ADDITIONAL PERFORMANCE IMPROVE-
19 MENT.—In addition to the performance improvement
20 plans required under paragraph (2), the Secretary
21 may develop and implement additional performance
22 improvement plans for a Job Corps campus that
23 fails to meet criteria established by the Secretary
24 other than the expected levels of performance de-
25 scribed in subsection (c)(1).

1 “(4) CIVILIAN CONSERVATION CENTERS.—With
2 respect to a Civilian Conservation Center that, for 3
3 consecutive program years, fails to meet an average
4 of 90 percent of the expected levels of performance
5 across all the primary indicators of performance
6 specified in subsection (c)(1) and is ranked among
7 the lowest 15 percent of campuses, the Secretary of
8 Labor or, if appropriate, the Secretary of Agri-
9 culture shall select, on a competitive basis, an entity
10 to operate part or all of the Civilian Conservation
11 Center in accordance with the requirements of sec-
12 tion 147.”.

13 (c) CONFORMING AMENDMENTS.—Section 159 of the
14 Workforce Innovation and Opportunity Act (29 U.S.C.
15 3209) is further amended—

16 (1) in subsection (a)(3), by striking “centers”
17 and inserting “campuses”;

18 (2) in subsection (g)(1), in the heading, by
19 striking “CENTER” and inserting “CAMPUS”; and

20 (3) in subsection (j), in the heading, by striking
21 “CENTER” and inserting “CAMPUS”.

22 **SEC. 167. JOB CORPS OVERSIGHT AND REPORTING.**

23 Section 161 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3211) is amended—

25 (1) in subsection (c)—

1 (A) in the heading, by striking “CENTER”
2 and inserting “CAMPUS”; and

3 (B) by striking “center” and inserting
4 “campus”;

5 (2) by redesignating subsection (d) as sub-
6 section (e); and

7 (3) by inserting after subsection (c) the fol-
8 lowing new subsection:

9 “(d) REPORT ON IMPLEMENTATION OF REC-
10 OMMENDATIONS.—The Secretary shall, on an annual
11 basis, prepare and submit to the applicable committees a
12 report regarding the implementation of all outstanding
13 recommendations regarding the Job Corps program from
14 the Office of Inspector General of the Department of
15 Labor or the Government Accountability Office.”.

16 **SEC. 168. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 162 of the Workforce Innovation and Oppor-
18 tunity Act (29 U.S.C. 3212) is amended to read as follows:

19 **“SEC. 162. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this subtitle \$1,760,155,000 for each of the fiscal years
22 2025 through 2030.”.

1 **SEC. 169. CONFORMING AMENDMENTS.**

2 Section 146(a) of the Workforce Innovation and Op-
3 portunity Act (29 U.S.C. 3196(a)) is amended by striking
4 “App. 451” and inserting “3801”.

5 **Subtitle E—National Programs**

6 **SEC. 171. NATIVE AMERICAN PROGRAMS.**

7 Section 166 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3221) is amended—

9 (1) in subsection (a)(2), by striking “(25
10 U.S.C. 450 et seq.)” and inserting “(25 U.S.C.
11 5301 et seq.)”;

12 (2) in subsection (b)—

13 (A) in paragraph (2), by striking “(25
14 U.S.C. 450b)” and inserting “(25 U.S.C.
15 5304)”; and

16 (B) in paragraph (3), by inserting “(20
17 U.S.C. 7517)” before the period at the end;

18 (3) in subsection (d)(1)—

19 (A) in subparagraph (A), by striking
20 “and”;

21 (B) in subparagraph (B)—

22 (i) by striking “leading” and inserting
23 “or self-employment that leads”; and

24 (ii) by striking the period at the end
25 and inserting “; and”; and

26 (C) by adding at the end the following:

1 “(C) are evidence-based, to the extent
2 practicable.”;

3 (4) in subsection (d)(2), by striking subpara-
4 graph (B) and inserting the following:

5 “(B) ADMINISTRATIVE COSTS.—Not more
6 than 15 percent of the funds made available to
7 an entity under subsection (c) may be used for
8 the administrative costs of the activities and
9 services described in subparagraph (A).

10 “(C) SPECIAL RULES.—

11 “(i) ELIGIBILITY.—Notwithstanding
12 any other provision of this section, individ-
13 uals who were eligible to participate in pro-
14 grams under section 401 of the Job Train-
15 ing Partnership Act (as such section was
16 in effect on the day before the date of en-
17 actment of the Workforce Investment Act
18 of 1998) shall be eligible to participate in
19 an activity assisted under this section.

20 “(ii) TRANSFER OF UNOBLIGATED
21 FUNDS.—An entity receiving funds under
22 subsection (c) may transfer such funds
23 that are unobligated for an award year to
24 the following award year for activities de-

1 scribed in subparagraph (A)(i) in that fol-
2 lowing award year.”;

3 (5) in subsection (e)(3), by inserting “or to de-
4 velop skills necessary for successful self-employ-
5 ment” before the semicolon at the end;

6 (6) in subsection (h)—

7 (A) in paragraph (1)—

8 (i) in the heading, by striking the
9 heading and inserting “PERFORMANCE
10 STANDARDS”;

11 (ii) by striking subparagraph (A) and
12 inserting the following:

13 “(A) CONSULTATION ON PERFORMANCE
14 STANDARDS.—The Secretary, in consultation
15 with the Native American Employment and
16 Training Council, shall develop performance
17 standards on the primary indicators of perform-
18 ance described in section 116(b)(2)(A) that
19 shall be applicable to programs under this sec-
20 tion.”; and

21 (iii) in subparagraph (B), in the mat-
22 ter preceding clause (i), by striking “indi-
23 cators and”;

24 (B) in paragraph (2), by striking “section
25 116(b)(2)(A)” and all that follows through the

1 period at the end of the paragraph and insert-
2 ing the following: “section 116(b)(2)(A)—

3 “(A) taking into consideration—

4 “(i) economic conditions;

5 “(ii) characteristics and needs of the
6 individuals and groups served, including
7 the differences in needs among such
8 groups in various geographic service areas;
9 and

10 “(iii) other appropriate factors, in-
11 cluding the economic circumstances of the
12 communities served; and

13 “(B) using, to the extent practicable, the
14 statistical adjustment model under section
15 116(b)(3)(A)(viii).”; and

16 (C) by adding at the end the following:

17 “(3) PROGRAM PLAN.—The levels agreed to
18 under paragraph (2) shall be the adjusted levels of
19 performance and shall be incorporated in the pro-
20 gram plan.

21 “(4) WAGE RECORDS.—

22 “(A) IN GENERAL.—The Secretary shall
23 make arrangements with any State or other ap-
24 propriate entity to facilitate the use of State
25 wage records to evaluate the performance of en-

1 tities funded under this section on the employ-
2 ment and earnings indicators described in sub-
3 clauses (I) through (III) of section
4 116(b)(2)(A)(i) for the purposes of the report
5 required under paragraph (5).

6 “(B) OTHER WAGE RECORDS.—For any
7 individual working in Indian country (as de-
8 fined in section 1151 of title 18, United States
9 Code) whose wages are not submitted to a rel-
10 evant State as an unemployment insurance
11 wage record, the Indian tribe with jurisdiction
12 over that Indian country may submit other
13 forms of documentation of the wages of such in-
14 dividual to the State for purposes of the report
15 required under paragraph (5).

16 “(5) PERFORMANCE RESULTS.—For each pro-
17 gram year, the Secretary shall make available on a
18 publicly accessible website of the Department of
19 Labor a report on the performance, during such pro-
20 gram year, of entities funded under this section
21 on—

22 “(A) the primary indicators of performance
23 described in section 116(b)(2)(A); and

24 “(B) the adjusted levels of performance for
25 such entities as described in paragraph (2).”;

1 (7) in subsection (i)—

2 (A) in paragraph (4)—

3 (i) in subparagraph (A)—

4 (I) by striking “Using” and in-
5 serting the following:

6 “(i) ESTABLISHMENT.—Using”; and

7 (II) by adding at the end the fol-
8 lowing:

9 “(ii) RECOMMENDATIONS.—The Sec-
10 retary shall meet, on not less than an an-
11 nual basis, with the Council to consider
12 recommendations from the Council on the
13 operation and administration of the pro-
14 grams assisted under this section.”;

15 (ii) in subparagraph (B)—

16 (I) by striking “The Council”
17 and inserting the following:

18 “(i) IN GENERAL.—The Council”; and

19 (II) by inserting at the end the
20 following:

21 “(ii) VACANCIES.—An individual ap-
22 pointed to fill a vacancy on the Council oc-
23 curring before the expiration of the term
24 for which the predecessor of such indi-
25 vidual was appointed shall be appointed

1 only for the remainder of that term. Such
2 an individual may serve on the Council
3 after the expiration of such term until a
4 successor is appointed.”; and

5 (iii) in subparagraph (F), by inserting
6 “, virtually or in person” before the period
7 at the end; and

8 (B) in paragraph (6)—

9 (i) by striking “more than one State”
10 and inserting “a State”;

11 (ii) by inserting “or provided by an-
12 other grantee that receives funds awarded
13 under subtitle B from any State for adult,
14 youth, or dislocated worker programs”
15 after “this title”;

16 (iii) by striking “Governors of the af-
17 fected States” and inserting “Governor of
18 any affected State”; and

19 (iv) by striking “the States” and in-
20 serting “the State or other grantee”; and

21 (8) by amending subsection (k)(2) to read as
22 follows:

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to carry out

1 (III) of section 116(b)(2)(A)(i) for the purposes of
2 the report required under paragraph (6).

3 “(6) PERFORMANCE RESULTS.—For each pro-
4 gram year, the Secretary shall make available on a
5 publicly accessible website of the Department a re-
6 port on the performance, during such program year,
7 of entities funded under this section on—

8 “(A) the primary indicators of performance
9 described in section 116(b)(2)(A); and

10 “(B) the adjusted levels of performance for
11 such entities as described in paragraph (3).”;

12 (3) in subsection (d)(1), by inserting “develop-
13 ment of digital literacy skills,” after “literacy in-
14 struction,”;

15 (4) by redesignating subsections (e) through (i)
16 as subsections (f) through (j), respectively;

17 (5) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) ADMINISTRATIVE COSTS.—Not more than 10
20 percent of the funds provided to an entity under this sec-
21 tion may be used for the administrative costs of the activi-
22 ties and services carried out under subsection (d).”; and

23 (6) in subsection (i), as so redesignated—

1 (A) in the heading, by striking “ALLOCA-
2 TION” and inserting “ALLOCATION; FUNDING
3 OBLIGATION”;

4 (B) by striking “From” and inserting the
5 following:

6 “(1) FUNDING ALLOCATION.—From”; and

7 (C) by adding at the end the following:

8 “(2) FUNDING OBLIGATION.—Funds appro-
9 priated and made available to carry out this section
10 for any fiscal year may be obligated by the Secretary
11 during the period beginning on April 1 of the cal-
12 endar year that begins during such fiscal year and
13 ending on June 30 of the following calendar year to
14 be made available to an entity described in sub-
15 section (b).”.

16 **SEC. 173. TECHNICAL ASSISTANCE.**

17 (a) GENERAL TECHNICAL ASSISTANCE.—Section
18 168(a)(1) of the Workforce Innovation and Opportunity
19 Act (29 U.S.C. 3223(a)(1)) is amended—

20 (1) by striking “appropriate training, technical
21 assistance, staff development” and inserting “appro-
22 priate education, technical assistance, professional
23 development for staff”;

1 (2) in subparagraphs (B), (C), and (D), by
2 striking “training” each place it appears and insert-
3 ing “professional development”;

4 (3) by redesignating subparagraphs (G) and
5 (H) as subparagraphs (J) and (K), respectively; and

6 (4) by inserting after subparagraph (F) the fol-
7 lowing:

8 “(G) assistance to the one-stop delivery
9 system and the Employment Service established
10 under the Wagner-Peyser Act for the integra-
11 tion of basic career service activities pursuant
12 to section 134(c)(2)(A);

13 “(H) assistance to States with maintain-
14 ing, and making accessible to jobseekers and
15 employers, the lists of eligible providers of
16 training services required under section 122;

17 “(I) assistance to States that apply for
18 such assistance under section 122(j) for the
19 purposes described in such subsection;”.

20 (b) PERFORMANCE ACCOUNTABILITY TECHNICAL
21 ASSISTANCE.—Section 168(b) of the Workforce Innova-
22 tion and Opportunity Act (29 U.S.C. 3223(b)) is amend-
23 ed—

1 (1) in the header, by striking “DISLOCATED
2 WORKER” and inserting “PERFORMANCE ACCOUNT-
3 ABILITY”; and

4 (2) in paragraph (1)—

5 (A) in the first sentence—

6 (i) by inserting “, pursuant to para-
7 graphs (1) and (2) of section 116(f),” after
8 “technical assistance”; and

9 (ii) by striking “with respect to em-
10 ployment and training activities for dis-
11 located workers” and inserting “with re-
12 spect to the core programs”; and

13 (B) in the second sentence—

14 (i) by striking “assistance to dis-
15 located workers” and inserting “assistance
16 to individuals served by a core program”;
17 and

18 (ii) by striking “provided to dislocated
19 workers” and inserting “provided to such
20 individuals”.

21 (c) COMMUNITIES IMPACTED BY SUBSTANCE USE
22 DISORDERS.—Section 168 of the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3223) is further amended
24 by adding at the end the following:

1 “(d) COMMUNITIES IMPACTED BY SUBSTANCE USE
2 DISORDERS.—The Secretary shall, as part of the activities
3 described in subsection (c)(2), evaluate and disseminate
4 to States and local areas information regarding evidence-
5 based and promising practices for addressing the economic
6 workforce impacts associated with high rates of substance
7 use disorders, which information shall—

8 “(1) be updated annually to reflect the most re-
9 cent and available research; and

10 “(2) include information—

11 “(A) shared by States and local areas re-
12 garding effective practices for addressing such
13 impacts; and

14 “(B) on how to apply for any funding that
15 may be available under section 170(b)(1)(E).”.

16 **SEC. 174. EVALUATIONS AND RESEARCH.**

17 (a) IN GENERAL.—Section 169 of the Workforce In-
18 novation and Opportunity Act (29 U.S.C. 3224) is amend-
19 ed—

20 (1) in subsection (a)—

21 (A) in paragraph (2)—

22 (i) by redesignating subparagraph (G)
23 as subparagraph (H);

24 (ii) in subparagraph (F)—

1 (I) by striking “; and” at the
2 end; and

3 (II) by inserting “, including in-
4 dividuals with barriers to employ-
5 ment” after “demographic groups”;
6 and

7 (iii) by inserting the following after
8 subparagraph (F):

9 “(G) the extent to which such programs or
10 activities are using emerging technology to—

11 “(i) collect, analyze, use, and dissemi-
12 nate accurate and transparent local and
13 State level labor market information;

14 “(ii) integrate administrative data, in
15 accordance with Federal and State privacy
16 laws, to more comprehensively understand
17 and improve education and workforce out-
18 comes; and

19 “(iii) identify and address deficiencies
20 in existing Federal, State, and local work-
21 force data infrastructure and related
22 source systems; and”;

23 (B) in paragraph (3)—

24 (i) by striking “The Secretary” and
25 inserting the following:

1 “(A) IN GENERAL.—The Secretary”; and
2 (ii) by adding at the end the following
3 new subparagraph:

4 “(B) LIMITATION.—The Secretary may
5 not use the authority described in subparagraph
6 (A) if the evaluations required under paragraph
7 (1) have not been initiated or completed in the
8 time period required.”; and

9 (C) in paragraph (4), in the second sen-
10 tence—

11 (i) by striking “The Secretary” and
12 inserting “Beginning after the date of en-
13 actment of the A Stronger Workforce for
14 America Act, the Secretary”; and

15 (ii) by striking “2019” and inserting
16 “2028”; and
17 (2) in subsection (b)—

18 (A) by amending paragraph (4) to read as
19 follows:

20 “(4) STUDIES AND REPORTS.—

21 “(A) STUDY ON EMPLOYMENT CONDI-
22 TIONS.—The Secretary, in coordination with
23 other heads of Federal agencies, as appropriate,
24 may conduct a study examining the nature of
25 participants’ unsubsidized employment after

1 exit from programs carried out under this
2 Act—

3 “(i) including with respect to factors
4 such as the availability of paid time off in
5 the employment, health and retirement
6 benefits provided through the employment,
7 workplace safety standards at the place of
8 employment, the predictability and stability
9 of the work schedule for the employment,
10 the ability to obtain through the employ-
11 ment credentials that may permit articula-
12 tion into a higher level or other degree or
13 credential program, and advancement op-
14 portunities in the employment; and

15 “(ii) that includes a description of the
16 feasibility of Congress establishing,
17 through future legislation, an indicator of
18 performance under section 116 related to
19 such factors.

20 “(B) STUDY ON IMPROVING WORKFORCE
21 SERVICES FOR INDIVIDUALS WITH DISABIL-
22 ITIES.—The Secretary of Labor, in coordination
23 with the Secretary of Education and the Sec-
24 retary of Health and Human Services, may con-
25 duct studies that analyze the access to services

1 by individuals with disabilities, including wheth-
2 er an individual who is unable to receive serv-
3 ices under title IV due to a wait list for such
4 services is able to receive services under titles I
5 through III.

6 “(C) STUDY ON THE EFFECTIVENESS OF
7 PAY FOR PERFORMANCE.—The Secretary shall,
8 not later than 4 years after the date of enact-
9 ment of the A Stronger Workforce for America
10 Act, conduct a study that—

11 “(i) compares the effectiveness of the
12 pay-for-performance strategies used under
13 sections 129, 134, and 172 after such date
14 of enactment to the awarding of grants
15 and contracts under such sections as in ef-
16 fect on the day before the date of enact-
17 ment of such Act; and

18 “(ii) examines, with respect to grants
19 under sections 129, 134, and 172 after
20 such date of enactment—

21 “(I) the competition structure of
22 pay-for-performance grants and con-
23 tracts under such sections;

1 “(II) the quality of applications
2 received for grants and contracts
3 under such sections; and

4 “(III) whether individuals with
5 barriers to employment were effec-
6 tively served under the pay-for-per-
7 formance strategies for grants and
8 contracts under such sections.

9 “(D) STUDY ON INDIVIDUAL TRAINING AC-
10 COUNTS FOR DISLOCATED WORKERS.—The Sec-
11 retary shall, not later than 4 years after the
12 date of enactment of the A Stronger Workforce
13 for America Act, conduct a study that compares
14 the usage of individual training accounts for
15 dislocated workers after such date of enactment
16 to the usage of such accounts prior to such date
17 of enactment, including a comparison of—

18 “(i) the types of training services and
19 occupations targeted by dislocated workers
20 when using their individual training ac-
21 counts; and

22 “(ii) the effectiveness of the skills de-
23 velopment funded through individual train-
24 ing accounts in helping such individuals at-

1 tain credentials and secure unsubsidized
2 employment.

3 “(E) STUDY ON STATEWIDE CRITICAL IN-
4 DUSTRY SKILLS FUNDS.—The Secretary shall,
5 not later than 4 years after the date of enact-
6 ment of the A Stronger Workforce for America
7 Act, conduct a study that will review the usage
8 of statewide critical industry skills funds estab-
9 lished by States under section 134(a)(4) and
10 identify, for purposes of measuring the overall
11 effectiveness of the program—

12 “(i) the industries targeted by the
13 funds under section 134(a)(4);

14 “(ii) the occupations for which work-
15 ers are being upskilled;

16 “(iii) how frequently skills develop-
17 ment is provided to prospective workers
18 and incumbent workers, and

19 “(iv) the reported performance out-
20 comes.

21 “(F) STUDY ON INDUSTRY OR SECTOR
22 PARTNERSHIP AND CAREER PATHWAYS DEVEL-
23 OPMENT FUNDS.—The Secretary shall, not later
24 than 4 years after the date of enactment of the
25 A Stronger Workforce for America Act, conduct

1 a study that will review the usage of industry
2 or sector partnership and career pathways de-
3 velopment funds established by States under
4 section 134(a)(5) and identify, for purposes of
5 measuring the overall effectiveness of the pro-
6 gram—

7 “(i) the industries targeted by the
8 funds under section 134(a)(5) and the
9 growth in employment opportunities in
10 such industries over the period of the
11 study;

12 “(ii) the occupations workers are re-
13 ceiving skills development for and how fre-
14 quently such skills development is occur-
15 ring through the funds under section
16 134(a)(5);

17 “(iii) the States where such funds
18 were used to establish new industry or sec-
19 tor partnerships, the States where such
20 funds were used to expand existing indus-
21 try or sector partnerships, and an overview
22 of the types of partners participating in
23 such partnerships; and

24 “(iv) the reported performance out-
25 comes.

1 “(G) STUDY ON THE EFFECTIVENESS OF
2 EMPLOYER-BASED TRAINING.—The Secretary
3 shall, not later than 4 years after the date of
4 enactment of the A Stronger Workforce for
5 America Act, conduct a study that measures
6 the effectiveness of on-the-job training, em-
7 ployer-directed skills training, apprenticeship,
8 and incumbent worker training under this title
9 in preparing jobseekers and workers, including
10 those with barriers to employment, for unsub-
11 sidized employment. Such study shall include
12 the cost per participant and wage and employ-
13 ment outcomes, as compared to other methods
14 of training.

15 “(H) STUDY ON THE EFFECTIVENESS AND
16 USE OF EMERGING TECHNOLOGY IN THE WORK-
17 FORCE DEVELOPMENT SYSTEM.—The Secretary
18 shall, not later than 4 years after the date of
19 enactment of the A Stronger Workforce for
20 America Act, conduct a study that—

21 “(i) measures the effectiveness of
22 emerging technology (including artificial
23 intelligence and machine learning) and
24 other advanced computational methods, in
25 improving State workforce development

1 system service delivery, labor market data
2 system performance, data collection and in-
3 tegration to understand participant and
4 program outcomes, and end-user tools for
5 facilitating career exploration or related
6 data insights;

7 “(ii) measures the extent to which
8 States have adopted and implemented such
9 technology and methods in their workforce
10 development systems, including by describ-
11 ing how the technology or method is being
12 used, analyzing the accuracy of such tech-
13 nology or method, and identifying any ex-
14 hibited bias by any such technology or
15 method; and

16 “(iii) includes an analysis of the con-
17 sequences of advances in automation tech-
18 nology on employment opportunities, skills
19 development, including digital literacy
20 skills development, and worker dislocation.

21 “(I) STUDY ON THE ALIGNMENT BETWEEN
22 EDUCATION AND WORKFORCE DEVELOPMENT
23 SYSTEMS.—The Secretary of Labor, in coordi-
24 nation with the Secretary of Education, shall,
25 not later than 4 years after the date of enact-

1 ment of the A Stronger Workforce for America
2 Act, conduct a study on the alignment of work-
3 force development programs under this Act with
4 elementary and secondary education and post-
5 secondary education. The study shall examine—

6 “(i) State efforts to integrate data re-
7 lated to career and technical education
8 programs, dual enrollment programs, pre-
9 apprenticeships and apprenticeships, and
10 other work-based learning programs to in-
11 form decisionmaking and improve edu-
12 cational opportunities and outcomes;

13 “(ii) challenges related to and strate-
14 gies that promote such alignment to facili-
15 tate student participation in high-quality
16 college and career pathways; and

17 “(iii) governance structures and fund-
18 ing sources to promote such alignment.

19 “(J) STUDY ON JOB CORPS.—The Sec-
20 retary of Labor shall, not later than 4 years
21 after the date of enactment of the A Stronger
22 Workforce for America Act, conduct an evalua-
23 tion that—

1 “(i) uses the most rigorous available
2 methods that are appropriate and feasible
3 to evaluate program effectiveness;

4 “(ii) measures the effect of the Job
5 Corps program on participating individuals
6 on outcomes related to the purposes de-
7 scribed in section 141(1), including edu-
8 cational attainment, employment, earnings,
9 and other related outcomes, compared with
10 the non-participant peers of those individ-
11 uals, to determine if the program has a
12 statistically significant effect (including
13 long-term effects) on such outcomes; and

14 “(iii) evaluates the cost-effectiveness
15 of the program.

16 “(K) REPORTS.—The Secretary shall pre-
17 pare and disseminate to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Education and
20 the Workforce of the House of Representatives,
21 and on the publicly available website of the De-
22 partment, reports containing the results of the
23 studies conducted under this paragraph.”; and

24 (B) in paragraph (5), by adding at the end
25 the following:

1 “(C) EVALUATION OF GRANTS.—

2 “(i) IN GENERAL.—For each grant or
3 contract awarded under this paragraph,
4 the Secretary shall conduct a rigorous eval-
5 uation of the multistate project to deter-
6 mine the impact of the activities supported
7 by the project, including the impact on the
8 employment and earnings of program par-
9 ticipants.

10 “(ii) REPORT.—The Secretary shall
11 prepare and disseminate to the Committee
12 on Health, Education, Labor, and Pen-
13 sions of the Senate and the Committee on
14 Education and the Workforce of the House
15 of Representatives, and to the public, in-
16 cluding through electronic means, reports
17 containing the results of evaluations con-
18 ducted under this subparagraph.”.

19 (b) WORKFORCE DATA QUALITY INITIATIVE.—Sec-
20 tion 169 of the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3224) is further amended by adding at the
22 end the following:

23 “(d) WORKFORCE DATA QUALITY INITIATIVE.—

24 “(1) GRANT PROGRAM.—Of amounts made
25 available pursuant to section 132(a)(2)(A) for any

1 program year, the Secretary shall use not less than
2 5 percent and not more than 10 percent of such
3 amounts, and may also use funds authorized for
4 purposes of carrying out this section, to award
5 grants to eligible entities to create workforce longitu-
6 dinal data systems and associated resources for the
7 purposes of strengthening program quality, building
8 State capacity to produce evidence for decision-
9 making, meeting performance reporting require-
10 ments, protecting privacy, and improving trans-
11 parency.

12 “(2) APPLICATION.—To be eligible to receive a
13 grant under this subsection, an eligible entity shall
14 submit an application to the Secretary at such time
15 and in such manner as the Secretary may require,
16 which shall include—

17 “(A) a description of the proposed activi-
18 ties that will be conducted by the eligible entity,
19 including a description of the need for such ac-
20 tivities and a detailed budget for such activities;

21 “(B) a description of the expected out-
22 comes and outputs (such as systems or prod-
23 ucts) that will result from the proposed activi-
24 ties and the proposed uses of such outputs;

1 “(C) a description of how the proposed ac-
2 tivities will—

3 “(i) support the reporting of perform-
4 ance data, including employment and earn-
5 ings outcomes, for the performance ac-
6 countability requirements under section
7 116, including outcomes for eligible pro-
8 viders of training services;

9 “(ii) improve workforce data stand-
10 ardization across programs in the State;
11 and

12 “(iii) improve the collection, accuracy,
13 timeliness, and usability of real-time, econ-
14 omy-wide data on new and emerging skills
15 and in-demand occupational roles;

16 “(D) a description of the methods and pro-
17 cedures the eligible entity will use to ensure the
18 security and privacy of the collection, storage,
19 and use of all data involved in the systems and
20 resources supported through the grant, includ-
21 ing compliance with State and Federal privacy
22 and confidentiality statutes and regulations;
23 and

24 “(E) a plan for how the eligible entity will
25 continue the activities or sustain the use of the

1 outputs created with the grant funds after the
2 grant period ends.

3 “(3) PRIORITY.—In awarding grants under the
4 subsection, the Secretary shall give priority to—

5 “(A) eligible entities that are—

6 “(i) a State agency of a State that
7 has not previously received a grant from
8 the Secretary for the purposes of this sub-
9 section and demonstrates a substantial
10 need to improve its data infrastructure; or

11 “(ii) a consortium of State agencies
12 that is comprised of State agencies from
13 multiple States and includes at least one
14 State agency described in clause (i) and
15 has the capacity to make significant con-
16 tributions toward building interoperable,
17 cross-State data infrastructure; and

18 “(B) eligible entities that will use grant
19 funds to—

20 “(i) expand the adoption and use of
21 linked, open, and interoperable data on
22 credentials, including through the develop-
23 ment of a credential registry or other tools
24 and services designed to help learners and
25 workers make informed decisions, such as

1 the credential navigation feature described
2 in section 122(d)(2);

3 “(ii) participate in and contribute
4 data to a multistate data collaborative, in-
5 cluding data that provide participating
6 States the ability to better understand—

7 “(I) earnings and employment
8 outcomes of individuals who work out-
9 of-State; and

10 “(II) cross-State earnings and
11 employment trends;

12 “(iii) enhance collaboration with pri-
13 vate sector workforce and labor market
14 data entities and the end-users of work-
15 force and labor market data, including in-
16 dividuals, employers, economic development
17 agencies, and workforce development pro-
18 viders;

19 “(iv) leverage the use of non-Federal
20 contributions to improve workforce data in-
21 frastructure, including staff capacity build-
22 ing; or

23 “(v) expand existing statewide inte-
24 grated longitudinal data systems, including
25 such systems receiving assistance under

1 section 208 of the Educational Technical
2 Assistance Act of 2002 (20 U.S.C. 9607).

3 “(4) USE OF FUNDS.—In addition to the activi-
4 ties described in paragraph (3)(B), an eligible entity
5 awarded a grant under this subsection may use
6 funds to carry out any of the following activities:

7 “(A) Developing or enhancing a State’s
8 workforce longitudinal data system, including
9 by participating and contributing data to the
10 State’s data system, if applicable, that links
11 with elementary and secondary school and post-
12 secondary data.

13 “(B) Accelerating the replication and
14 adoption of data systems, projects, products, or
15 practices already in use in one or more States
16 to other States.

17 “(C) Research and labor market data im-
18 provement activities to improve the timeliness,
19 relevance, and accessibility of such data
20 through pilot projects that are developed locally
21 but designed to scale to other regions or States.

22 “(D) Establishing, enhancing, or con-
23 necting to a system of interoperable learning
24 and employment records that provides individ-
25 uals who choose to participate in such system

1 ownership of a verified and secure record of
2 their skills and achievements and the ability to
3 share such record with employers and education
4 providers.

5 “(E) Developing policies, guidelines, and
6 security measures for data collection, storing,
7 and sharing to ensure compliance with relevant
8 Federal and State privacy laws and regulations.

9 “(F) Increasing local board access to and
10 integration with the State’s workforce longitu-
11 dinal data system in a secure manner.

12 “(G) Creating or participating in a data
13 exchange for collecting and using standards-
14 based jobs and employment data including, at a
15 minimum, job titles or occupation codes.

16 “(H) Improving State and local staff ca-
17 pacity to understand, use, and analyze data to
18 improve decisionmaking and improve partici-
19 pant outcomes.

20 “(5) ADMINISTRATION.—

21 “(A) DURATION.—A grant awarded under
22 this subsection may be for a period of up to 3
23 years.

24 “(B) SUPPLEMENT, NOT SUPPLANT.—
25 Funds made available under this subsection

1 shall be used to supplement, and not supplant,
2 other Federal, State, or local funds used for de-
3 velopment of State data systems.

4 “(C) REPORT.—Each eligible entity that
5 receives a grant under this subsection shall sub-
6 mit a report to the Secretary not later than 180
7 days after the conclusion of the grant period on
8 the activities supported through the grant and
9 improvements in the use of workforce and labor
10 market information that have resulted from
11 such activities.

12 “(6) DEFINITIONS.—In this subsection, the
13 term ‘eligible entity’ means a State agency or con-
14 sortium of State agencies, including a multistate
15 data collaborative, that is or includes the State agen-
16 cies responsible for—

17 “(A) State employer wage records used by
18 the State’s unemployment insurance programs
19 in labor market information reporting and anal-
20 ysis and for fulfilling the reporting require-
21 ments of this Act;

22 “(B) the production of labor market infor-
23 mation; and

24 “(C) the direct administration of one or
25 more of the core programs.”.

1 **SEC. 175. NATIONAL DISLOCATED WORKER GRANTS.**

2 Section 170 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3225) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (C), by striking
7 “and” at the end;

8 (ii) in subparagraph (D)(ii), by strik-
9 ing the period at the end and inserting “;
10 and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(E) to an entity described in subsection
14 (c)(1)(B) to provide employment and training
15 activities related to the prevention and treat-
16 ment of substance use disorders, including ad-
17 diction treatment, mental health treatment, and
18 pain management, in an area that, as a result
19 of widespread substance use, addiction, and
20 overdoses, has higher-than-average demand for
21 such activities that exceeds the availability of
22 State and local resources to provide such activi-
23 ties.”; and

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

25 “(3) PERFORMANCE RESULTS.—The Secretary
26 shall collect the necessary information from each en-

1 tity receiving a grant under this section to determine
2 the performance of such entity on the primary indi-
3 cators of performance described in section
4 116(b)(2)(A)(i) and make such information available
5 on the publicly accessible website of the Department
6 in a format that does not reveal personally identifi-
7 able information.”; and

8 (2) in subsection (c)—

9 (A) in paragraph (1)(A)—

10 (i) by striking “subsection (b)(1)(A)”
11 and inserting “subparagraph (A) or (E) of
12 subsection (b)(1)”; and

13 (ii) by striking “, in such manner, and
14 containing such information” and inserting
15 “and in such manner”; and

16 (B) in paragraph (2)—

17 (i) in subparagraph (B)—

18 (I) in the heading, by striking
19 “RETRAINING” and inserting
20 “RESKILLING”; and

21 (II) by striking “retraining” and
22 inserting “reskilling”;

23 (ii) by redesignating subparagraphs
24 (C) and (D) as subparagraphs (D) and
25 (E), respectively; and

1 (iii) by inserting after subparagraph
2 (B) the following:

3 “(C) SUBSTANCE USE RELATED
4 GRANTS.—In order to be eligible to receive em-
5 ployment and training assistance under a na-
6 tional dislocated worker grant awarded pursu-
7 ant to subsection (b)(1)(E), an individual shall
8 be—

9 “(i) a dislocated worker;

10 “(ii) a long-term unemployed indi-
11 vidual;

12 “(iii) an individual who is unemployed
13 or significantly underemployed as a result
14 of widespread substance use in the area; or

15 “(iv) an individual who is employed or
16 seeking employment in a health care pro-
17 fession involved in the prevention and
18 treatment of substance use disorders, in-
19 cluding such professions that provide ad-
20 diction treatment, mental health treat-
21 ment, or pain management.”.

22 **SEC. 176. YOUTHBUILD PROGRAM.**

23 Section 171 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3226) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (4), by striking “home-
2 less individuals” and inserting “individuals ex-
3 periencing homelessness”; and

4 (B) in paragraph (5), by striking “home-
5 less and low-income families” and inserting
6 “low-income families and families of individuals
7 experiencing homelessness”;

8 (2) in subsection (b)—

9 (A) by amending paragraph (4) to read as
10 follows:

11 “(4) INDIVIDUAL EXPERIENCING HOMELESS-
12 NESS.—The term ‘individual experiencing homeless-
13 ness’ means an individual who is a homeless indi-
14 vidual (as defined in section 41403(6) of the Vio-
15 lence Against Women Act of 1994 (34 U.S.C.
16 12473(6)) or a homeless child or youth (as defined
17 in section 725(2) of the McKinney-Vento Homeless
18 Assistance Act (42 U.S.C. 11434a(2))).”;

19 (B) in paragraph (5), by striking “home-
20 less individuals” and inserting “individuals ex-
21 periencing homelessness”;

22 (C) in paragraph (7), by striking “(25
23 U.S.C. 450b)” and inserting “(25 U.S.C.
24 5304)”; and

1 (D) in paragraph (12), by striking “home-
2 less individuals” and inserting “individuals ex-
3 perienceing homelessness”;

4 (3) in subsection (c)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) AMOUNT OF GRANTS; RESERVATION.—

8 “(A) AMOUNT OF GRANTS.—Subject to
9 subparagraph (B), the Secretary is authorized
10 to make grants to applicants for the purpose of
11 carrying out YouthBuild programs approved
12 under this section.

13 “(B) RESERVATION FOR RURAL AREAS
14 AND INDIAN TRIBES.—

15 “(i) TRIBAL RESERVATION.—Subject
16 to clause (iii), in carrying out subpara-
17 graph (A), the Secretary shall reserve not
18 less than 5 percent of the total amount ap-
19 propriated for the purposes of that sub-
20 paragraph to make grants to applicants
21 that are—

22 “(I) Indian tribes, tribal organi-
23 zations, or Native Hawaiian organiza-
24 tions (as such term is defined in sec-
25 tion 166(b)); or

1 “(II) carrying out programs for
2 the benefit of Indians.

3 “(ii) RURAL RESERVATION.—Subject
4 to clause (iii), in carrying out subpara-
5 graph (A), the Secretary shall reserve not
6 less than 10 percent of the total amount
7 appropriated for purposes of that subpara-
8 graph to make grants to applicants that
9 are located in rural areas.

10 “(iii) EXCEPTION.—If the Secretary
11 does not receive a sufficient number of ap-
12 plications of sufficient quality to award the
13 amounts reserved under clause (i) or
14 amounts reserved under clause (ii) in ac-
15 cordance with the requirements of the ap-
16 plicable clause, the Secretary may—

17 “(I) award grants to applicants
18 described in clause (i) or clause (ii),
19 as the case may be, in an amount not
20 to exceed \$1,500,000 per grant; and

21 “(II) use any remaining amount
22 reserved under the applicable clause
23 to, notwithstanding the requirements
24 of that clause, award grants under
25 subparagraph (A) to other applica-

1 tions that are not described in such
2 clause.”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (A)—

5 (I) in clause (iv)—

6 (aa) in subclause (II), by
7 striking “language learners” and
8 inserting “learners”;

9 (bb) in subclause (III), by
10 striking “a secondary” and in-
11 sserting “a regular high”; and

12 (cc) in subclause (IV), by
13 striking “required” and inserting
14 “available Federal, State, or in-
15 stitutional”;

16 (II) in clause (v), by striking
17 “drug and alcohol abuse” and insert-
18 ing “substance use disorder”;

19 (III) in clause (vii)—

20 (aa) by inserting “to ensure
21 full participation in a YouthBuild
22 program, including such services
23 for individuals with disabilities,”
24 after “services”; and

1 (bb) by inserting “unsub-
2 sidized” after “retaining”; and

3 (IV) in clause (viii), by inserting
4 “, including career services” after
5 “assistance”;

6 (ii) in subparagraph (B), by striking
7 “homeless individuals” and inserting “indi-
8 viduals experiencing homelessness” each
9 place the term appears; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(I) Provision of meals and other food as-
13 sistance to participants in conjunction with an-
14 other activity described in this paragraph.

15 “(J) Provision of information on and refer-
16 ral to Federal and State means tested pro-
17 grams.”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (A), by striking
20 “such time, in such manner, and con-
21 taining such information” and inserting
22 “such time and in such manner”; and

23 (ii) in subparagraph (B)—

1 (I) in the header, by striking
2 “MINIMUM REQUIREMENTS” and in-
3 sserting “REQUIREMENTS”;

4 (II) by striking “, at a min-
5 imum”;

6 (III) in clause (iii), by striking
7 “unions” and inserting “labor organi-
8 zations”;

9 (IV) by amending clause (v) to
10 read as follows:

11 “(v) a description of the educational
12 and job training activities, work opportuni-
13 ties, postsecondary education and training
14 opportunities, and other services that will
15 be provided to participants, and how those
16 activities, opportunities, and services will—

17 “(I) prepare youth for employ-
18 ment in in-demand industry sectors or
19 occupations in the labor market area
20 described in clause (i); and

21 “(II) support youth in attaining
22 a regular high school diploma or its
23 recognized equivalent;”;

24 (V) in clause (vii)—

1 (aa) by striking “(including
2 agencies of Indian tribes)” and
3 inserting “, Indian tribes, tribal
4 organizations, and tribal edu-
5 cational agencies (as such term is
6 defined in section 6132(b) of the
7 Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C.
9 7452(b)))”; and

10 (bb) by striking “homeless
11 individuals and other agencies
12 that serve youth who are home-
13 less individuals,” and inserting
14 “individuals experiencing home-
15 lessness and other agencies that
16 serve youth who are individuals
17 experiencing homelessness.”;

18 (VI) in clause (x), by inserting
19 “located in the region proposed to be
20 served by such applicant, as applica-
21 ble” after “tribes”;

22 (VII) by amending clause (xii) to
23 read as follows:

24 “(xii) a description of the levels of
25 performance the applicant expects to

1 achieve on the primary indicators of per-
2 formance described in section
3 116(b)(2)(A)(ii);”;

4 (VIII) in clause (xiii), by striking
5 “unions” and inserting “labor organi-
6 zations”;

7 (IX) by redesignating clauses
8 (xv) through (xxi) as clauses (xvi)
9 through (xxii), respectively; and

10 (X) by inserting after clause (xiv)
11 the following:
12 “(xv) a description of any strategies
13 the applicant will use to engage program
14 participants in providing feedback and in-
15 forming decision-making related to the
16 program;”;

17 (D) in paragraph (4)—

18 (i) by striking “such selection criteria
19 as the Secretary shall establish under this
20 section, which shall include criteria” and
21 inserting “selection criteria”;

22 (ii) in subparagraph (I), by striking
23 “homeless individuals” and inserting “indi-
24 viduals experiencing homelessness”;

1 (iii) in subparagraph (J)(iii), by add-
2 ing “and” after the semicolon;

3 (iv) in subparagraph (K), by striking
4 “; and” and inserting a period; and

5 (v) by striking subparagraph (L);

6 (4) in subsection (d)—

7 (A) in paragraph (1), by striking “home-
8 less individuals” and inserting “individuals ex-
9 perencing homelessness”; and

10 (B) in paragraph (2), by striking “home-
11 less individuals” and inserting “individuals ex-
12 perencing homelessness”;

13 (5) in subsection (e)(1)—

14 (A) in subparagraph (A)(ii), by striking
15 “offender” and inserting “who is a justice-in-
16 volved individual”; and

17 (B) in subparagraph (B)(i)—

18 (i) by striking “are basic skills defi-
19 cient” and inserting “have foundational
20 skill needs”; and

21 (ii) by striking “secondary” and in-
22 serting “regular high”;

23 (6) in subsection (f), by striking paragraph (2)

24 and inserting the following:

1 “(2) USE OF WAGE RECORDS.—The Secretary
2 shall make arrangements with a State or other ap-
3 propriate entity to facilitate the use of State wage
4 records to evaluate the performance of YouthBuild
5 programs funded under this section on the employ-
6 ment and earnings indicators described in section
7 116(b)(2)(A)(ii) for the purposes of the report re-
8 quired under paragraph (3).

9 “(3) PERFORMANCE RESULTS.—For each pro-
10 gram year, the Secretary shall make available, on a
11 publicly accessible website of the Department, a re-
12 port on the performance of YouthBuild programs,
13 during such program year, funded under this section
14 on—

15 “(A) the primary indicators of performance
16 described in section 116(b)(2)(A)(ii); and

17 “(B) the expected levels of performance for
18 such programs as described in paragraph (1).

19 “(4) CONSULTATION.—In establishing expected
20 levels of performance under paragraph (1), the Sec-
21 retary shall consult, on not less than an annual
22 basis, with entities carrying out YouthBuild pro-
23 grams to ensure such levels of performance account
24 for the workforce development and postsecondary

1 education experiences of youth served by such pro-
2 grams.”;

3 (7) in subsection (g), by inserting at the end
4 the following:

5 “(4) ANNUAL RELEASE OF FUNDING OPPOR-
6 TUNITY ANNOUNCEMENT.—The Secretary shall, to
7 the greatest extent practicable, announce new fund-
8 ing opportunities for grants under this section dur-
9 ing the same time period each year for which such
10 grants are available.”; and

11 (8) by amending subsection (i) to read as fol-
12 lows:

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$108,150,000 for each of the fiscal years 2025 through
16 2030.”.

17 **SEC. 177. REENTRY EMPLOYMENT OPPORTUNITIES.**

18 Subtitle D of title I of the Workforce Innovation and
19 Opportunity Act (29 U.S.C. 3221 et seq.) is amended—

20 (1) by redesignating section 172 as section 175;
21 and

22 (2) by inserting after section 171 the following:

23 **“SEC. 172. REENTRY EMPLOYMENT OPPORTUNITIES.**

24 “(a) PURPOSES.—The purposes of this section are—

1 “(1) to improve the employment, earnings, and
2 skill attainment, and reduce recidivism, of adults
3 and youth who have been involved with the justice
4 system;

5 “(2) to prompt innovation and improvement in
6 the reentry of justice-involved individuals into the
7 workforce so that successful initiatives can be estab-
8 lished or continued, and replicated; and

9 “(3) to further develop the evidence on how to
10 improve employment, earnings, and skill attainment,
11 and reduce recidivism, of justice-involved individuals,
12 through rigorous evaluations of specific services pro-
13 vided, including how they affect different popu-
14 lations and how they are best combined and
15 sequenced, and disseminate such evidence to entities
16 supporting the reentry of justice-involved individuals
17 into the workforce.

18 “(b) REENTRY EMPLOYMENT OPPORTUNITIES PRO-
19 GRAM.—

20 “(1) IN GENERAL.—From the amounts appro-
21 priated under section 175(e) and not reserved under
22 subsection (h), the Secretary shall carry out a Re-
23 entry Employment Opportunities Program, through
24 which the Secretary—

1 “(A) except as provided in subparagraph
2 (B), in order to implement reentry projects that
3 serve eligible adults or eligible youth shall, on
4 a competitive basis—

5 “(i) make direct awards (through
6 grants, contracts, or cooperative agree-
7 ments) to eligible entities to implement
8 such reentry projects; and

9 “(ii) in any year for which the Sec-
10 retary makes awards under clause (i),
11 make intermediary awards to eligible enti-
12 ties who are national or regional inter-
13 mediaries, who shall use the award
14 funds—

15 “(I) to make direct awards to eli-
16 gible entities to implement such re-
17 entry projects; or

18 “(II) to implement such reentry
19 projects; and

20 “(B) in order to implement youth reentry
21 employment opportunities projects, through
22 that program, that serve eligible youth shall, on
23 a competitive basis—

1 “(i) make direct awards to youth
2 project eligible entities to implement such
3 youth reentry projects; and

4 “(ii) in any year for which the Sec-
5 retary makes awards under clause (i),
6 make intermediary awards to youth project
7 eligible entities who are national or re-
8 gional intermediaries, who shall use the
9 award funds—

10 “(I) to make direct awards to
11 youth project eligible entities to imple-
12 ment such youth reentry projects; or

13 “(II) to implement such youth re-
14 entry projects.

15 “(2) ALLOCATION TO ACTIVITIES.—From the
16 amounts appropriated under section 175(e) and not
17 reserved under subsection (h), the Secretary—

18 “(A) shall use not less than 20 percent of
19 such amounts for awards under paragraph
20 (1)(A) to eligible entities to serve as national or
21 regional intermediaries to provide the award
22 funds to other eligible entities—

23 “(i) to implement reentry projects de-
24 scribed in paragraph (1)(A); and

1 “(ii) to monitor and support such en-
2 tities;

3 “(B) shall use not less than 20 percent of
4 such amounts for direct or intermediary awards
5 under paragraph (1)(B) to—

6 “(i) implement youth reentry projects
7 described in paragraph (1)(B); and

8 “(ii) in cases in which the award re-
9 cipients make direct awards to other youth
10 reentry project eligible entities, monitor
11 and support such entities;

12 “(C) shall use 20 percent of such amounts,
13 from the portion reserved to carry out para-
14 graph (1)(A), to award funds to eligible entities
15 using pay-for-performance contracts—

16 “(i) that specify a fixed amount that
17 will be paid to such an entity based on the
18 achievement, within a defined timeframe,
19 of proposed levels of performance described
20 under subsection (e)(2)(A) on the indica-
21 tors of performance described in subsection
22 (e)(1)(A)(i); and

23 “(ii) which may provide for bonus
24 payments to such entity to expand capacity
25 to provide effective services; and

1 “(D) shall ensure awards made under this
2 section are made to eligible entities from geo-
3 graphically diverse areas, in addition to giving
4 the priorities described in paragraph (5).

5 “(3) INITIAL AWARD PERIODS.—The Secretary
6 shall make an award under this section for an initial
7 period of not more than 4 years.

8 “(4) ADDITIONAL AWARDS.—The Secretary
9 may make, for a period of not more than 4 years,
10 1 or more additional awards to an eligible entity
11 that received an award under this section if the eligi-
12 ble entity achieved the levels of performance agreed
13 upon with the Secretary (as described in subsection
14 (e)(2)) for the most recent award period.

15 “(5) PRIORITY.—In awarding funds under this
16 section, the Secretary shall give priority to eligible
17 entities whose applications submitted under sub-
18 section (c) demonstrate a commitment to use such
19 funds to implement a reentry project—

20 “(A) that will serve a high-poverty area;

21 “(B) that will enroll eligible youth or eligi-
22 ble adults—

23 “(i) prior to the release of such indi-
24 viduals from incarceration in a correctional
25 institution; or

1 “(ii) not later than 90 days after such
2 release;

3 “(C) whose strategy and design are evi-
4 dence-based;

5 “(D) for which the eligible entity will es-
6 tablish a partnership with—

7 “(i) a business;

8 “(ii) an institution of higher education
9 or provider under section 122 (as deter-
10 mined by the State where services are
11 being provided) to provide project partici-
12 pants with a program leading to a recog-
13 nized postsecondary credential in an in-de-
14 mand industry sector or occupation;

15 “(iii) a local educational agency; or

16 “(iv) an agency that receives assist-
17 ance for a program under section 225;

18 “(E) that provides training services, in-
19 cluding employment-directed skills development
20 and on-the-job training, that are designed to
21 meet the specific requirements of an employer
22 (including a group of employers), industry, or
23 sector, and are conducted with a commitment
24 by the employer to employ individuals upon suc-
25 cessful completion of the preparation; and

1 “(F) that will serve a rural area.

2 “(6) CONSTRUCTION.—

3 “(A) PROJECTS WITH INTERMEDIARIES.—

4 An intermediary who receives funds under para-
5 graph (1), to the extent that the intermediary
6 uses the funds to make direct awards to eligible
7 entities, shall carry out the functions of the
8 Secretary described in paragraphs (3), (4), and
9 (5) of this subsection, and paragraphs (1), (2)
10 (other than paragraph (2)(J)), and (4) of sub-
11 section (c).

12 “(B) REENTRY EMPLOYMENT OPPORTUNI-
13 TIES PROGRAM PROJECTS.—For purposes of
14 this section, a reference to an eligible entity,
15 used with respect to a youth reentry project
16 carried out under paragraph (1)(B), shall be
17 considered to be a reference to a youth project
18 eligible entity.

19 “(c) APPLICATION.—

20 “(1) FORM AND PROCEDURE.—To be qualified
21 to receive funds under this section, an eligible entity
22 shall submit an application to the Secretary at such
23 time, and in such manner, as is determined by the
24 Secretary, and containing the information described

1 in paragraph (2) and, as applicable, paragraph (3)
2 or (4).

3 “(2) CONTENTS.—An application submitted by
4 an eligible entity under paragraph (1) shall contain
5 the following:

6 “(A) A description of the eligible entity, in-
7 cluding the experience of the eligible entity in
8 providing education, employment, and training
9 services for justice-involved individuals.

10 “(B) A description of the needs that will
11 be addressed by the reentry project supported
12 by the funds received under this section and the
13 target participant population and the geo-
14 graphic area to be served.

15 “(C) A description of the proposed edu-
16 cation, employment, and training services and
17 supportive services, if applicable, to be provided
18 under such reentry project, and how such ac-
19 tivities will prepare participants for employment
20 in an in-demand industry sector or occupation
21 within the geographic area to be served by such
22 reentry project.

23 “(D) The anticipated schedule for carrying
24 out the activities proposed for the reentry
25 project.

1 “(E) A description of—

2 “(i) the partnerships the eligible enti-
3 ty will establish with agencies and entities
4 within the criminal justice system, agencies
5 and entities within the juvenile justice sys-
6 tem, local boards, one-stop operators, one-
7 stop partners, community-based organiza-
8 tions, and employers (including local busi-
9 nesses) to provide participants in the re-
10 entry project with work-based learning, job
11 placement, and recruitment (if applicable);
12 and

13 “(ii) how the eligible entity will co-
14 ordinate its activities with other services
15 and benefits available to justice-involved
16 individuals in the geographic area to be
17 served by the reentry project.

18 “(F) A description of the manner in which
19 individuals will be recruited and selected for
20 participation for the reentry project.

21 “(G) A detailed budget and a description
22 of the system of fiscal controls, and auditing
23 and accountability procedures, that will be used
24 to ensure fiscal soundness for the reentry
25 project.

1 “(H) A description of the proposed levels
2 of performance to be achieved with respect to
3 the indicators of performance described in sub-
4 section (e).

5 “(I) A description of the evidence-based
6 practices the eligible entity will use in adminis-
7 tration of the reentry project.

8 “(J) An assurance that the eligible entity
9 will collect, disaggregate by each subpopulation
10 of individuals with barriers to employment, and
11 by race, ethnicity, sex, and age, and report to
12 the Secretary the data required with respect to
13 the reentry project carried out by the eligible
14 entity for purposes of determining levels of per-
15 formance achieved and conducting the evalua-
16 tion under this section.

17 “(K) An assurance that the eligible entity
18 will provide a match as described in subsection
19 (d)(4).

20 “(L) A description of how the eligible enti-
21 ty plans to continue the reentry project after
22 the award period.

23 “(M) For any project offering a recognized
24 postsecondary credential, a description of how
25 the project leads to the credential.

1 “(N) For a project that also serves as a
2 program carried out under section 225, a de-
3 scription of how the award funds will be used
4 to carry out the education described in section
5 225, in conjunction with the activities described
6 in subsection (d).

7 “(3) ADDITIONAL CONTENT FOR INTER-
8 MEDIARY APPLICANTS.—An application submitted by
9 an eligible entity seeking to serve as a national or
10 regional intermediary as described in subparagraph
11 (A) or (B) of subsection (b)(1) shall also contain
12 each of the following:

13 “(A) An identification and description of
14 the eligible entities that will be subawardees of
15 such intermediary and implement the reentry
16 projects, which shall include subawardees in—

17 “(i) 3 or more noncontiguous metro-
18 politan areas or rural areas; and

19 “(ii) not fewer than 2 States.

20 “(B) A description of the services and sup-
21 ports the intermediary will provide to the sub-
22 awardees, including administrative and fiscal
23 support to ensure the subawardees comply with
24 all subaward requirements.

1 “(C) A description of how the intermediary
2 will facilitate the replication of evidence-based
3 practices or other best practices identified by
4 the intermediary across all subawardees.

5 “(D) If such intermediary is currently re-
6 ceiving, or has previously received, funds under
7 this section as an intermediary to implement a
8 reentry project, an assurance that none of the
9 subawardees identified under subparagraph (A)
10 are current or were previous subawardees of the
11 intermediary for such reentry project and failed
12 to meet the levels of performance established
13 for such reentry project.

14 “(4) ADDITIONAL CONTENT FOR YOUTH REO
15 APPLICATIONS.—An application submitted under
16 paragraph (1) by a youth project eligible entity seek-
17 ing to serve youth applicants through an award de-
18 scribed in subsection (b)(1)(B) shall also contain the
19 following:

20 “(A) A description of—

21 “(i) how the youth reentry project will
22 facilitate the enrollment of eligible youth in
23 a program of a local educational agency, a
24 program of adult education and literacy
25 activities, a YouthBuild program, the Job

1 Corps, or a program of an institution of
2 higher education;

3 “(ii) how the youth reentry project
4 will connect eligible youth with mentors or
5 peer support groups to provide guidance,
6 encouragement, and positive role modeling
7 during the reentry process;

8 “(iii) how the youth reentry project
9 will involve family members, guardians,
10 and other supportive people in an eligible
11 youth’s life in the reentry process;

12 “(iv) how the youth reentry project
13 will provide or support access to counseling
14 and substance use disorder programs for
15 an eligible youth;

16 “(v) how the youth reentry project
17 will assist eligible youth to find safe and
18 stable housing;

19 “(vi) how the youth reentry project
20 will ensure activities carried out under an
21 award described in subsection (b)(1)(B)
22 are designed to meet the needs of the pop-
23 ulation served; and

24 “(vii) the experience of the eligible en-
25 tity in providing services to youth, includ-

1 ing eligible youth, and the strategies the el-
2 igible entity will use to ensure that services
3 provided are age-appropriate for eligible
4 youth.

5 “(B) A description of how a youth project
6 eligible entity plans to provide skills develop-
7 ment, for stakeholders involved in an eligible
8 youth’s reentry, on best practices pertaining to
9 eligible youth and reentry.

10 “(d) USES OF FUNDS.—

11 “(1) REQUIRED ACTIVITIES.—An eligible entity
12 that receives funds under this section shall use such
13 funds to implement a reentry project for eligible
14 adults, eligible youth, or both, that provides each of
15 the following:

16 “(A) One or more of the individualized ca-
17 reer services listed in subclauses (I) through
18 (IX) of section 134(c)(2)(B)(vii).

19 “(B) One or more of the training services
20 listed in clauses (i) through (xi) in section
21 134(c)(3)(D), including subsidized employment
22 opportunities through transitional jobs.

23 “(C) For participants who are eligible
24 youth, 1 or more of the program elements listed

1 in subparagraphs (A) through (O) of section
2 129(c)(2).

3 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-
4 ty that receives funds under this section may use
5 such funds to provide to eligible adults, eligible
6 youth, or both, each of the following:

7 “(A) Followup services after placement in
8 unsubsidized employment as described in sec-
9 tion 134(c)(2)(B)(viii).

10 “(B) Apprenticeship programs.

11 “(C) Education in digital literacy skills.

12 “(D) Mentoring.

13 “(E) Assistance in obtaining employment,
14 including as a result of the eligible entity—

15 “(i) establishing and developing rela-
16 tionships and networks with large and
17 small employers; and

18 “(ii) coordinating with employers to
19 develop employer-directed skills develop-
20 ment programs and on-the-job training.

21 “(F) Assistance with driver’s license rein-
22 statement (including assistance with removing
23 or expunging records as permitted under the
24 applicable Federal or State law to facilitate that
25 reinstatement) and fees for driver’s licenses and

1 other necessary documents for employment and
2 removing barriers to employment.

3 “(G) Provision of or referral to evidence-
4 based mental health treatment by licensed prac-
5 titioners.

6 “(H) Provision of or referral to substance
7 use disorder treatment services, provided that
8 funds awarded under this section are only used
9 to provide such services to participants who are
10 unable to obtain such services through other
11 programs providing such services.

12 “(I) Provision of or referral to supportive
13 services, provided that, notwithstanding section
14 181(h)(2), no more than 10 percent of funds
15 awarded to an eligible entity under this section
16 may be used to provide such services to partici-
17 pants who may be able to obtain such services
18 through other programs providing such services.

19 “(3) ADMINISTRATIVE COST LIMIT.—An eligible
20 entity may not use more than 7 percent of the funds
21 received under this section for administrative costs,
22 including for costs related to collecting information,
23 analysis, and coordination for purposes of subsection
24 (e) or (f).

1 “(4) MATCHING.—An eligible entity shall pro-
2 vide a match, which may be provided in cash or in-
3 kind, for the costs of the project in an amount that
4 is not less than 25 percent of the total amount of
5 funds awarded to the entity under this section for
6 the period involved, except that the Secretary may
7 waive the matching requirement, on a case-by-case
8 basis and for not more than 20 percent of all awards
9 made under this section, if the eligible entity in-
10 volved demonstrates significant financial hardship.

11 “(e) LEVELS OF PERFORMANCE.—

12 “(1) ESTABLISHMENT OF LEVELS.—

13 “(A) IN GENERAL.—The Secretary shall
14 establish expected levels of performance for re-
15 entry projects funded under this section for—

16 “(i) each of the primary indicators of
17 performance—

18 “(I) for adults, as described in
19 section 116(b)(2)(A)(i), for eligible
20 adults in reentry projects for eligible
21 adults or reentry projects for both eli-
22 gible adults and eligible youth; and

23 “(II) for youth, as described in
24 section 116(b)(2)(A)(ii), for eligible
25 youth in reentry projects for eligible

1 youth or reentry projects for both eli-
2 gible adults and eligible youth; and

3 “(ii) an indicator of performance es-
4 tablished by the Secretary with respect to
5 participant recidivism.

6 “(B) UPDATES.—The levels established
7 under subparagraph (A) shall be updated for
8 each 4-year-award period.

9 “(2) AGREEMENT ON LEVELS OF PERFORM-
10 ANCE.—In establishing and updating levels of per-
11 formance under paragraph (1), the Secretary shall
12 reach agreement on such levels with the eligible enti-
13 ties receiving awards under this section that will be
14 subject to such levels, based on, as the Secretary de-
15 termines relevant for each indicator of performance
16 applicable under paragraph (1), each of the fol-
17 lowing factors:

18 “(A) The proposed levels of performance of
19 each such eligible entity described in the appli-
20 cation submitted under subsection (c)(2)(H).

21 “(B) The local economic conditions of the
22 geographic area to be served by each such eligi-
23 ble entity, including differences in unemploy-
24 ment rates and job losses or gains in particular
25 industries.

1 “(C) The characteristics of project partici-
2 pants when entering the project involved, in-
3 cluding—

4 “(i) criminal records;

5 “(ii) indicators of work history;

6 “(iii) work experience;

7 “(iv) educational or occupational skills
8 attainment;

9 “(v) levels of literacy or English pro-
10 ficiency;

11 “(vi) disability status;

12 “(vii) homelessness; and

13 “(viii) receipt of public assistance.

14 “(3) FAILURE TO MEET LEVELS OF PERFORM-
15 ANCE.—In the case of an eligible entity that fails to
16 meet the levels of performance established under
17 paragraph (1) and updated to reflect the actual local
18 economic conditions and characteristics of partici-
19 pants (as described in subparagraphs (B) and (C) of
20 paragraph (2)) served by the reentry project involved
21 for any award year, the Secretary shall provide tech-
22 nical assistance to the eligible entity, including the
23 development of a performance improvement plan.

24 “(f) EVALUATION OF REENTRY PROJECTS.—

1 “(1) IN GENERAL.—Not later than 5 years
2 after the first award of funds under this section is
3 made, the Secretary (acting through the Chief Eval-
4 uation Officer) shall meet each of the following re-
5 quirements:

6 “(A) DESIGN AND CONDUCT OF EVALUA-
7 TION.—Design and conduct an evaluation to
8 evaluate the effectiveness of the reentry projects
9 funded under this section, which meets the re-
10 quirements of paragraph (2), and includes an
11 evaluation of each of the following:

12 “(i) The effectiveness of such projects
13 in assisting individuals with finding unsub-
14 subsidized employment, and maintaining un-
15 subsidized employment during the second
16 quarter and fourth quarter after exit from
17 the project.

18 “(ii) The effectiveness of such projects
19 in assisting individuals with earning recog-
20 nized postsecondary credentials.

21 “(iii) The effectiveness of such
22 projects in relation to their cost, including
23 the extent to which the projects improve
24 reentry outcomes, including in employ-
25 ment, compensation (which may include

1 wages earned and benefits), career ad-
2 vancement, measurable skills gains, and
3 recognized postsecondary credentials
4 earned, and including the extent to which
5 the projects reduce recidivism of partici-
6 pants in comparison to comparably situ-
7 ated individuals who did not participate in
8 such projects.

9 “(iv) The effectiveness of specific
10 services and interventions provided and of
11 the overall project design.

12 “(v) If applicable, the extent to which
13 such projects effectively serve various de-
14 mographic groups, including people of dif-
15 ferent geographic locations, ages, races,
16 national origins, and criminal records, and
17 individuals with disabilities.

18 “(vi) If applicable, the appropriate-
19 ness of the sequencing, combination, or
20 concurrent structure, of services for each
21 subpopulation of individuals who are par-
22 ticipants in such projects, such as the
23 order, combination, or concurrent structure
24 of services in which transitional jobs and
25 occupational skills development are pro-

1 vided, to ensure that such participants are
2 prepared to fully benefit from education,
3 employment, and training services provided
4 under the project.

5 “(vii) Limitations or barriers to edu-
6 cation and employment encountered by
7 participants served by the projects as a re-
8 sult of occupational or educational licens-
9 ing restrictions.

10 “(B) DATA ACCESSIBILITY.—Make avail-
11 able, on the publicly accessible website managed
12 by the Department of Labor, data collected
13 during the course of evaluation under this sub-
14 section, in an aggregated format that does not
15 disclose personally identifiable information.

16 “(2) DESIGN REQUIREMENTS.—An evaluation
17 under this subsection—

18 “(A) shall—

19 “(i) be designed by the Secretary (act-
20 ing through the Chief Evaluation Officer)
21 in conjunction with the eligible entities car-
22 rying out the reentry projects being evalu-
23 ated;

1 “(ii) include analysis of participant
2 feedback and outcome and process meas-
3 ures; and

4 “(iii) use designs that employ the
5 most rigorous analytical and statistical
6 methods that are reasonably feasible, such
7 as the use of control groups; and

8 “(B) may not—

9 “(i) collect personally identifiable in-
10 formation, except to the extent such infor-
11 mation is necessary to conduct the evalua-
12 tion; or

13 “(ii) reveal or share personally identi-
14 fiable information.

15 “(3) PUBLICATION AND REPORTING OF EVAL-
16 UATION FINDINGS.—The Secretary (acting through
17 the Chief Evaluation Officer) shall—

18 “(A) in accordance with the timeline deter-
19 mined to be appropriate by the Chief Evalua-
20 tion Officer, publish an interim report on such
21 evaluation;

22 “(B) not later than 90 days after the date
23 on which any evaluation is completed under this
24 subsection, publish and make publicly available
25 the results of such evaluation; and

1 “(C) not later than 60 days after the com-
2 pletion date described in subparagraph (B),
3 submit to the Committee on Education and the
4 Workforce of the House of Representatives and
5 the Committee on Health, Education, Labor,
6 and Pensions of the Senate a report on such
7 evaluation.

8 “(g) ANNUAL REPORT.—

9 “(1) CONTENTS.—Subject to paragraph (2),
10 the Secretary shall post, using transparent, linked,
11 open, and interoperable data formats, on the publicly
12 accessible website described in subsection (f)(1)(B),
13 an annual report, covering the most recent program
14 preceding the report, on—

15 “(A) the number of individuals who par-
16 ticipated in projects assisted under this section
17 during the program year;

18 “(B) the percentage of such individuals
19 who successfully completed the requirements of
20 such projects;

21 “(C) the performance of eligible entities on
22 such projects as measured by the indicators of
23 performance set forth in subsection (e); and

1 “(D) an explanation of any waivers grant-
2 ed by the Secretary of the matching require-
3 ment under subsection (d)(4).

4 “(2) DISAGGREGATION.—The information pro-
5 vided under subparagraphs (A) through (C) of para-
6 graph (1) with respect to a program year shall be
7 disaggregated by each project assisted under this
8 section for such program year.

9 “(h) RESERVATION OF FUNDS.—Of the funds appro-
10 priated under section 175(e) for a fiscal year, the Sec-
11 retary—

12 “(1) may reserve not more than 5 percent for
13 the administration of awards made under this sec-
14 tion, of which not more than 2 percent of the appro-
15 priated funds may be reserved for the provision of—

16 “(A) technical assistance to eligible entities
17 that receive funds under this section; and

18 “(B) outreach and technical assistance to
19 eligible entities desiring to receive such funds,
20 including assistance with application develop-
21 ment and submission; and

22 “(2) shall reserve not less than 1 percent and
23 not more than 2.5 percent for the evaluation activi-
24 ties under subsection (f) or to support eligible enti-

1 ties with any required data collection, analysis, and
2 coordination related to such evaluation activities.

3 “(i) DEFINITIONS.—In this section:

4 “(1) AWARD.—The term ‘award’ means an
5 award of funds through a grant, contract, or cooper-
6 ative agreement.

7 “(2) CHIEF EVALUATION OFFICER.—The term
8 ‘Chief Evaluation Officer’ means the head of the
9 independent evaluation office located in the Office of
10 the Assistant Secretary for Policy of the Department
11 of Labor.

12 “(3) CORRECTIONAL INSTITUTION.—The term
13 ‘correctional institution’ has the meaning given the
14 term in section 225(e).

15 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) a private nonprofit organization
18 under section 501(c)(3) of the Internal Revenue
19 Code of 1986 that is exempt from taxation
20 under section 501(a) of such Code, including a
21 community-based or faith-based organization;

22 “(B) a local board;

23 “(C) a State or local government;

24 “(D) an Indian or Native American entity
25 eligible for grants under section 166;

1 “(E) a labor organization or joint labor-
2 management organization;

3 “(F) an industry or sector partnership;

4 “(G) an institution of higher education; or

5 “(H) a consortium of the entities described
6 in subparagraphs (A) through (G).

7 “(5) ELIGIBLE ADULT.—The term ‘eligible
8 adult’ means a justice-involved individual who is age
9 25 or older.

10 “(6) ELIGIBLE YOUTH.—The term ‘eligible
11 youth’ means a justice-involved individual who is not
12 younger than age 14 or older than age 24.

13 “(7) HIGH-POVERTY.—The term ‘high-poverty’,
14 when used with respect to a geographic area, means
15 an area with a poverty rate of at least 20 percent
16 as determined based on the most recently available
17 data from the American Community Survey con-
18 ducted by the Bureau of the Census.

19 “(8) JUSTICE-INVOLVED INDIVIDUAL.—Not-
20 withstanding section 3, the term ‘justice-involved in-
21 dividual’ means—

22 “(A) an individual of any age who—

23 “(i) not more than 5 years before en-
24 rollment in a project funded under sub-
25 section (b)(1)—

1 “(I) was released from incarceration
2 in a correctional institution (in-
3 cluding being enrolled in a work re-
4 lease center at the institution); or

5 “(II) finished serving an alter-
6 native sentence, or a sentence to a di-
7 version program, ordered through the
8 adult criminal justice system; or

9 “(ii) on such date of enrollment, is
10 subject to the adult criminal justice sys-
11 tem, including an individual who—

12 “(I) is incarcerated in a correc-
13 tional institution (including being en-
14 rolled in a work release center at the
15 institution), but is scheduled to be re-
16 leased not more than 180 days after
17 such date of enrollment;

18 “(II) is residing in a residential
19 reentry center;

20 “(III) is subject to electronic or
21 home-based monitoring;

22 “(IV) is in the community on
23 probation or parole; or

24 “(V) is serving an alternative
25 sentence, or a sentence to a diversion

1 program, ordered through that sys-
2 tem; or

3 “(B) an individual who—

4 “(i) is not younger than age 14 or
5 older than age 24; and

6 “(ii) has been—

7 “(I) charged with, or convicted
8 of, any criminal offense; or

9 “(II) charged with, detained for,
10 or adjudicated of, a delinquent act or
11 status offense in a juvenile court.

12 “(9) YOUTH PROJECT ELIGIBLE ENTITY.—The
13 term ‘youth project eligible entity’ means—

14 “(A) an organization described in section
15 501(c)(3) of the Internal Revenue Code of 1986
16 that is exempt from taxation under section
17 501(a) of such Code; or

18 “(B) a State or local juvenile justice agen-
19 cy, or a State or local adult correctional agency
20 with a focus on eligible youth.”.

21 **SEC. 178. YOUTH APPRENTICESHIP READINESS GRANT**
22 **PROGRAM.**

23 Subtitle D of title I of the Workforce Innovation and
24 Opportunity Act (29 U.S.C. 3221 et seq.) is further

1 amended by inserting after section 172, as added by the
2 preceding section, the following:

3 **“SEC. 173. YOUTH APPRENTICESHIP READINESS GRANT**
4 **PROGRAM.**

5 “(a) PURPOSES.—The purposes of this section are—

6 “(1) to increase earnings and employment for
7 in-school youth and opportunity youth, ages 16
8 through 24, through enrollment in and completion of
9 evidence-based pre-apprenticeship programs and ap-
10 prenticeship programs that serve youth;

11 “(2) to engage educational entities, organiza-
12 tions carrying out programs that serve opportunity
13 youth, local educational agencies, State boards, local
14 boards, employers, workforce partners (including
15 one-stop partners), and other apprenticeship inter-
16 mediaries, to establish innovative models for pre-ap-
17 prenticeship programs and apprenticeship programs
18 that serve youth, including coordinating with pro-
19 grams that offer supportive services that can enable
20 participation in and completion of the program; and

21 “(3) to promote alignment between education
22 and workforce development systems (such as
23 through public-private partnerships) to enable in-
24 school youth and opportunity youth to participate in

1 postsecondary education and career pathways, in-
2 cluding apprenticeships, that result in careers.

3 “(b) YOUTH APPRENTICESHIP READINESS GRANT
4 PROGRAM.—

5 “(1) IN GENERAL.—From the amounts made
6 available to carry out this section under section
7 414(c) of the American Competitiveness and Work-
8 force Improvement Act (29 U.S.C. 3224a) and not
9 reserved under paragraph (2), the Secretary shall,
10 on a competitive basis, make grants to eligible enti-
11 ties for projects to develop new or expand existing
12 pre-apprenticeship programs and apprenticeships
13 that serve youth.

14 “(2) ADMINISTRATIVE RESERVATION.—Of the
15 amounts made available to carry out this section, the
16 Secretary may reserve not more than 5 percent for
17 the administration of grants made under this sec-
18 tion, including—

19 “(A) not more than 3 percent for the pro-
20 vision of technical assistance to eligible entities
21 during the application period or the implemen-
22 tation phase of such grant; and

23 “(B) not more than 2 percent for evalua-
24 tions of employment and earnings outcomes de-
25 scribed in clauses (vi), (vii), and (viii) of sub-

1 section (e)(2)(B), identifying best practices, and
2 facilitating the sharing of best practices among
3 eligible entities by carrying out the identifica-
4 tion and dissemination described in subsection
5 (f)(2).

6 “(3) GRANT PERIOD.—The Secretary shall
7 make such a grant for a period of not more than 4
8 years and may extend the grant for a period of not
9 more than 2 additional years if the grant recipient
10 is making progress in achieving the objectives of the
11 project’s identified programs.

12 “(4) PRIORITY.—In making grants under this
13 section, the Secretary shall give priority to eligible
14 entities that—

15 “(A) serve an area with significant work-
16 force shortages in the industry sector or occu-
17 pation for which the eligible entity proposes to
18 establish an identified program;

19 “(B) propose to expand or have a dem-
20 onstrated track record of expanding employ-
21 ment opportunities and career pathways for in-
22 dividuals with a barrier to employment;

23 “(C) propose to primarily serve a popu-
24 lation that is located in a rural or urban com-
25 munity and has an area median household in-

1 come of not more than 150 percent of the pov-
2 erty line; or

3 “(D) include within the eligible entity a
4 high-need local educational agency or a high-
5 need educational service agency.

6 “(5) MATCHING REQUIREMENT FOR GRANTS.—

7 In order to receive a grant from the Secretary under
8 this section, an eligible entity shall provide a non-
9 Federal contribution, which may be provided in cash
10 or in-kind, for the costs of the project in an amount
11 that is not less than 25 percent of the total amount
12 of funds awarded to the entity for such period.

13 “(c) APPLICATION.—An eligible entity that desires to
14 receive a grant under this section shall submit an applica-
15 tion to the Secretary at such time and in such manner
16 as the Secretary may require and shall include the fol-
17 lowing:

18 “(1)(A) A description of the eligible entity’s
19 proposed project, to be supported by such grant, in-
20 cluding a provision identifying whether such project
21 will develop or expand 1 or more pre-apprenticeship
22 programs or 1 or more apprenticeship programs that
23 serve youth.

24 “(B) Except in the case of an identified program by
25 an eligible entity described in subsection (i)(5)(A)(i) that

1 is an apprenticeship program that serves youth and re-
2 quires each enrolled youth apprentice to have a regular
3 high school diploma (or recognized equivalent) as a condi-
4 tion of enrollment, an assurance that each identified pro-
5 gram will be designed to enable—

6 “(i) in-school youth to receive a regular high
7 school diploma (in partnership with the local edu-
8 cational agency that serves such youth) and receive
9 a recognized postsecondary credential (other than
10 such a credential that is a baccalaureate degree)
11 upon completion of the program; or

12 “(ii) opportunity youth to receive a high school
13 diploma or recognized equivalent and receive a rec-
14 ognized postsecondary credential (other than such a
15 credential that is a baccalaureate degree) upon com-
16 pletion of the program.

17 “(2) A description of the eligible entity and a
18 description of how such eligible entity will—

19 “(A) engage with employers to develop or
20 expand, and sustain, each identified program;
21 and

22 “(B) combine academic, career and tech-
23 nical education, or related classroom instruction
24 with on-the-job training, allowing youth to de-

1 velop industry-specific or occupation-specific
2 workplace competencies and skills.

3 “(3) A description of the need for and design
4 of the project, including—

5 “(A) a description of the specific youth
6 population to be served by the project, includ-
7 ing—

8 “(i) the subgroups of participants in
9 the population and skill levels of such par-
10 ticipants, and whether such participants
11 are in-school youth or opportunity youth;

12 “(ii) how the project will increase em-
13 ployment opportunities for youth who are
14 individuals with a barrier to employment
15 and youth from different subgroups of par-
16 ticipants; and

17 “(iii) how the eligible entity will en-
18 sure that a wide range of youth, including
19 youth who are individuals with a barrier to
20 employment and youth from different sub-
21 groups of participants, are able to partici-
22 pate in each identified program;

23 “(B) a description of the industry sector or
24 occupation targeted through the eligible entity’s
25 proposed project, the projected demand for the

1 project in the area served by the eligible entity,
2 and a citation of the data source for the pro-
3 jected demand;

4 “(C) a description of the on-the-job train-
5 ing portion of the project, including a list of the
6 partners responsible for providing the on-the-
7 job training, and how such training will be de-
8 signed flexibly to meet the needs and schedule
9 of in-school youth and opportunity youth;

10 “(D) a description of the related classroom
11 instruction portion of the project, including—

12 “(i) how coursework for that instruc-
13 tion will be integrated into each identified
14 program and developed in conjunction with
15 and provided by education and training
16 providers that are or are within the eligible
17 entity, the specific partners that will pro-
18 vide the related classroom instruction, and
19 (as applicable) how the program may be
20 aligned with the programs of early college
21 high schools or dual or concurrent enroll-
22 ment programs to support youth pre-ap-
23 prentices or apprentices involved in earning
24 postsecondary credit;

1 “(ii) with respect to an identified
2 project by an eligible entity described in
3 subsection (i)(5)(A)(ii) that is designed to
4 serve in-school youth, a description of how
5 the eligible entity, through the project, will
6 partner with the local educational agency
7 that serves such youth to align challenging
8 State academic standards and occupational
9 skill standards to enable such youth to ob-
10 tain a regular high school diploma while
11 served by the program; and

12 “(iii) an explanation of how the
13 project will combine academic, career and
14 technical education, or related classroom
15 instruction with on-the-job training;

16 “(E) a description of the proposed sup-
17 portive services strategy for the youth pre-ap-
18 prentices or apprentices involved, how the
19 project will partner with or refer youth pre-ap-
20 prentices or apprentices to entities in the area
21 served by the eligible entity that provide sup-
22 portive services, how such supportive services
23 will promote retention in and completion of the
24 identified program involved, and the projected

1 Federal, State, and local costs of such sup-
2 portive services;

3 “(F) if the eligible entity proposes to oper-
4 ate an apprenticeship program that serves
5 youth—

6 “(i) the youth apprenticeship agree-
7 ment the eligible entity intends to use;

8 “(ii) a description of how such eligible
9 entity will incorporate into the apprentice-
10 ship program recognized postsecondary
11 credentials that enable youth apprentices
12 to articulate to employment or higher level
13 degree or other credential programs for
14 multiple pathways, including enrollment in
15 postsecondary education and employment;
16 and

17 “(iii) if the eligible entity proposes to
18 develop a new apprenticeship program that
19 serves youth, a description of how the lead
20 applicant and partners will register such
21 new program with the Office of Appren-
22 ticeship or State apprenticeship agency
23 and ensure the employer or sponsor is in
24 compliance with the standards and require-
25 ments of a registered apprenticeship under

1 the Act of August 16, 1937 (commonly
2 known as the ‘National Apprenticeship
3 Act’; 50 Stat. 664, chapter 663; 29 U.S.C.
4 50 et seq.), and that youth apprentices will
5 earn a recognized postsecondary credential;
6 and

7 “(G) if the eligible entity proposes to oper-
8 ate a pre-apprenticeship program—

9 “(i) a description of how the eligible
10 entity, through the program, will connect
11 participants to and prepare participants
12 for an apprenticeship program; and

13 “(ii) an explanation of how the eligible
14 entity, in carrying out the project involved,
15 will work with alternative and non-tradi-
16 tional schools, institutions of higher edu-
17 cation, and opportunity youth programs.

18 “(4) A description of how the eligible entity will
19 promote alignment between local or State education
20 and workforce development systems by supporting
21 policies or practices that facilitate transitions from
22 secondary school (including alternative and nontradi-
23 tional schools) and pre-apprenticeship programs to
24 apprenticeship programs and postsecondary edu-
25 cation.

1 “(5) A description of expected outcomes and
2 outputs from the project that includes—

3 “(A) an attestation that the eligible entity
4 will report to the Secretary, in a timely and
5 complete manner, the information required
6 under subsection (e); and

7 “(B) estimated levels of performance over
8 each year of the grant period for each of the in-
9 dicators described in subparagraphs (B) and
10 (C) of subsection (e)(2).

11 “(6) A description of the roles and responsibil-
12 ities of each entity involved in the project, including
13 any such entity that is a State or local government
14 entity, qualified intermediary, service provider, inde-
15 pendent evaluator, or other stakeholder.

16 “(7) An attestation that the eligible entity has,
17 or will attempt to develop, a memorandum of under-
18 standing with any relevant State workforce agency
19 to facilitate matches to wage record data for youth
20 pre-apprentices or apprentices to obtain the nec-
21 essary information to fulfill the requirements of sub-
22 section (e)(2).

23 “(8) The total intended budget for the project,
24 including a description of any additional resources
25 that may supplement the amount awarded under

1 this section, including any funds the eligible entity
2 intends to use to fulfill the matching funds require-
3 ment described under subsection (b)(5), and a de-
4 scription of the eligible entity's plan to sustain the
5 project funded through the grant beyond the conclu-
6 sion of the grant period.

7 “(9) For any program offering a recognized
8 postsecondary credential, a description of how the
9 program leads to the credential.

10 “(d) USES OF FUNDS.—

11 “(1) IN GENERAL.—An eligible entity receiving
12 a grant under this section shall use the grant funds
13 to carry out the project proposed under subsection
14 (c) for purposes of carrying out 1 or more of the fol-
15 lowing activities:

16 “(A) Develop or expand a pre-apprentice-
17 ship program.

18 “(B) Develop or expand an apprenticeship
19 program that serves youth, including registering
20 such a program and its youth apprentices
21 through the Office of Apprenticeship or an ap-
22 plicable State apprenticeship agency.

23 “(2) ADDITIONAL USES.—An eligible entity re-
24 ceiving a grant under this section may use the grant
25 funds, for each identified program, to—

1 “(A) recruit youth to and enroll youth in
2 an identified program, including conducting
3 outreach to individuals with a barrier to em-
4 ployment and individuals preparing for non-
5 traditional employment (when the identified
6 program is in such field);

7 “(B) conduct participant assessments to
8 determine skill levels;

9 “(C) support the provision of on-the-job
10 training for participants in accordance with
11 subsection (c)(3)(C), including by developing or
12 modifying training activities to meet the needs
13 of participants, as applicable;

14 “(D) support the provision of related class-
15 room instruction by education and training pro-
16 viders for participants in accordance with sub-
17 section (c)(3)(D), including—

18 “(i) the development of courses at the
19 secondary level—

20 “(I) that are aligned with re-
21 quirements to obtain a regular high
22 school diploma and integrated into the
23 identified program; and

24 “(II) that may be aligned with
25 the requirements of early college high

1 schools or dual or concurrent enroll-
2 ment programs to support youth pre-
3 apprentices or youth apprentices in-
4 volved in earning postsecondary cred-
5 it;

6 “(ii) if the identified program is de-
7 signed to serve in-school youth, the align-
8 ment of challenging State academic stand-
9 ards and occupational skill standards in
10 secondary education;

11 “(iii) payment of participant tuition
12 or other educational fees for projects; and

13 “(iv) the provision of instructional
14 materials, equipment, and educational
15 technology for such instruction;

16 “(E) provide supportive services such as
17 transportation, child care, dependent care,
18 housing, and needs-related payments to enable
19 youth to participate in and complete the edu-
20 cation and training activities of the identified
21 program;

22 “(F) provide professional development op-
23 portunities for secondary and postsecondary
24 educators, and employers and mentors in the
25 project, to prepare the educators, employers,

1 and mentors to effectively support youth par-
2 ticipating in the identified program;

3 “(G) increase awareness among parents,
4 educators, students (especially individuals with
5 a barrier to employment, individuals from un-
6 derserved populations, and individuals from
7 nontraditional apprenticeship populations), and
8 employers or apprenticeship sponsors in the tar-
9 geted service area about the benefits of youth
10 participating in a pre-apprenticeship program
11 or an apprenticeship program that serves youth;

12 “(H) promote innovation, inclusion in the
13 identified program, and alignment of the pro-
14 gram with programs authorized under the Carl
15 D. Perkins Career and Technical Education Act
16 of 2006 (20 U.S.C. 2301 et seq.); and

17 “(I) develop and integrate data collection
18 systems, including within a statewide longitu-
19 dinal data system, to track educational and em-
20 ployment outcomes of participants in the identi-
21 fied program.

22 “(3) SUPPORTIVE SERVICES.—An eligible entity
23 receiving a grant under this section may use, as pro-
24 vided in paragraph (2)(E), not more than 15 percent
25 of grant funds awarded under this section to provide

1 supportive services in accordance with that para-
2 graph.

3 “(e) LEVELS OF PERFORMANCE.—

4 “(1) TARGETED LEVELS OF PERFORMANCE.—

5 “(A) IN GENERAL.—An eligible entity re-
6 ceiving a grant under this section shall, in ac-
7 cordance with the indicators for participant out-
8 comes described in paragraph (2)(B) and for
9 program outputs described in paragraph (2)(C),
10 identify targeted levels of performance for such
11 indicators, which shall, at minimum, be equal to
12 or greater than the estimated levels of perform-
13 ance identified by the eligible entity in the enti-
14 ty’s application under subsection (c)(5).

15 “(B) AGREEMENT ON TARGETED LEVELS
16 OF PERFORMANCE.—Not later than 2 months
17 after the identification described in subpara-
18 graph (A), the eligible entity shall reach an
19 agreement with the Secretary on levels of per-
20 formance for each indicator described in sub-
21 paragraphs (B) and (C) of paragraph (2).

22 “(2) ANNUAL RECIPIENT REPORT.—

23 “(A) IN GENERAL.—Not later than 2 years
24 after receipt of a grant under this section and
25 annually thereafter, the eligible entity shall pre-

1 pare and submit to the Secretary a report eval-
2 uating the performance and impact of the
3 project funded through the grant with respect
4 to participant outcome and program output in-
5 dicators described in subparagraphs (B) and
6 (C), disaggregated by the subgroups of partici-
7 pants subject to paragraph (3).

8 “(B) PARTICIPANT OUTCOMES.—Con-
9 sistent with subparagraph (A), an eligible entity
10 receiving a grant under this section shall report
11 to the Secretary data, for each identified pro-
12 gram carried out by the eligible entity, on par-
13 ticipant outcome indicators for each such pro-
14 gram consisting of the—

15 “(i) total participants served and en-
16 rolled in any identified program,
17 disaggregated by youth pre-apprentices
18 and apprentices;

19 “(ii) retention rate during each fiscal
20 year of participants enrolled in any identi-
21 fied program in the project that have not
22 completed such program, compared to that
23 retention rate for the previous fiscal year,
24 disaggregated by youth pre-apprentices
25 and apprentices;

1 “(iii) total participants who attain a
2 regular high school diploma or recognized
3 equivalent, disaggregated by youth pre-ap-
4 prentices and apprentices;

5 “(iv) total participants who complete
6 such an identified program;

7 “(v) total participants who receive an
8 associate or baccalaureate degree or other
9 type of recognized postsecondary credential
10 during or upon completion of the identified
11 program;

12 “(vi) median hourly wage of youth
13 pre-apprentices (as applicable) or youth
14 apprentices on the date of exit from the
15 identified program and during the second
16 and fourth quarters after exit from the
17 program, and a comparison of such wage
18 to the local median hourly wage for the in-
19 dustry sector or occupation for which the
20 identified program is targeted;

21 “(vii) total participants in employ-
22 ment during the second and fourth quarter
23 after exit from the program; and

24 “(viii) total participants who complete
25 a pre-apprenticeship program,

1 disaggregated by the type of education,
2 skills development, and apprenticeship op-
3 portunities or employment pursued by such
4 youth pre-apprentices after such comple-
5 tion.

6 “(C) PROGRAM OUTPUTS.—Consistent
7 with subparagraph (A), an eligible entity receiv-
8 ing a grant under this section shall report to
9 the Secretary data on program output indica-
10 tors consisting of the—

11 “(i) total number of all identified pro-
12 grams developed or expanded during the
13 period covered by the report, disaggregated
14 by pre-apprenticeship programs and ap-
15 prenticeship programs that serve youth;

16 “(ii) total number of apprenticeships
17 that serve youth, if applicable, that were
18 developed or expanded during that period,
19 including an apprenticeship program ex-
20 panded as described in subsection (d)(1) to
21 new industry sectors, occupations, or serv-
22 ice areas;

23 “(iii) total number of employers who
24 became engaged in an identified program

1 during that period, as a direct result of a
2 grant under this section; and

3 “(iv) for each year of the period cov-
4 ered by the report, the total share of the
5 grant received under this section spent by
6 the eligible entity on the uses of funds de-
7 scribed under subparagraphs (C) and (D)
8 of subsection (d)(2).

9 “(3) DISAGGREGATION.—The disaggregation of
10 data under paragraph (2) shall not be required in a
11 case where the number of participants in the sub-
12 group of participants is insufficient to yield statis-
13 tically reliable information or the results would re-
14 veal personally identifiable information about an in-
15 dividual participant.

16 “(4) USE OF RESULTS.—

17 “(A) EVALUATION.—

18 “(i) ANNUAL EVALUATION.—Not later
19 than 2 years after the date of enactment
20 of the A Stronger Workforce for America
21 Act and annually thereafter, the Secretary
22 shall evaluate whether each eligible entity
23 involved met the agreed levels of perform-
24 ance described in paragraph (1)(B) for

1 each of the eligible entity's identified pro-
2 grams.

3 “(ii) END OF PROGRAM EVALUA-
4 TION.—Not later than 30 days after each
5 cohort of participants completes an eligible
6 entity's identified program, the Secretary
7 shall evaluate whether the eligible entity
8 met the agreed levels of performance for
9 that identified program.

10 “(B) TECHNICAL ASSISTANCE.—If the
11 Secretary determines under subparagraph (A)
12 that an eligible entity fails to meet 1 or more
13 of the agreed levels of performance for an iden-
14 tified program, the Secretary shall provide tech-
15 nical assistance, including assistance in the de-
16 velopment of a performance improvement plan.

17 “(C) NONRENEWAL OF GRANT.—If the
18 Secretary determines, 1 year after the eligible
19 entity receives that technical assistance and im-
20 plements that plan, that the eligible entity fails
21 to meet the agreed levels of performance de-
22 scribed in paragraph (1)(B) for an identified
23 program, the Secretary shall not extend a grant
24 for that eligible entity for that program under
25 subsection (b).

1 “(f) EVALUATIONS AND REPORTS.—

2 “(1) REPORT TO CONGRESS.—Not later than
3 24 months after the date of enactment of the A
4 Stronger Workforce for America Act and annually
5 thereafter, the Secretary, in coordination with the
6 Secretary of Education, using data reported by eligi-
7 ble entities pursuant to the requirements under sub-
8 section (e)—

9 “(A) shall publish the data;

10 “(B) shall prepare and make publicly avail-
11 able a report containing the data on the indica-
12 tors described in subparagraphs (B) and (C) of
13 subsection (e)(2); and

14 “(C) shall submit the report to the Com-
15 mittee on Health, Education, Labor, and Pen-
16 sions of the Senate and the Committee on Edu-
17 cation and the Workforce of the House of Rep-
18 resentatives.

19 “(2) SHARING OF BEST PRACTICES.—Not later
20 than 2 years after the date of enactment of the A
21 Stronger Workforce for America Act, the Secretary
22 shall use funds reserved under subsection (b)(2)(C)
23 to identify and disseminate, through a website devel-
24 oped by the Department of Labor, best practices in
25 developing and expanding pre-apprenticeship oppor-

1 tunities or apprenticeship opportunities for youth
2 used by—

3 “(A) eligible entities receiving a grant
4 under this section; and

5 “(B) States and local areas adopting inno-
6 vative and effective practices to develop and ex-
7 pand such opportunities.

8 “(g) COMPLIANCE WITH OTHER LAWS AND AGREE-
9 MENTS.—

10 “(1) COLLECTIVE BARGAINING.—Nothing in a
11 youth apprenticeship agreement under this section
12 shall be construed to invalidate an applicable provi-
13 sion in a collective bargaining agreement, between
14 employers and employees, that establishes higher
15 standards for programs in the national apprentice-
16 ship system.

17 “(2) CHILD LABOR.—

18 “(A) IN GENERAL.—An eligible entity car-
19 rying out a project under this section shall en-
20 sure compliance with the provisions on child
21 labor under the Fair Labor Standards Act of
22 1938 (29 U.S.C. 201 et seq.) and State law (in-
23 cluding Federal and State regulations under
24 those laws), and with State workers’ compensa-
25 tion laws.

1 “(B) MINIMUM LEGAL AGE.—The eligible
2 entity shall only serve in-school youth, and op-
3 portunity youth, who are not younger than the
4 minimum legal age to be employed as appren-
5 tices under the Fair Labor Standards Act of
6 1938 (29 U.S.C. 201 et seq.) and any applica-
7 ble State laws.

8 “(C) PRE-APPRENTICESHIP EXCEPTION.—
9 An eligible entity that prepares or intends to
10 prepare individuals for a covered occupation
11 may submit an application under subsection (c)
12 to develop or expand a pre-apprenticeship pro-
13 gram that serves a youth who is younger than
14 the age of 18 only if the program is limited to
15 classroom instruction in the covered occupation.

16 “(h) SPECIAL RULES REGARDING PROTECTIONS FOR
17 YOUTH IN PROGRAMS THAT PREPARE YOUTH FOR COV-
18 ERED OCCUPATIONS.—

19 “(1) PRE-APPRENTICESHIPS IN COVERED OCCU-
20 PATIONS FOR YOUTH UNDER THE AGE OF 18.—A
21 pre-apprenticeship program supported using funds
22 awarded under this section that serves or intends to
23 serve a youth who is younger than the age of 18 and
24 prepares such youth for a covered occupation may
25 only provide classroom instruction to such youth in

1 such program and may not provide on-the-job train-
2 ing in a covered occupation to such youth in such
3 program.

4 “(2) PROHIBITION ON YOUTH APPRENTICE-
5 SHIPS IN COVERED OCCUPATIONS FOR YOUTH
6 UNDER THE AGE OF 18.—An apprenticeship pro-
7 gram that serves youth that is supported using
8 funds awarded under this section and that prepares
9 a youth apprentice for a covered occupation may not
10 enroll in such program a youth who is younger than
11 the age of 18.

12 “(3) APPRENTICESHIPS FOR YOUTH UNDER
13 THE AGE OF 18.—An apprenticeship program sup-
14 ported using funds awarded under this section may
15 serve youth who are not younger than age 16 or
16 older than age 17, provided that such program is
17 not preparing such youth for a covered occupation.

18 “(i) DEFINITIONS.—In this section:

19 “(1) APPRENTICESHIP PROGRAM THAT SERVES
20 YOUTH.—The term ‘apprenticeship program that
21 serves youth’ means a registered apprenticeship pro-
22 gram registered by the Office of Apprenticeship or
23 a State apprenticeship agency under the Act of Au-
24 gust 16, 1937 (commonly known as the ‘National
25 Apprenticeship Act’; 50 Stat. 664, chapter 663; 29

1 U.S.C. 50 et seq.), that is designed for youth not
2 younger than age 16 or older than age 24.

3 “(2) COVERED OCCUPATION.—The term ‘cov-
4 ered occupation’ means an occupation in—

5 “(A) manufacturing;

6 “(B) construction;

7 “(C) mining;

8 “(D) trenching or excavation;

9 “(E) logging or an occupation related to
10 timber;

11 “(F) work involving a saw mill;

12 “(G) work involving the operation of heavy
13 machinery;

14 “(H) work involving exposure to radio-
15 active substances or to ionizing radiations;

16 “(I) meat processing;

17 “(J) demolition;

18 “(K) explosives; or

19 “(L) work in any industry sector or occu-
20 pation that is prohibited to a youth who is
21 younger than the age of 18 under the laws or
22 policies of the State where the work occurs.

23 “(3) CTE TERMS.—The terms ‘Tribally con-
24 trolled college or university’ and ‘Tribally controlled
25 postsecondary career and technical institution’ have

1 the meanings given the terms ‘tribally controlled col-
2 lege or university’ and ‘tribally controlled postsec-
3 ondary career and technical institution’, respectively,
4 in section 3 of the Carl D. Perkins Career and Tech-
5 nical Education Act of 2006 (20 U.S.C. 2302).

6 “(4) EDUCATION AND TRAINING PROVIDER.—

7 The term ‘education and training provider’ means—

8 “(A) an area career and technical edu-
9 cation school;

10 “(B) an early college high school;

11 “(C) a provider of a dual or concurrent en-
12 rollment program;

13 “(D) a community-based organization that
14 offers job training;

15 “(E) a high school operated by a local edu-
16 cational agency;

17 “(F) a local educational agency, edu-
18 cational service agency, or State educational
19 agency;

20 “(G) a Tribal education agency (meaning
21 such an agency within the meaning of section
22 3(20)(E) of the Carl D. Perkins Career and
23 Technical Education Act of 2006 (20 U.S.C.
24 2302(20)(E))), Tribally controlled college or

1 university, or Tribally controlled postsecondary
2 career and technical institution;

3 “(H) the Bureau of Indian Education;

4 “(I) an institution of higher education;

5 “(J) a State entity that coordinates higher
6 education, such as a community college system
7 office, a single State educational board, or
8 State higher education agency (as defined in
9 section 103 of the Higher Education Act of
10 1965 (20 U.S.C. 1003));

11 “(K) a historically Black college or univer-
12 sity, meaning a part B institution as defined in
13 section 322 of the Higher Education Act of
14 1965 (20 U.S.C. 1061);

15 “(L) a minority-serving institution;

16 “(M) a local agency administering plans
17 under title I of the Rehabilitation Act of 1973
18 (29 U.S.C. 720 et seq.), other than section 112
19 or part C of that title (29 U.S.C. 732, 741);

20 “(N) a related integrated instruction pro-
21 vider, including a qualified intermediary acting
22 as a related integrated instruction provider as
23 approved by the Office of Apprenticeship or a
24 State apprenticeship agency recognized by the
25 Secretary;

1 “(O) a consortium of entities described in
2 any of subparagraphs (A) through (N); or

3 “(P) as used with respect to an eligible en-
4 tity described in paragraph (5)(A)(i), the joint
5 labor-management organization that is such eli-
6 gible entity.

7 “(5) ELIGIBLE ENTITY.—

8 “(A) IN GENERAL.—The term ‘eligible en-
9 tity’ means—

10 “(i) a joint labor-management organi-
11 zation; or

12 “(ii) a partnership that—

13 “(I) shall include as the lead ap-
14 plicant 1 entity that is—

15 “(aa) an education and
16 training provider;

17 “(bb) a workforce develop-
18 ment system entity;

19 “(cc) a qualified inter-
20 mediary;

21 “(dd) a State agency of the
22 State in which the partnership is
23 located; or

24 “(ee) a joint labor-manage-
25 ment organization;

1 “(II) shall include as a partner—

2 “(aa) at least 1 employer or
3 an industry or trade association
4 that represents at least 2 employ-
5 ers;

6 “(bb) an education and
7 training provider;

8 “(cc) the State apprentice-
9 ship agency;

10 “(dd) a local board or the
11 State board;

12 “(ee) a local educational
13 agency, if the partnership is serv-
14 ing in-school youth; or

15 “(ff) a qualified inter-
16 mediary; and

17 “(III) may include as an addi-
18 tional partner—

19 “(aa) the State educational
20 agency;

21 “(bb) an institution of high-
22 er education;

23 “(cc) an Indian Tribe;

24 “(dd) the State entity that
25 coordinates higher education,

1 such as a community college sys-
2 tem office, a single State edu-
3 cational board, or State higher
4 education agency (as defined in
5 section 103 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C.
7 1003));

8 “(ee) a community-based or-
9 ganization that offers job train-
10 ing; or

11 “(ff) a joint labor-manage-
12 ment organization.

13 “(B) RULE OF CONSTRUCTION.—For pur-
14 poses of this section, a reference to a lead appli-
15 cant, partner, or partnership between a lead ap-
16 plicant and partners, with respect to an eligible
17 entity described in subparagraph (A)(i), shall be
18 deemed to be a reference to the eligible entity.

19 “(6) ESEA TERMS.—The terms ‘dual or con-
20 current enrollment program’, ‘early college high
21 school’, ‘educational service agency’, and ‘high
22 school’ have the meanings given the terms in section
23 8101 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801).

1 “(7) GRANT.—The term ‘grant’ means a con-
2 tract, cooperative agreement, or award.

3 “(8) HIGH-NEED EDUCATIONAL SERVICE AGEN-
4 CY.—The term ‘high-need educational service agen-
5 cy’ means an educational service agency that serves
6 a significant number or percentage of high-need
7 local educational agencies.

8 “(9) HIGH-NEED LOCAL EDUCATIONAL AGEN-
9 CY.—The term ‘high-need local educational agency’
10 has the meaning given the term in section 200 of the
11 Higher Education Act of 1965 (20 U.S.C. 1021).

12 “(10) IDENTIFIED PROGRAM.—The term ‘iden-
13 tified program’ means a pre-apprenticeship program,
14 or youth program that serves youth, that is proposed
15 to be carried out by an eligible entity in an applica-
16 tion approved under subsection (c) for a project.

17 “(11) MINORITY-SERVING INSTITUTION.—The
18 term ‘minority-serving institution’ means an institu-
19 tion defined in any of paragraphs (1) through (7) of
20 section 371(a) of the Higher Education Act of 1965
21 (20 U.S.C. 1067q(a)).

22 “(12) NATIONAL APPRENTICESHIP SYSTEM.—
23 The term ‘national apprenticeship system’ means the
24 apprenticeship programs, apprenticeship programs
25 that serve youth, and pre-apprenticeship programs

1 that are approved by the Office of Apprenticeship or
2 State apprenticeship agencies.

3 “(13) PRE-APPRENTICESHIP PROGRAM.—The
4 term ‘pre-apprenticeship program’ means a program
5 that—

6 “(A) prepares youth to enroll in and com-
7 plete an apprenticeship program;

8 “(B) maintains a written partnership with
9 an apprenticeship program; and

10 “(C) in the case of a program with respect
11 to a covered occupation, is provided only
12 through classroom instruction for any youth
13 pre-apprentice who is younger than the age of
14 18.

15 “(14) QUALIFIED INTERMEDIARY.—The term
16 ‘qualified intermediary’—

17 “(A) means a nonprofit entity operating in
18 a State or local area that demonstrates exper-
19 tise and experience in serving participants, em-
20 ployers, and schools by—

21 “(i) building, sustaining, measuring,
22 and improving the quality and performance
23 of apprenticeship programs that serve
24 youth;

1 “(ii) assisting in the design, approval,
2 registration, and implementation of ap-
3 prenticeship programs that serve youth, in-
4 cluding program development and meeting
5 program requirements, including registra-
6 tion and reporting requirements;

7 “(iii) in collaboration with 1 or more
8 State educational agencies, local edu-
9 cational agencies, or institutions of higher
10 education included in the eligible entity in-
11 volved, providing collaborative professional
12 development activities such as training for
13 workplace supervisors, mentors, counselors,
14 and teachers, instructors, and other edu-
15 cators;

16 “(iv) supporting the recruitment for,
17 retention in, and completion of apprentice-
18 ship programs that serve youth with re-
19 spect to potential or enrolled youth appren-
20 tices, including youth apprentices who are
21 from low-income backgrounds or members
22 of nontraditional apprenticeship popu-
23 lations;

24 “(v) developing and providing sup-
25 portive services including by partnering

1 with organizations to provide access to or
2 referrals for supportive services, financial
3 literacy services, and other support based
4 upon needs of potential or enrolled youth
5 apprentices; or

6 “(vi) serving as a program sponsor;

7 and

8 “(B) may consist of—

9 “(i) a joint labor-management organi-
10 zation;

11 “(ii) a community-based organization;

12 or

13 “(iii) an industry association.

14 “(15) STATE.—The term ‘State’ means each of
15 the several States of the United States, the District
16 of Columbia, the Commonwealth of Puerto Rico, and
17 an outlying area.

18 “(16) STATE AGENCY.—The term ‘State agen-
19 cy’ means a State educational agency, State work-
20 force agency, or State apprenticeship agency.

21 “(17) STATE APPRENTICESHIP AGENCY.—The
22 term ‘State apprenticeship agency’ means an agency
23 of a State government that has been authorized by
24 the Office of Apprenticeship to register and oversee
25 apprenticeship programs and has the responsibility

1 and accountability for apprenticeship programs with-
2 in the State.

3 “(18) SUBGROUP OF PARTICIPANTS.—The term
4 ‘subgroup of participants’ means—

5 “(A) in-school youth;

6 “(B) opportunity youth; and

7 “(C) each of the special populations, as de-
8 fined in section 3 of the Carl D. Perkins Career
9 and Technical Education Act of 2006 (20
10 U.S.C. 2302).

11 “(19) WORKFORCE DEVELOPMENT SYSTEM EN-
12 TITY.—The term ‘workforce development system en-
13 tity’ means an entity that is involved in admin-
14 istering a workforce development system established
15 under this Act, which shall be a State board, a local
16 board, or an Indian Tribe, Tribal organization, or
17 Native Hawaiian organization, as defined in section
18 166(b).

19 “(20) YOUTH.—The term ‘youth’ means an in-
20 dividual who is not younger than age 16 or older
21 than age 24.

22 “(21) YOUTH APPRENTICE.—The term ‘youth’,
23 used with respect to an apprentice, means a youth
24 who is participating in an apprenticeship program
25 that serves youth.

1 “(22) YOUTH APPRENTICESHIP AGREEMENT.—

2 The term ‘youth apprenticeship agreement’ means a
3 written agreement under subsection (c)(3)(F) that is
4 agreed to by each of the following:

5 “(A) A youth.

6 “(B) The youth’s parent or legal guardian,
7 as applicable.

8 “(C) One or more local educational agen-
9 cies, if the eligible entity involved is serving in-
10 school youth.

11 “(D) The youth apprenticeship sponsor,
12 which may be an employer.

13 “(E) As applicable, a qualified inter-
14 mediary for an apprenticeship program that
15 serves youth.

16 “(F) As applicable, one or more institu-
17 tions of higher education.

18 “(G) As applicable, one or more employers.

19 “(23) YOUTH PRE-APPRENTICE.—The term
20 ‘youth’, used with respect to a pre-apprentice, means
21 a youth who is participating in a pre-apprenticeship
22 program.”.

1 **SEC. 179. STRENGTHENING COMMUNITY COLLEGES GRANT**
2 **PROGRAM.**

3 Subtitle D of title I of the Workforce Innovation and
4 Opportunity Act (29 U.S.C. 3221 et seq.) is further
5 amended by inserting after section 173, as added by the
6 preceding section, the following:

7 **“SEC. 174. STRENGTHENING COMMUNITY COLLEGES WORK-**
8 **FORCE DEVELOPMENT GRANTS PROGRAM.**

9 “(a) PURPOSES.—The purposes of this section are—

10 “(1) to establish, improve, or expand high-quality
11 workforce development programs at community
12 colleges; and

13 “(2) to expand opportunities for individuals to
14 obtain recognized postsecondary credentials that are
15 nationally or regionally portable and stackable for
16 high-skill, high-wage, or in-demand industry sectors
17 or occupations.

18 “(b) STRENGTHENING COMMUNITY COLLEGES
19 WORKFORCE DEVELOPMENT GRANTS PROGRAM.—

20 “(1) IN GENERAL.—From the amounts appro-
21 priated to carry out this section under section 175(f)
22 and not reserved under paragraph (2), the Secretary
23 shall, on a competitive basis, make grants to eligible
24 institutions to carry out the activities described in
25 subsection (e).

1 “(2) RESERVATION.—Of the amounts appro-
2 priated to carry out this section under section
3 175(f), the Secretary may reserve not more than 2
4 percent for the administration of grants awarded
5 under this section, including—

6 “(A) providing technical assistance and
7 targeted outreach to support eligible institu-
8 tions serving a high number or high percentage
9 of low-income individuals or individuals with
10 barriers to employment, and rural-serving eligi-
11 ble institutions, to provide guidance and assist-
12 ance in the process of applying for grants under
13 this section; and

14 “(B) evaluating and reporting on the per-
15 formance and impact of programs funded under
16 this section in accordance with subsections (f)
17 through (h).

18 “(c) AWARD PERIOD.—

19 “(1) INITIAL GRANT PERIOD.—Each grant
20 under this section shall be awarded for an initial pe-
21 riod of not more than 4 years.

22 “(2) SUBSEQUENT GRANTS.—An eligible insti-
23 tution that receives an initial grant under this sec-
24 tion may receive one or more additional grants
25 under this section for additional periods of not more

1 than 4 years each if the eligible institution dem-
2 onstrates that, during the most recently completed
3 grant period for a grant received under this section,
4 such eligible institution achieved the levels of per-
5 formance agreed to by the eligible institution with
6 respect to the performance indicators specified in
7 subsection (f).

8 “(d) APPLICATION.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant under this section, an eligible institution shall
11 submit an application to the Secretary at such time
12 and in such manner as the Secretary may require.

13 “(2) CONTENTS.—An application submitted by
14 an eligible institution under paragraph (1) shall in-
15 clude a description of each the following:

16 “(A) The extent to which the eligible insti-
17 tution has demonstrated success building part-
18 nerships with employers in in-demand industry
19 sectors or occupations to provide students with
20 the skills needed for occupations in such indus-
21 tries and an explanation of the results of any
22 such partnerships.

23 “(B) The methods and strategies the eligi-
24 ble institution will use to engage with employers
25 in in-demand industry sectors or occupations,

1 including any arrangements to place individuals
2 who complete the workforce development pro-
3 grams supported by the grant into employment
4 with such employers.

5 “(C) The proposed eligible institution and
6 industry partnership that the eligible institution
7 will establish or maintain to comply with sub-
8 section (e)(1), including—

9 “(i) the roles and responsibilities of
10 each employer, organization, agency, or in-
11 stitution of higher education that the eligi-
12 ble institution will partner with to carry
13 out the activities under this section; and

14 “(ii) the needs that will be addressed
15 by such eligible institution and industry
16 partnership.

17 “(D) One or more industries that such
18 partnership will target and real-time labor mar-
19 ket data demonstrating that those industries
20 are aligned with employer demand in the geo-
21 graphic area to be served by the eligible institu-
22 tion.

23 “(E) The extent to which the eligible insti-
24 tution can—

1 “(i) leverage additional resources to
2 support the programs to be funded with
3 the grant, which shall include written com-
4 mitments of any leveraged or matching
5 funds for the proposed programs; and

6 “(ii) demonstrate the future sustain-
7 ability of each such program.

8 “(F) The steps the institution will take to
9 ensure the high quality of each program to be
10 funded with the grant, including the career
11 pathways within such programs.

12 “(G) The population and geographic area
13 to be served by the eligible institution, including
14 the number of individuals the eligible institution
15 intends to serve during the grant period.

16 “(H) The workforce development programs
17 to be supported by the grant.

18 “(I) The recognized postsecondary creden-
19 tials that are expected to be earned by partici-
20 pants in such workforce development programs
21 and the related high-skill, high-wage, or in-de-
22 mand industry sectors or occupations for which
23 such programs will prepare participants.

24 “(J) The evidence upon which the edu-
25 cation and skills development strategies to be

1 used in such workforce development programs
2 are based and an explanation of how such evi-
3 dence influenced the design of the programs to
4 improve education and employment outcomes.

5 “(K) How activities of the eligible institu-
6 tion are expected to align with the workforce
7 strategies identified in—

8 “(i) any State plan or local plan sub-
9 mitted under this Act by the State, out-
10 lying area, or locality in which the eligible
11 institution is expected to operate;

12 “(ii) any State plan submitted under
13 section 122 of the Carl D. Perkins Career
14 and Technical Education Act of 2006 (20
15 U.S.C. 2342) by such State or outlying
16 area; and

17 “(iii) any economic development plan
18 of the chief executive of such State or out-
19 lying area.

20 “(L) The goals of the eligible institution
21 with respect to—

22 “(i) capacity building (as described in
23 subsection (f)(1)(B)); and

24 “(ii) the expected performance of indi-
25 viduals participating in the programs to be

1 offered by the eligible institution, including
2 with respect to any performance indicators
3 applicable under section 116 or subsection
4 (f) of this section.

5 “(3) CONSIDERATION OF PREVIOUS EXPERI-
6 ENCE.—The Secretary may not disqualify an eligible
7 institution from receiving a grant under this section
8 solely because such institution lacks previous experi-
9 ence in building partnerships, as described in para-
10 graph (2)(A).

11 “(4) PRIORITY.—In awarding grants under this
12 section, the Secretary shall give priority to eligible
13 institutions that—

14 “(A) will use the grant to serve—

15 “(i) individuals with barriers to em-
16 ployment; or

17 “(ii) incumbent workers who need to
18 gain or improve foundational skills to en-
19 hance their employability;

20 “(B) use competency-based assessments,
21 such as the competency-based assessment iden-
22 tified by the State in which the eligible institu-
23 tion is located under section 134(a)(2)(B)(vii),
24 to award academic credit for prior learning for
25 programs supported by the grant; or

1 “(C) have, or will seek to have, the career
2 education programs supported by the grant in-
3 cluded on the list of eligible providers of train-
4 ing services under section 122 for the State in
5 which the eligible institution is located.

6 “(e) USES OF FUNDS.—

7 “(1) ELIGIBLE INSTITUTION AND INDUSTRY
8 PARTNERSHIP.—For the purpose of carrying out the
9 activities specified in paragraphs (2) and (3), an eli-
10 gible institution that receives a grant under this sec-
11 tion shall establish a partnership (or continue an ex-
12 isting partnership) with one or more employers in an
13 in-demand industry sector or occupation (in this sec-
14 tion referred to as an ‘eligible institution and indus-
15 try partnership’) and shall maintain such partner-
16 ship for the duration of the grant period. The eligi-
17 ble institution shall ensure that the partnership—

18 “(A) targets one or more specific high-
19 skill, high-wage, or in-demand industries;

20 “(B) includes collaboration with the work-
21 force development system;

22 “(C) serves adult and dislocated workers,
23 incumbent workers, and new entrants to the
24 workforce;

1 “(D) uses an evidence-based program de-
2 sign that is appropriate for the activities carried
3 out by the partnership;

4 “(E) incorporates work-based learning op-
5 portunities; and

6 “(F) incorporates, to the extent appro-
7 priate, virtual service delivery to facilitate tech-
8 nology-enabled learning.

9 “(2) REQUIRED ACTIVITIES.—An eligible insti-
10 tution that receives a grant under this section shall,
11 in consultation with the employers in the eligible in-
12 stitution and industry partnership described in para-
13 graph (1)—

14 “(A) establish, improve, or expand high-
15 quality, evidence-based workforce development
16 programs, career pathway programs, or work-
17 based learning programs (including apprentice-
18 ship programs or preapprenticeships);

19 “(B) provide career services to individuals
20 participating in the programs funded with the
21 grant to facilitate retention and program com-
22 pletion, which may include—

23 “(i) career navigation, coaching,
24 mentorship, and case management serv-
25 ices, including providing information and

1 outreach to individuals with barriers to
2 employment to encourage such individuals
3 to participate in programs funded with the
4 grant; and

5 “(ii) providing access to course mate-
6 rials, technological devices, required equip-
7 ment, and other supports necessary for
8 participation in and successful completion
9 of such programs; and

10 “(C) make available, in a format that is
11 open, searchable, and easily comparable, infor-
12 mation on—

13 “(i) curricula and recognized postsec-
14 ondary credentials offered through pro-
15 grams funded with the grant, including
16 any curricula or credentials created or fur-
17 ther developed using such grant, which for
18 each recognized postsecondary credential,
19 shall include—

20 “(I) the issuing entity of such
21 credential;

22 “(II) any third-party endorse-
23 ments of such credential;

24 “(III) the occupations for which
25 the credential prepares individuals;

1 “(IV) the skills and competencies
2 necessary to achieve to earn such cre-
3 dential;

4 “(V) the level of mastery of such
5 skills and competencies (including how
6 mastery is assessed); and

7 “(VI) any transfer value or
8 stackability of the credential;

9 “(ii) any skills or competencies devel-
10 oped by individuals who participate in such
11 programs beyond the skills and com-
12 petencies identified as part of the recog-
13 nized postsecondary credential awarded;
14 and

15 “(iii) related employment and earn-
16 ings outcomes on the primary indicators of
17 performance described in subclauses (I)
18 through (III) of section 116(b)(2)(A)(i).

19 “(3) ADDITIONAL ACTIVITIES.—In addition to
20 the activities required under paragraph (2), an eligi-
21 ble institution that receives a grant under this sec-
22 tion shall, in consultation with the employers in the
23 eligible institution and industry partnership de-
24 scribed in paragraph (1), carry out one or more of
25 the following activities:

- 1 “(A) Establish, improve, or expand—
- 2 “(i) articulation agreements (as de-
- 3 fined in section 486A(a) of the Higher
- 4 Education Act of 1965 (20 U.S.C.
- 5 1093a(a));
- 6 “(ii) credit transfer agreements;
- 7 “(iii) corequisite remediation pro-
- 8 grams that enable a student to receive re-
- 9 medial education services while enrolled in
- 10 a postsecondary course rather than requir-
- 11 ing the student to receive remedial edu-
- 12 cation before enrolling in such a course;
- 13 “(iv) dual or concurrent enrollment
- 14 programs;
- 15 “(v) competency-based education and
- 16 assessment; or
- 17 “(vi) policies and processes to award
- 18 academic credit for prior learning or for
- 19 the programs described in paragraph
- 20 (2)(A).
- 21 “(B) Establish or implement plans for pro-
- 22 viders of the programs described in paragraph
- 23 (2)(A) to meet the criteria and carry out the
- 24 procedures necessary to be included on the list

1 of eligible providers of training services de-
2 scribed in section 122(d).

3 “(C) Purchase, lease, or refurbish special-
4 ized equipment as necessary to carry out such
5 programs, provided that not more than 15 per-
6 cent of the funds awarded to the eligible insti-
7 tution under this section may be used for activi-
8 ties described in this subparagraph.

9 “(D) Reduce or eliminate unmet financial
10 need relating to the cost of attendance (as de-
11 fined under section 472 of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1087ll)) of par-
13 ticipants in such programs.

14 “(4) ADMINISTRATIVE COST LIMIT.—An eligible
15 institution may use not more than 7 percent of the
16 funds awarded under this section for administrative
17 costs, including costs related to collecting informa-
18 tion, analysis, and coordination for purposes of sub-
19 section (f).

20 “(f) LEVELS OF PERFORMANCE AND PERFORMANCE
21 REVIEWS.—

22 “(1) IN GENERAL.—The Secretary shall develop
23 and implement guidance that establishes the levels
24 of performance that are expected to be achieved by
25 each eligible institution receiving a grant under this

1 section. Such levels of performance shall be estab-
2 lished on the following indicators:

3 “(A) Each of the primary indicators of
4 performance for adults described in section
5 116(b)(2)(A)(i), which shall be applied for all
6 individuals who participated in a program that
7 received funding from a grant under this sec-
8 tion.

9 “(B) The extent to which the eligible insti-
10 tution built capacity by—

11 “(i) increasing the breadth and depth
12 of employer engagement and investment in
13 workforce development programs in the in-
14 demand industry sectors and occupations
15 targeted by the eligible institution and in-
16 dustry partnership established or main-
17 tained by the eligible institution under sub-
18 section (e)(1);

19 “(ii) designing or implementing new
20 and accelerated instructional techniques or
21 technologies, including the use of advanced
22 online and technology-enabled learning
23 (such as immersive technology); and

1 “(iii) increasing program and policy
2 alignment across systems and decreasing
3 duplicative services or service gaps.

4 “(C) With respect to individuals who par-
5 ticipated in a workforce development program
6 funded with the grant—

7 “(i) the percentage of participants
8 who successfully completed the program;
9 and

10 “(ii) of the participants who were in-
11 cumbent workers at the time of enrollment
12 in the program, the percentage who ad-
13 vanced into higher level positions during or
14 after completing the program.

15 “(2) CONSULTATION AND DETERMINATION OF
16 LEVELS OF PERFORMANCE.—

17 “(A) CONSIDERATION.—In developing lev-
18 els of performance in accordance with para-
19 graph (1), the Secretary shall take into consid-
20 eration the goals of the eligible institution pur-
21 suant to subsection (d)(2)(L).

22 “(B) DETERMINATION.—After completing
23 the consideration required under subparagraph
24 (A), the Secretary shall separately determine

1 the levels of performance that will apply to each
2 eligible institution, taking into account—

3 “(i) the expected levels of performance
4 of each eligible institution with respect to
5 the goals described by the eligible institu-
6 tion pursuant to subsection (d)(2)(L); and

7 “(ii) local economic conditions in the
8 geographic area to be served by the eligible
9 institution, including differences in unem-
10 ployment rates and job losses or gains in
11 particular industries.

12 “(C) NOTICE AND ACKNOWLEDGMENT.—

13 “(i) NOTICE.—The Secretary shall
14 provide each eligible institution with a
15 written notification that sets forth the lev-
16 els of performance that will apply to the el-
17 igible institution, as determined under sub-
18 paragraph (B).

19 “(ii) ACKNOWLEDGMENT.—After re-
20 ceiving the notification described in clause
21 (i), each eligible institution shall submit to
22 the Secretary written confirmation that the
23 eligible institution—

24 “(I) received the notification; and

1 “(II) agrees to be evaluated in
2 accordance with the levels of perform-
3 ance determined by the Secretary.

4 “(3) PERFORMANCE REVIEWS.—On an annual
5 basis during each year of the grant period, the Sec-
6 retary shall evaluate the performance during such
7 year of each eligible institution receiving a grant
8 under this section in a manner consistent with the
9 levels of performance determined for such institution
10 pursuant to paragraph (2).

11 “(4) FAILURE TO MEET LEVELS OF PERFORM-
12 ANCE.—After conducting an evaluation under para-
13 graph (3), if the Secretary determines that an eligi-
14 ble institution did not achieve the levels of perform-
15 ance applicable to the eligible institution under para-
16 graph (2), the Secretary shall—

17 “(A) provide technical assistance to the eli-
18 gible institution; and

19 “(B) develop a performance improvement
20 plan for the eligible institution.

21 “(g) EVALUATIONS AND REPORTS.—

22 “(1) IN GENERAL.—Not later than 4 years
23 after the date on which the first grant is made
24 under this section, the Secretary shall design and
25 conduct an evaluation to determine the overall effec-

1 tiveness of the eligible institutions receiving a grant
2 under this section.

3 “(2) ELEMENTS.—The evaluation of the effective-
4 tiveness of eligible institutions conducted under
5 paragraph (1) shall include an assessment of the
6 general effectiveness of programs and activities sup-
7 ported by the grants awarded to such eligible insti-
8 tutions under this section, including the extent to
9 which the programs and activities—

10 “(A) developed new, or expanded existing,
11 successful industry sector strategies, including
12 the extent to which such eligible institutions
13 deepened employer engagement and developed
14 workforce development programs that met in-
15 dustry skill needs;

16 “(B) created, expanded, or enhanced ca-
17 reer pathways, including the extent to which the
18 eligible institutions developed or improved com-
19 petency-based education and assessment, credit
20 for prior learning, modularized and self-paced
21 curricula, integrated education and workforce
22 development, dual enrollment in secondary and
23 postsecondary career pathways, stacked and
24 latticed credentials, and online and distance
25 learning;

1 “(C) created alignment between eligible in-
2 stitutions and the workforce development sys-
3 tem;

4 “(D) assisted individuals with finding, re-
5 taining, or advancing in employment;

6 “(E) assisted individuals with earning rec-
7 ognized postsecondary credentials; and

8 “(F) provided equal access to various de-
9 mographic groups, including people of different
10 geographic locations, ages, races, national ori-
11 gins, and sexes.

12 “(3) DESIGN REQUIREMENTS.—The evaluation
13 under this subsection shall—

14 “(A) be designed by the Secretary (acting
15 through the Chief Evaluation Officer) in con-
16 junction with the eligible institutions being eval-
17 uated;

18 “(B) include analysis of program partici-
19 pant feedback and outcome and process meas-
20 ures; and

21 “(C) use designs that employ the most rig-
22 orous analytical and statistical methods that
23 are reasonably feasible, such as the use of con-
24 trol groups.

1 “(4) DATA ACCESSIBILITY.—The Secretary
2 shall make available on a publicly accessible website
3 of the Department of Labor any data collected as
4 part of the evaluation under this subsection. Such
5 data shall be made available in an aggregated for-
6 mat that does not reveal personally identifiable in-
7 formation and that ensures compliance with relevant
8 Federal laws, including section 444 of the General
9 Education Provisions Act (commonly known as the
10 ‘Family Educational Rights and Privacy Act of
11 1974’) (20 U.S.C. 1232g).

12 “(5) PUBLICATION AND REPORTING OF EVAL-
13 UATION FINDINGS.—The Secretary (acting through
14 the Chief Evaluation Officer) shall—

15 “(A) in accordance with the timeline deter-
16 mined to be appropriate by the Chief Evalua-
17 tion Officer, publish an interim report on the
18 preliminary results of the evaluation conducted
19 under this subsection;

20 “(B) not later than 60 days after the date
21 on which the evaluation is completed under this
22 subsection, submit to the Committee on Edu-
23 cation and the Workforce of the House of Rep-
24 resentatives and the Committee on Health,

1 Education, Labor, and Pensions of the Senate
2 a report on such evaluation; and

3 “(C) not later than 90 days after such
4 completion date, publish and make the results
5 of such evaluation available on a publicly acces-
6 sible website of the Department of Labor.

7 “(h) ANNUAL REPORTS.—The Secretary shall make
8 available on a publicly accessible website of the Depart-
9 ment of Labor, in transparent, linked, open, and inter-
10 operable data formats, the following information:

11 “(1) The performance of eligible institutions on
12 the capacity-building performance indicator set forth
13 under subsection (f)(1)(B).

14 “(2) The performance of eligible institutions on
15 the workforce development participant outcome per-
16 formance indicators set forth under subsection
17 (f)(1)(C).

18 “(3) The number of individuals enrolled in
19 workforce development programs funded with a
20 grant under this section.

21 “(i) DEFINITIONS.—In this section:

22 “(1) CHIEF EVALUATION OFFICER.—The term
23 ‘Chief Evaluation Officer’ means the head of the
24 independent evaluation office located in the Office of

1 the Assistant Secretary for Policy of the Department
2 of Labor.

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

5 “(A) a public institution of higher edu-
6 cation (as defined in section 101(a) of the
7 Higher Education Act (20 U.S.C. 1001(a)), at
8 which—

9 “(i) the highest degree awarded is an
10 associate degree; or

11 “(ii) an associate degree is the most
12 frequently awarded degree;

13 “(B) a branch campus of a 4-year public
14 institution of higher education (as defined in
15 section 101 of the Higher Education Act of
16 1965 (20 U.S.C. 1001)), if, at such branch
17 campus—

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

20 “(ii) an associate degree is the most
21 frequently awarded degree;

22 “(C) a 2-year Tribal College or University
23 (as defined in section 316(b)(3) of the Higher
24 Education Act of 1965 (20 U.S.C.
25 1059c(b)(3))); or

1 “(D) a degree-granting Tribal College or
2 University (as defined in section 316(b)(3) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1059c(b)(3))) at which—

5 “(i) the highest degree awarded is an
6 associate degree; or

7 “(ii) an associate degree is the most
8 frequently awarded degree.

9 “(3) ELIGIBLE INSTITUTION.—The term ‘eligi-
10 ble institution’ means—

11 “(A) a community college;

12 “(B) a postsecondary vocational institution
13 (as defined in section 102(c) of the Higher
14 Education Act of 1965 (20 U.S.C. 1002(c))); or

15 “(C) a consortium of such colleges or insti-
16 tutions.

17 “(j) SUPPLEMENT NOT SUPPLANT.—Funds made
18 available under this section shall be used to supplement,
19 and not supplant, other Federal, State, and local public
20 funds made available for carrying out the activities de-
21 scribed in this section.”.

22 **SEC. 180. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 175 of the Workforce Innovation and Oppor-
24 tunity Act, as so redesignated, is amended—

1 (1) by redesignating subsections (e) and (f) as
2 subsections (g) and (h), respectively; and

3 (2) by striking subsections (a) through (d) and
4 inserting the following:

5 “(a) NATIVE AMERICAN PROGRAMS.—There are au-
6 thorized to be appropriated to carry out section 166 (not
7 including subsection (k) of such section) \$61,800,000 for
8 each of the fiscal years 2025 through 2030.

9 “(b) MIGRANT AND SEASONAL FARMWORKER PRO-
10 GRAMS.—There are authorized to be appropriated to carry
11 out section 167 \$100,317,900 for each of the fiscal years
12 2025 through 2030.

13 “(c) TECHNICAL ASSISTANCE.—There are authorized
14 to be appropriated to carry out section 168 \$5,000,000
15 for each of the fiscal years 2025 through 2030.

16 “(d) EVALUATIONS AND RESEARCH.—There are au-
17 thorized to be appropriated to carry out section 169
18 \$12,720,000 for each of the fiscal years 2025 through
19 2030.

20 “(e) REENTRY PROGRAM.—There are authorized to
21 be appropriated to carry out section 172 \$115,000,000 for
22 each of the fiscal years 2025 through 2030.

23 “(f) STRENGTHENING COMMUNITY COLLEGES PRO-
24 GRAM.—There are authorized to be appropriated to carry

1 out section 173 \$65,000,000 for each of the fiscal years
2 2025 through 2030.”.

3 **Subtitle F—Administration**

4 **SEC. 191. REQUIREMENTS AND RESTRICTIONS.**

5 (a) LABOR STANDARDS.—Section 181(b) of the
6 Workforce Innovation and Opportunity Act (29 U.S.C.
7 3241(b)) is amended by adding at the end the following:

8 “(8) CHILD LABOR.—Individuals in on-the-job
9 training or individuals employed in programs and
10 activities under this title shall be employed in ac-
11 cordance with the provisions on child labor under
12 the Fair Labor Standards Act of 1938 (29 U.S.C.
13 201 et seq.) and applicable State law.

14 “(9) CONSULTATION.—If an employer provides
15 on-the-job training, incumbent worker training, or
16 employer-directed skills development with funds
17 made available under this title directly to employees
18 of such employer that are subject to a collective bar-
19 gaining agreement with the employer, the employer
20 shall consult with the labor organization that rep-
21 resents such employees on the planning and design
22 of such training or development.”.

23 (b) REMEDIES.—Section 181(c)(3)(B) of the Work-
24 force Innovation and Opportunity Act (29 U.S.C.

1 3241(c)(3)(B)) is amended by inserting “for a period of
2 not less than 2 years” before the semicolon at the end.

3 (c) RELOCATION.—Section 181(d)(2) of the Work-
4 force Innovation and Opportunity Act (29 U.S.C.
5 3241(d)(2)) is amended by striking “incumbent worker
6 training,” and inserting “incumbent worker training, em-
7 ployer-directed skills development,”.

8 (d) SUPPORTIVE SERVICES.—Section 181 of the
9 Workforce Innovation and Opportunity Act (29 U.S.C.
10 3241) is amended by adding at the end the following:

11 “(h) SUPPORTIVE SERVICES.—Except as provided in
12 section 134(d)(2), funds provided under this title may only
13 be used to provide supportive services to individuals who—

14 “(1) are participating in activities under pro-
15 grams authorized under this title;

16 “(2) are unable to obtain the supportive serv-
17 ices through programs listed in section 121(b)(2);
18 and

19 “(3) require supportive services to enable par-
20 ticipation in activities under programs authorized
21 under this title.”.

22 **SEC. 192. MONITORING.**

23 Section 183 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3243) is amended by striking “re-

1 cipients” each place it appears and inserting “recipients
2 and subrecipients”.

3 **SEC. 193. FISCAL CONTROLS; SANCTIONS.**

4 Section 184(b) of the Workforce Innovation and Op-
5 portunity Act (29 U.S.C. 3244(b)) is amended—

6 (1) by redesignating paragraphs (1), (2), and
7 (3) as paragraphs (3), (5), and (6), respectively;

8 (2) by inserting before paragraph (3), as so re-
9 designated, the following:

10 “(1) IN GENERAL.—For the purposes of this
11 title, a substantial violation shall—

12 “(A) be determined in accordance with the
13 procedures established by the Governor as de-
14 scribed in paragraph (2); and

15 “(B) include any willful violation of the re-
16 quirements under subsections (a) or (b) of sec-
17 tion 181 for which there has been a final deter-
18 mination of the violation without any remaining
19 right to appeal.

20 “(2) PROCEDURES.—The Governor shall estab-
21 lish procedures to be used by local areas and, in the
22 case of funds described in section 128(a) or per-
23 taining to the enforcement provisions under section
24 122(g), by any other individual or entity specified by

1 the Governor to determine if a substantial violation
2 of this title has occurred.”;

3 (3) in paragraph (3), as so redesignated—

4 (A) in subparagraph (A), by striking “;
5 or” and inserting a semicolon;

6 (B) in subparagraph (B)(v), by striking
7 the period at the end and inserting “; or”; and

8 (C) by adding at the end the following:

9 “(C) reduce any local allotment under sec-
10 tion 128(b) or 133(b) to the local area involved
11 by not more than 5 percent for the fiscal year
12 after the fiscal year in which the substantial
13 violation, for which corrective action was not
14 taken, occurred.”;

15 (4) by inserting after paragraph (3), as so re-
16 designated, the following:

17 “(4) REALLOCATION OF REDUCTIONS.—Any
18 amount that was reduced from an allotment to a
19 local area in accordance with paragraph (3)(C) shall
20 be reallocated by the Governor to the other local
21 areas within the State that are not subject to an ac-
22 tion described in paragraph (3) in a manner deter-
23 mined by the Governor, which may take into consid-
24 eration whether such other local area is serving a

1 significant number of individuals with barriers to
2 employment.”;

3 (5) in paragraph (5), as so redesignated, by
4 striking “(A) and (B)” and inserting “(A), (B), and
5 (C)”;

6 (6) in paragraph (6), as so redesignated, by
7 striking “paragraph (1)” and inserting “paragraph
8 (2)”

9 **SEC. 194. ADMINISTRATIVE ADJUDICATION.**

10 Section 186(a) of the Workforce Innovation and Op-
11 portunity Act (29 U.S.C. 3246(a)) is amended by striking
12 “184” and inserting “181 or 184”.

13 **SEC. 195. JUDICIAL REVIEW.**

14 Section 187(a)(1) of the Workforce Innovation and
15 Opportunity Act (29 U.S.C. 3247(a)(1)) is amended by
16 striking “184” and inserting “181 or 184”.

17 **SEC. 196. GENERAL WAIVERS OF STATUTORY OR REGU-**
18 **LATORY REQUIREMENTS.**

19 Section 189(i)(3)(A)(i) of the Workforce Innovation
20 and Opportunity Act (29 U.S.C. 3249(i)(3)(A)(i)) is
21 amended by striking “procedures for review and approval
22 of plans” and inserting “the procedures for review and
23 approval of plans, the performance reports described in
24 section 116(d), and the requirement described in section
25 134(c)(1)(B)”.

1 **SEC. 197. STATE FLEXIBILITY PILOT AUTHORITY.**

2 Section 190 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3250) is amended to read as follows:

4 **“SEC. 190. STATE FLEXIBILITY PILOT AUTHORITY.**

5 “(a) PURPOSE.—The purpose of this section is to—

6 “(1) authorize States to apply under this sec-
7 tion, in the case of an eligible State, on behalf of the
8 State as a whole, or for any State, on behalf of a
9 local area or a consortium of local areas in the
10 State, to receive the allotments or allocations of the
11 State or the local areas, respectively, for youth work-
12 force investment activities under chapter 2 of sub-
13 title B and adult and dislocated worker employment
14 and training activities under chapter 3 of subtitle B
15 as a consolidated grant for 5 years for the purpose
16 of carrying out a pilot project to pursue innovative
17 reforms to achieve better outcomes for jobseekers,
18 workers, employers, and taxpayers; and

19 “(2) require that rigorous evaluations be con-
20 ducted to demonstrate if better outcomes and oppor-
21 tunities to achieve economic self-sufficiency for par-
22 ticipants, including participants receiving a priority
23 for services under this section, and associated inno-
24 vative reforms to improve service delivery were
25 achieved as a result of such pilot projects.

26 “(b) GENERAL AUTHORITY.—

1 “(1) WAIVERS, PILOT PROJECT GRANT
2 AMOUNTS, AND RESERVATIONS.—Notwithstanding
3 any other provision of subtitle A or B, except as oth-
4 erwise provided in this section, during the pilot
5 project period applicable to a pilot project approved
6 for a State pursuant to subsection (d)(3), the Sec-
7 retary, the Governor of a State participating in such
8 pilot project on behalf of the State as a whole, local
9 area, or consortium of local areas, and a local area
10 or consortium of local areas on whose behalf a Gov-
11 ernor is participating in such a pilot project, shall,
12 as applicable, comply with each of the following:

13 “(A) WAIVERS.—Subject to paragraph (2),
14 the Secretary shall waive for the State as a
15 whole, or for the local area or the consortium
16 of local areas selected by the State to carry out
17 such pilot project, all the statutory and regu-
18 latory requirements of subtitles A and B.

19 “(B) PILOT PROJECT GRANT AMOUNTS.—
20 For each fiscal year applicable to a pilot period,
21 the Secretary shall carry out the following:

22 “(i) STATE AS A WHOLE.—In a case
23 of a State approved to carry out a pilot
24 project under this section on behalf of the
25 State as a whole, distribute as a consoli-

1 dated sum to the State, for purposes of
2 carrying out the project, the State’s total
3 allotment for such fiscal year under—

4 “(I) subsections (b)(1)(C) and
5 (c) of section 127;

6 “(II) paragraphs (1)(B) and
7 (2)(B) of section 132(b); and

8 “(III) section 132(c).

9 “(ii) LOCAL AREA.—In a case of a
10 local area selected by a State and approved
11 to carry out a pilot project under this sec-
12 tion, require the State to—

13 “(I) distribute as a consolidated
14 sum to the local board for such local
15 area, for purposes of carrying out the
16 project, the local area’s allocation for
17 such fiscal year under—

18 “(aa) subsections (b) and (c)
19 of section 128; and

20 “(bb) subsections (b) and
21 (c) of section 133; or

22 “(II) if the local board of the
23 local area enters into a written agree-
24 ment with the State for the State to
25 serve as the fiscal agent for the local

1 board during the pilot project, use the
2 funds described in subclause (I) for
3 purposes of carrying out the project
4 on behalf of the local board.

5 “(iii) CONSORTIUM OF LOCAL
6 AREAS.—In a case of a consortium of local
7 areas selected by a State and approved to
8 carry out a pilot project under this section,
9 require the State to—

10 “(I) distribute as a consolidated
11 sum to the consortium, for purposes
12 of carrying out the project, the total
13 amount of the allocations for the local
14 areas in such consortium for such fis-
15 cal year under—

16 “(aa) subsections (b) and (c)
17 of section 128; and

18 “(bb) subsections (b) and
19 (c) of section 133; or

20 “(II) if the consortium enters
21 into a written agreement with the
22 State for the State to serve as the fis-
23 cal agent for the consortium during
24 the pilot project, use the funds de-
25 scribed in subclause (I) for purposes

1 of carrying out the project on behalf
2 of such consortium.

3 “(C) STATE RESERVATION.—The Governor
4 of a State participating in a pilot project on be-
5 half of the State as a whole shall reserve not
6 less than 25 percent of the consolidated sum al-
7 lotted to the State, as described in subpara-
8 graph (B)(i), for the purpose of developing and
9 implementing evidence-based workforce develop-
10 ment activities in the State. Such activities—

11 “(i) shall comply with the priority of
12 service requirement described in subsection
13 (e)(3); and

14 “(ii) may include strategies such as—

15 “(I) innovative skills development
16 programs to improve employment out-
17 comes for jobseekers, incumbent work-
18 ers, and dislocated workers;

19 “(II) job training programs and
20 assistance with removing barriers to
21 employment for justice-involved indi-
22 viduals;

23 “(III) pre-apprenticeships, ap-
24 prenticeships, and evidence-based
25 workforce development and employ-

1 ment opportunities, including for
2 youth (particularly opportunity
3 youth);

4 “(IV) the development and
5 strengthening of industry or sector
6 partnerships and training programs
7 offered under such partnerships;

8 “(V) the optimization of sup-
9 portive service delivery and the inte-
10 gration of such services within the
11 workforce system to promote retention
12 in and completion of training pro-
13 grams for participants served under
14 the pilot project; and

15 “(VI) other strategies as may be
16 appropriate and necessary to achieve
17 better outcomes for jobseekers, work-
18 ers, employers, and taxpayers, as de-
19 termined by the Governor.

20 “(D) LOCAL AREA AND CONSORTIUM RES-
21 ERVATION.—A local area or a consortium of
22 local areas for which a pilot project is author-
23 ized under this section shall reserve not less
24 than 25 percent of the consolidated sum allot-
25 ted, as described in clause (ii) or (iii), respec-

1 tively, of subparagraph (B), to the local area or
2 consortium of local areas, respectively, for the
3 purpose of developing and implementing evi-
4 dence-based workforce development activities
5 described in subparagraph (C) in the local area
6 or local areas served by the consortium, respec-
7 tively.

8 “(2) EXCEPTIONS.—

9 “(A) IN GENERAL.—A State, local area, or
10 consortium of local areas carrying out a pilot
11 project under this section shall comply with
12 statutory or regulatory requirements of this Act
13 relating to—

14 “(i) performance accountability and
15 reporting, except as otherwise provided in
16 this section;

17 “(ii) the membership of local boards
18 or State boards in instances where a State
19 carrying out a pilot project will maintain
20 the use of such local boards or State
21 boards, respectively, during the pilot
22 project period;

23 “(iii) the requirement to set minimum
24 levels of performance on the criteria de-
25 scribed in section 122(b)(2)(B) for any

1 providers of training services that will re-
2 ceive funding under the pilot project;

3 “(iv) the establishment of the one-stop
4 delivery system to make the services and
5 activities carried out under the pilot
6 project available to individuals in the
7 State, local area, or consortium of local
8 areas carrying out the pilot project, except
9 that, of the requirements in section 121(e),
10 such one-stop delivery system shall only be
11 required to meet the requirements of para-
12 graph (2) of that section and only with re-
13 spect to the services and activities of the
14 pilot project;

15 “(v) the fiscal and management ac-
16 countability information systems described
17 in section 116(j) and, in the case of a pilot
18 project carried out by a local area or con-
19 sortium of local areas, the provisions on
20 fiscal integrity described in section 106;
21 and

22 “(vi) the priority of service described
23 in section 134(c)(3)(E).

24 “(B) APPLICABILITY OF DEFINED
25 TERMS.—In carrying out a pilot project under

1 this section, a State, local area, or consortium
2 of local areas may only use a term defined in
3 section 3 to describe an activity carried out
4 under such pilot project if the State, local area,
5 or consortium of local areas gives such term the
6 same meaning as such term is given under such
7 section.

8 “(C) RULE OF CONSTRUCTION.—Nothing
9 in subparagraph (A)(iv) shall be construed to
10 prevent a State, local area, or consortium of
11 local areas carrying out a pilot project under
12 this section from deciding to maintain the one-
13 stop delivery system in effect for the State,
14 local area, or consortium, respectively, prior to
15 the start of the pilot project.

16 “(3) AUTHORITY FOR THIRD-PARTY EVALUA-
17 TION.—

18 “(A) IN GENERAL.—Not later than 180
19 days after the first pilot project is approved
20 under this section, the Secretary shall contract
21 with a third-party evaluator to conduct a rig-
22 orous evaluation of each pilot project approved
23 under this section. The evaluation shall—

24 “(i) cover the entire period of each
25 pilot project;

1 “(ii) include a description of—

2 “(I) the populations served under
3 the pilot project, including with re-
4 spect to individuals with barriers to
5 employment served under the pilot
6 project, disaggregated by each sub-
7 population of such individuals, and by
8 race, ethnicity, sex, and age;

9 “(II) the services provided
10 through the pilot project, the pro-
11 viders of such services, and the cost of
12 such services, disaggregated by the
13 type of service provided;

14 “(III) if the pilot project is car-
15 ried out by a State, the geographic
16 distribution within the State of the
17 services provided under the pilot
18 project; and

19 “(IV) the workforce development
20 systems in the State, local area, or
21 consortium of local areas that were af-
22 fected, and the nature of such effects,
23 as a result of the pilot project;

24 “(iii) compare the employment and
25 earnings outcomes of participants in activi-

1 ties carried out under the pilot project
2 to—

3 “(I) the outcomes of similarly sit-
4 uated individuals who do not partici-
5 pate in such activities and who are lo-
6 cated in such State, such local area,
7 or a local area in such consortium, as
8 applicable;

9 “(II) the outcomes of similarly
10 situated participants in similarly situ-
11 ated States or local areas within such
12 States, as applicable, that do not re-
13 ceive authority to carry out a pilot
14 project under this section; and

15 “(III) the outcomes of partici-
16 pants in activities under chapter 2 or
17 3 of subtitle B in the State, local
18 area, or a local area in the consortium
19 that was awarded a waiver prior to
20 the award of such waiver;

21 “(iv) conduct a qualitative analysis
22 that identifies any practices or strategies
23 (including promising, evidence-based, or in-
24 novative practices and strategies) that—

1 “(I) would not have been con-
2 ducted without the waiving of statu-
3 tory or regulatory provisions through
4 the pilot project; and

5 “(II) led to changes in employ-
6 ment and earnings outcomes for the
7 participants, including employment
8 and earnings outcomes for partici-
9 pants who are opportunity youth and
10 individuals with barriers to employ-
11 ment; and

12 “(v) compare the outcomes for sub-
13 clauses (I), (II), and (III) of clause (iii)
14 with respect to the subpopulations de-
15 scribed in section 116(d)(2)(B).

16 “(B) REPORT.—Not later than 2 years
17 after the final year of a pilot project approved
18 under this section, the Secretary shall submit to
19 the Committee on Education and the Workforce
20 of the House of Representatives and the Com-
21 mittee on Health, Education, Labor, and Pen-
22 sions of the Senate the results of the evaluation
23 conducted under this paragraph.

24 “(c) PILOT PERIOD; LIMITATIONS.—

1 “(1) IN GENERAL.—A pilot project approved
2 under this section for a State, local area, or consor-
3 tium—

4 “(A) shall be carried out for a 5-year pilot
5 project period; and

6 “(B) may be renewed for an additional 4-
7 year pilot project period, if the State, local
8 area, or consortium—

9 “(i) for each of the final 3 years of
10 the preceding 5-year pilot project period,
11 meets its expected levels of performance
12 established under subsection (f)(1)(C); and

13 “(ii) for the final year of the pre-
14 ceding 5-year pilot project period, achieves
15 a performance improvement of not less
16 than an average of a 5-percent increase
17 across all of the indicators of performance
18 described in clauses (i) and (ii) of sub-
19 section (f)(1)(A), compared with—

20 “(I) the highest level of perform-
21 ance for the corresponding indicators
22 of performance, as described in sub-
23 section (f)(1)(B)(i) with respect to
24 such State, for the most recent pro-
25 gram year that ended prior to the be-

1 ginning of the first year of the pre-
2 ceding 5-year pilot project period; or

3 “(II) the alternate baseline level
4 of performance for the corresponding
5 indicators of performance that is
6 agreed upon between the State and
7 the Secretary under subsection
8 (f)(1)(B)(ii).

9 “(2) LIMITATIONS.—

10 “(A) PILOT PERIOD LIMITATIONS.—For
11 each pilot period (including renewals of such
12 period) the Secretary may not approve—

13 “(i) more than 5 pilot projects for eli-
14 gible States described in paragraph (3) to
15 carry out a pilot project described in sub-
16 section (b)(1)(B)(i), except as provided in
17 subparagraph (C); and

18 “(ii) more than 4 pilot projects for
19 local areas (or consortia of local areas) to
20 carry out a pilot project described in clause
21 (ii) or (iii) of subsection (b)(1)(B).

22 “(B) STATE LIMITATIONS.—Not more
23 than 1 pilot project may be approved under this
24 section per State. For purposes of this subpara-
25 graph, a pilot project described in clause (ii) or

1 (iii) of subsection (b)(1)(B) approved for a local
2 area or a consortium of local areas, respectively,
3 in a State shall be considered a pilot project ap-
4 proved under this section for the State.

5 “(C) SUBSEQUENT APPROVAL.—Notwith-
6 standing subparagraph (A)(i), the Secretary
7 may award authority to carry out a pilot project
8 for a State as a whole under this section to 2
9 additional eligible States described in paragraph
10 (3), if, at the beginning of the third year of the
11 pilot projects awarded to the 5 eligible States
12 under subparagraph (A)(i), each of such
13 States—

14 “(i) has met or exceeded expected lev-
15 els of performance under the primary indi-
16 cators of performance described in section
17 116(b)(2)(A); and

18 “(ii) meets the requirement described
19 in subsection (e)(4).

20 “(3) ELIGIBLE STATES.—The Secretary may
21 not approve a pilot project for a State as a whole
22 described in subsection (b)(1)(B)(i) unless, at the
23 time of submission of the application, such State is
24 an eligible State, meaning—

1 “(A) a State designated as a single State
2 local area under section 106(d), including a
3 State that has received consent to be so des-
4 ignated under section 106(d)(2); or

5 “(B) a State with—

6 “(i) a labor force participation rate
7 that is less than 60 percent for the most
8 recent program year; and

9 “(ii) a population of less than
10 5,100,000, as determined by the most re-
11 cent decennial census released by the Bu-
12 reau of the Census.

13 “(4) EQUITABLE FLEXIBILITY PILOT AUTHOR-
14 ITY.—No less than 2 and no more than 3 of the eli-
15 gible States for which the Secretary awards author-
16 ity to carry out a pilot project for the eligible State
17 as a whole under this section shall be States eligible
18 under paragraph (3)(B), at the time of submission
19 of the application, except that in the case of subse-
20 quent approval described in paragraph (2)(C), ex-
21 actly 50 percent of the eligible States for which the
22 Secretary awards authority under such paragraph to
23 carry out a pilot project for the eligible State as a
24 whole shall be States eligible under paragraph
25 (3)(B).

1 “(d) APPLICATION.—

2 “(1) IN GENERAL.—To be eligible to carry out
3 a pilot project under this section, a State shall sub-
4 mit to the Secretary an application at such time and
5 in such manner as the Secretary may reasonably re-
6 quire, and containing the information described in
7 paragraph (2).

8 “(2) CONTENT.—Each application submitted by
9 a State under this subsection shall include the fol-
10 lowing:

11 “(A) A description of the pilot project to
12 be carried out under this section, including—

13 “(i) whether the project will be car-
14 ried out—

15 “(I) by the State as a whole;

16 “(II) by a local area, and if so—

17 “(aa) an identification of—

18 “(AA) such local area;

19 and

20 “(BB) whether the
21 local area will be the fiscal
22 agent for the project, or
23 whether the local board has
24 entered into a written agree-
25 ment with the State for the

1 State to serve as the fiscal
2 agent during the project;
3 and

4 “(bb) written verification
5 from the local board for such
6 local area that such local board
7 agrees—

8 “(AA) to carry out such
9 project; and

10 “(BB) to the fiscal
11 agent identified in item
12 (aa)(BB); or

13 “(III) by a consortium of local
14 areas in the State, and if so—

15 “(aa) an identification of—

16 “(AA) each local area
17 that comprises the consor-
18 tium; and

19 “(BB) the local area
20 that will serve as the fiscal
21 agent for the consortium
22 during the project, or wheth-
23 er the consortium has en-
24 tered into a written agree-
25 ment with the State for the

1 State to serve as the fiscal
2 agent; and

3 “(bb) written verification
4 from each local board of each
5 local area identified in item
6 (aa)(AA) that such local board
7 agrees—

8 “(AA) to carry out such
9 project as a consortium; and

10 “(BB) to the fiscal
11 agent for the consortium
12 identified in item (aa)(BB);

13 “(ii) a description of the activities to
14 be carried out under the project, includ-
15 ing—

16 “(I) the activities to be carried
17 out under the reservation required
18 under subparagraph (C) or (D) of
19 subsection (b)(1), as applicable;

20 “(II) how the activities will com-
21 ply with the priority of service de-
22 scribed in subsection (e)(3); and

23 “(III) how the activities will be
24 made available through the one-stop

1 delivery system described in sub-
2 section (b)(2)(A)(iv);

3 “(iii) the goals the State, local area,
4 or consortium intends to achieve through
5 such activities, which shall be aligned with
6 the purpose described in subsection (a);
7 and

8 “(iv) a description of any reforms or
9 improvements, including any reforms or
10 improvements that may be evidence-based,
11 to service delivery to be carried out under
12 the project.

13 “(B) A description of the performance out-
14 comes the State, the local area, or consortium
15 expects to achieve for such activities for each
16 year of the pilot project period as described in
17 subsection (f)(1).

18 “(C) A description of how the State, local
19 area, or consortium consulted with employers,
20 the State board, and the local boards in the
21 State in determining the activities to carry out
22 under the pilot project.

23 “(D) A description of how the State will
24 make such activities available to jobseekers and
25 employers in each of the local areas in the State

1 or, in a case of a project that will be carried out
2 by a local area or a consortium, a description
3 of how such services will be made available to
4 jobseekers and employers in such local area or
5 each of the local areas in the consortium.

6 “(E) A description, if appropriate, of how
7 the State, local area, or consortium will inte-
8 grate the funds received, and the activities car-
9 ried out, under the pilot project under this sec-
10 tion with funds and activities for State work-
11 force development programs and other Federal,
12 State, or local workforce, education, or social
13 service programs (including the programs and
14 activities listed in section 103(a)(2), the pro-
15 gram of adult education and literacy activities
16 authorized under title II, and the program au-
17 thorized under title I of the Rehabilitation Act
18 of 1973 (29 U.S.C. 720 et seq.)).

19 “(F) An assurance that the State, local
20 area, or consortium will meet the requirements
21 of this section.

22 “(3) SECRETARIAL APPROVAL.—

23 “(A) IN GENERAL.—The Secretary shall—

24 “(i) approve an application submitted
25 under this subsection, and the pilot project

1 described in such application, not later
2 than 90 days after the date on which such
3 application is submitted, unless the Sec-
4 retary meets the requirements of clause
5 (ii); and

6 “(ii) have the authority to disapprove
7 such application only if, by not later than
8 90 days after the date on which such appli-
9 cation is submitted, the Secretary—

10 “(I) determines—

11 “(aa) that such application
12 is subject to the limitations de-
13 scribed in subsection (c)(2); or

14 “(bb) that such application
15 fails to meet the requirements of
16 this section; and

17 “(II) in a case which the Sec-
18 retary makes the determination de-
19 scribed in subclause (I)(bb), provides
20 to the State a written explanation of
21 initial disapproval that meets the re-
22 quirements of subparagraph (B).

23 “(B) INITIAL DISAPPROVAL.—An expla-
24 nation of initial disapproval provided by the

1 Secretary to a State under subparagraph
2 (A)(ii)(II) shall provide the State with—

3 “(i) a detailed explanation of why the
4 application does not meet the requirements
5 of this section; and

6 “(ii) if the State is not subject to the
7 limitations described in subsection (c), an
8 opportunity to revise and resubmit the
9 State’s application under this section.

10 “(C) RULE OF CONSTRUCTION.—Nothing
11 in this paragraph shall be construed to require
12 the Secretary to approve more pilot projects
13 than allowed under the limitations described in
14 subsection (c)(2).

15 “(4) PRIORITY.—In approving pilot projects
16 under this section in the case that more eligible
17 States, for the State as a whole, or more States, on
18 behalf of local areas and consortia of local areas,
19 have submitted applications that meet the require-
20 ments of this section than the Secretary is allowed
21 to approve pursuant to the limitations described in
22 subsection (c)(2), the Secretary shall give priority
23 consideration as follows:

24 “(A) For applications seeking a pilot
25 project for the eligible State as a whole—

1 “(i) first, to applications submitted by
2 eligible States with a population of not
3 more than 5,000,000 and not less than 15
4 workforce boards, as of the date of enact-
5 ment of the A Stronger Workforce for
6 America Act; and

7 “(ii) second, to applications submitted
8 by eligible States that have achieved the
9 State adjusted levels of performance for
10 the youth program authorized under chap-
11 ter 2 of subtitle B and the adult and dis-
12 located worker programs authorized under
13 chapter 3 of subtitle B in the most recent
14 program year for which performance infor-
15 mation is available.

16 “(B) For applications seeking a pilot
17 project for a local area or consortium of local
18 areas, to applications submitted by local areas
19 or consortia of local areas that have achieved
20 the negotiated local levels of performance for
21 such youth program and such adult and dis-
22 located worker programs in the most recent
23 program year for which performance informa-
24 tion is available.

1 “(e) STATE PILOT PROJECT REQUIREMENTS.—A
2 State, local area, or consortium that has been approved
3 to carry out a pilot project under this section shall meet
4 each of the following requirements:

5 “(1) USE OF FUNDS.—Use the funds received
6 pursuant to subsection (b)(1)(B) solely to carry out
7 the activities of the pilot project to achieve the goals
8 of the pilot project, as described in subsection
9 (d)(2)(A).

10 “(2) ADMINISTRATIVE COSTS LIMITATION.—
11 Use not more than 10 percent of the funds received
12 pursuant to subsection (b)(1)(B) for a fiscal year for
13 the administrative costs of carrying out the pilot
14 project.

15 “(3) PRIORITY FOR SERVICES.—Give priority
16 for services under the project to veterans and their
17 eligible spouses in accordance with the requirements
18 of section 4215 of title 38, United States Code, re-
19 cipients of public assistance, low-income individuals,
20 individuals who have foundational skill needs, oppor-
21 tunity youth, and dislocated workers.

22 “(4) NUMBER OF PARTICIPANTS.—Serve a
23 number of participants under the activities of the
24 pilot project for each year of the pilot project period
25 that—

1 “(A) is greater than the number of partici-
2 pants served by such State, local area, or con-
3 sortium, as applicable, under the programs de-
4 scribed in subparagraph (A) of section 3(13)
5 for the most recent program year that ended
6 prior to the beginning of the first year of the
7 pilot project period; or

8 “(B) is not less than the number of par-
9 ticipants to be served under the activities of the
10 pilot project that is agreed upon between the
11 State, local area, or consortium, as applicable,
12 and the Secretary—

13 “(i) prior to the Secretary’s approval
14 of the application submitted under sub-
15 section (d); and

16 “(ii) after the Secretary takes into ac-
17 count—

18 “(I) the goals the State, local
19 area, or consortium intends to achieve
20 through the pilot project; and

21 “(II) the participants the State,
22 local area, or consortium intends to
23 serve under such project.

1 “(5) REPORTING OUTCOMES.—Submit, on an
2 annual basis, to the Secretary a report, with respect
3 to such State, local area, or consortium—

4 “(A) on participant outcomes for each in-
5 dicator of performance described in subsection
6 (f)(1)(A) for the activities carried out under the
7 project;

8 “(B) on the applicable requirements of sec-
9 tion 116(d)(2), including—

10 “(i) subparagraph (B) of such section;

11 and

12 “(ii) subparagraphs (C), (D), (E),
13 (F), (G), and (J) of such section, as such
14 subparagraphs are applicable to activities
15 under the pilot project; and

16 “(C) containing a description of how the
17 State spent the amounts reserved under sub-
18 section (b)(1)(C) or the local area or consor-
19 tium spent the amounts reserved under sub-
20 section (b)(1)(D), as applicable, and any evi-
21 dence-based practices developed with such
22 amounts.

23 “(6) COMPLIANCE WITH CERTAIN EXISTING RE-
24 QUIREMENTS.—Comply with the statutory or regu-

1 latory requirements listed in subparagraphs (A) and
2 (B) of subsection (b)(2).

3 “(f) PERFORMANCE ACCOUNTABILITY.—

4 “(1) ESTABLISHMENT OF BASELINE LEVELS
5 FOR PERFORMANCE.—

6 “(A) IN GENERAL.—Each State shall de-
7 scribe in the application submitted under sub-
8 section (d), for each year of the pilot project pe-
9 riod—

10 “(i) with respect to participants who
11 are at least 25 years old, the expected
12 State levels of performance or expected
13 local levels of performance, as the case
14 may be, for each of the indicators of per-
15 formance under section 116(b)(2)(A)(i) for
16 the activities carried out under the project
17 under this section, which shall meet the re-
18 quirements of subparagraph (B); and

19 “(ii) with respect to participants who
20 are at least 16 years old and not older
21 than 24 years old, the expected State levels
22 of performance or expected local levels of
23 performance, as the case may be, for each
24 of the indicators of performance under sec-
25 tion 116(b)(2)(A)(ii) for the activities car-

1 ried out under the project under this sec-
2 tion, which shall meet the requirements of
3 subparagraph (B).

4 “(B) FIFTH YEAR.—Each of the expected
5 levels of performance established pursuant to
6 subparagraph (A) for each of the indicators of
7 performance for the fifth year of the pilot
8 project period shall be higher than—

9 “(i) the highest State adjusted or ne-
10 gotiated local level of performance, as ap-
11 plicable, for the corresponding indicator of
12 performance for the programs described in
13 subparagraph (A) of section 3(13), for the
14 most recent program year for such State
15 that ended prior to the beginning of the
16 first year of the pilot project period; or

17 “(ii) an alternate baseline level of per-
18 formance that—

19 “(I) shall not be lower than the
20 most recent State adjusted or nego-
21 tiated local level of performance (in-
22 cluding any revisions) for the cor-
23 responding indicator of performance
24 for the youth program under chapter
25 2 of subtitle B or the adult or dis-

1 located worker program under chapter
2 3 of such subtitle (using the program
3 determined most applicable by the
4 Governor of the State submitting the
5 application), taking into account the
6 goals the State intends to achieve
7 through the pilot project and the par-
8 ticipants the State intends to serve
9 through such project; and

10 “(II) is agreed upon between the
11 State and the Secretary—

12 “(aa) prior to the Sec-
13 retary’s approval of the applica-
14 tion submitted under subsection
15 (d); and

16 “(bb) after the Secretary
17 takes into account—

18 “(AA) the goals the
19 State intends to achieve
20 through the pilot project;
21 and

22 “(BB) the participants
23 the State intends to serve
24 under such project.

1 “(C) AGREED LEVEL FOR PERFORMANCE
2 ON EXPECTED LEVELS OF PERFORMANCE.—
3 Prior to approving an application for a pilot
4 project submitted by a State, and using the ex-
5 pected levels of performance described in such
6 application, the Secretary shall reach an agree-
7 ment with such State on the expected levels of
8 performance for each of the indicators of per-
9 formance. In reaching an agreement on such
10 expected levels of performance, the Secretary
11 and the State may consider the factors de-
12 scribed in section 116(b)(3)(A)(v).

13 “(2) SANCTIONS.—

14 “(A) IN GENERAL.—The sanctions de-
15 scribed in section 116(f)(1)(B) shall apply to a
16 State, local area, or consortium of local areas
17 beginning on the third year of the pilot project
18 period (and, for failures described in clause
19 (ii)(II) of that section, shall first apply for con-
20 secutive failures in that third year and the fol-
21 lowing year) for such State, local area, or con-
22 sortium, except that the expected levels of per-
23 formance established under paragraph (1) shall
24 be—

1 “(i) deemed to be levels of perform-
2 ance agreed to under section
3 116(b)(3)(A)(iv), for purposes of this para-
4 graph; and

5 “(ii) adjusted at the end of each pro-
6 gram year to reflect the actual characteris-
7 ties of participants served and the actual
8 economic conditions experienced using a
9 statistical adjustment model similar to the
10 model described in section
11 116(b)(3)(A)(viii).

12 “(B) INELIGIBILITY FOR RENEWAL.—A
13 State, local area, or consortium that is subject
14 to such sanctions shall be ineligible to renew its
15 pilot project period under subsection (c).

16 “(3) IMPACT OF LOCAL OR CONSORTIUM PILOT
17 PROJECTS ON STATEWIDE ACCOUNTABILITY.—With
18 respect to a State with an approved pilot project for
19 a local area or consortium of local areas in the
20 State—

21 “(A) the performance of such local area or
22 consortium for the programs described in sub-
23 paragraph (A) of section 3(13) shall not be in-
24 cluded in the levels of performance for such
25 State for any of such programs for purposes of

1 section 116 for any program year that is appli-
2 cable to any year of the pilot project period;
3 and

4 “(B) with respect to any local areas of the
5 State that are not part of the pilot project, the
6 State shall reach a new agreement with the
7 Secretary, for purposes of section 116(b)(3)(A),
8 on levels of performance for such programs for
9 such program years.

10 “(g) TERMINATION.—Except as provided under sub-
11 section (e)(1)(B), the Secretary may not approve a pilot
12 project after December 31, 2030.”

13 **SEC. 198. GENERAL PROGRAM REQUIREMENTS.**

14 Section 194 of the Workforce Innovation and Oppor-
15 tunity Act (29 U.S.C. 3254) is amended by adding at
16 the end the following:

17 “(16)(A) IN GENERAL.—Each recipient of
18 funds described in section 128(a), section 128(b), or
19 section 133(b) or under subtitle C or D (including
20 a provider described in section 122(i) that is award-
21 ed such funds by a State or local area) shall provide
22 to the appropriate entity an assurance that the re-
23 cipient will adhere to the requirements under sub-
24 sections (a) and (b) of section 181.

1 “(B) APPROPRIATE ENTITY.—For the purposes of
2 this paragraph, the term ‘appropriate entity’ means—

3 “(i) in the case of any funds described in sec-
4 tion 128(a), the Governor of the State providing
5 such funds;

6 “(ii) in the case of any funds described in sec-
7 tion 128(b) or section 133(b), the local board pro-
8 viding such funds; and

9 “(iii) in the case of any funds under subtitle C
10 or D, the Secretary.

11 “(17) REGARDING STATES WITH LOW POPU-
12 LATION DENSITY.—

13 “(A) LOW-DENSITY WORKFORCE AREA
14 CONSIDERATIONS.—In the case of a local area
15 located in a ‘low-density workforce area’, sec-
16 tion 129(c)(4) shall be applied—

17 “(i) by substituting ‘25 percent’ for
18 ‘40 percent’; and

19 “(ii) by substituting ‘7 and 1/2 per-
20 cent’ for ‘12 and 1/2 percent’.

21 “(B) LOW-DENSITY WORKFORCE AREA
22 DEFINITION.—In this title, the term ‘low-den-
23 sity workforce area’ means a State with a popu-
24 lation density of less than 1.5 persons per

1 square mile, as determined by the most recent
2 decennial census of the Bureau of the Census.”.

3 **TITLE II—ADULT EDUCATION**
4 **AND LITERACY**

5 **SEC. 201. PURPOSE.**

6 Section 202 of the Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3271) is amended—

8 (1) in paragraph (1), by inserting “(including
9 digital literacy skills)” before “necessary”;

10 (2) in paragraph (3), by striking “secondary
11 school diploma” and inserting “regular high school
12 diploma or its recognized equivalent”; and

13 (3) in paragraph (4), by striking “English lan-
14 guage learners” and inserting “English learners”.

15 **SEC. 202. DEFINITIONS.**

16 Section 203 of the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3272) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A)—

20 (i) by striking “and speak” and in-
21 serting “listen, speak, and comprehend”;

22 and

23 (ii) by striking “secondary” and in-
24 serting “regular high”;

1 (B) in subparagraph (B), by striking
2 “and” at the end;

3 (C) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (D) by inserting after subparagraph (B)
6 the following:

7 “(C) develop and use digital literacy skills;
8 and”;

9 (2) by redesignating paragraphs (3) through
10 (14), (15), (16), and (17), as paragraphs (4)
11 through (15), (17), (18), and (19), respectively;

12 (3) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) DIGITAL LITERACY SKILLS.—The term
15 ‘digital literacy skills’ has the meaning given the
16 term in section 202 of the Museum and Library
17 Services Act (20 U.S.C. 9101).”;

18 (4) in paragraph (5)(C) (as so redesignated)—

19 (A) by striking clause (i) and inserting the
20 following:

21 “(i) has foundational skill needs;”;

22 (B) in clause (ii), by striking “secondary”
23 and inserting “regular high”; and

1 (C) in clause (iii), by striking “English
2 language learner” and inserting “English learn-
3 er”;

4 (5) in paragraph (7) (as so redesignated)—

5 (A) in subparagraph (A), by striking
6 “English language learners” and inserting
7 “English learners”; and

8 (B) in subparagraph (B)(i)(I), by striking
9 “secondary” and inserting “regular high”;

10 (6) in paragraph (8) (as so redesignated)—

11 (A) in the paragraph heading, by striking
12 “LANGUAGE”; and

13 (B) in the matter preceding subparagraph
14 (A), by striking “English language learner” and
15 inserting “English learner”;

16 (7) in the matter preceding subparagraph (A)
17 in paragraph (10) (as so redesignated), by inserting
18 “and educational” after “the economic”;

19 (8) in paragraph (13) (as so redesignated)—

20 (A) by striking “English language learn-
21 ers” and inserting “English learners”; and

22 (B) by striking “and may include work-
23 force training.” and inserting the following:
24 “and may—

1 “(A) include skills development, postsec-
2 ondary preparation activities, digital literacy
3 skills instruction, financial literacy instruction,
4 and workforce training; and

5 “(B) be provided concurrently with other
6 activities and services, such as adult edu-
7 cation.”;

8 (9) in paragraph (14) (as so redesignated), by
9 striking “and speak in English, compute, and solve
10 problems,” and inserting “speak, and comprehend in
11 English, compute, solve problems, and have digital
12 literacy skills,”; and

13 (10) by inserting after paragraph (15) (as so
14 redesignated) the following:

15 “(16) POSTSECONDARY PREPARATION ACTIVI-
16 TIES.—The term ‘postsecondary preparation activi-
17 ties’ means academic counseling (which may be pro-
18 vided by a college and career navigator) and services
19 designed to support enrollment and success in post-
20 secondary education that include assisting individ-
21 uals to—

22 “(A) identify postsecondary educational op-
23 tions that prepare individuals for unsubsidized
24 employment;

1 “(B) navigate the transition from adult
2 education to postsecondary education;

3 “(C) navigate the transition from adult
4 education to workforce development programs
5 and services;

6 “(D) coenroll in adult education and work-
7 force development programs, if applicable;

8 “(E) improve academic skills so that indi-
9 viduals are prepared to participate in postsec-
10 ondary education without need for remediation;

11 or

12 “(F) learn notetaking, study skills, and
13 other skills that promote student success in
14 postsecondary education.”.

15 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 206 of the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3275) is amended to read as follows:

18 **“SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated to carry out
20 this title \$751,042,100 for each of the fiscal years 2025
21 through 2030.”.

22 **SEC. 204. SPECIAL RULE.**

23 Section 211 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3291) is amended—

1 (1) in subsection (d)(3), by striking “sec-
2 ondary” and inserting “regular high”; and

3 (2) in subsection (e)(3), by striking “period de-
4 scribed in section 3(45)” and inserting “period de-
5 scribed in subparagraph (B) of section 3(50)”.

6 **SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.**

7 Section 212 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3292) is amended to read as follows:

9 **“SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

10 “(a) **IN GENERAL.**—Programs and activities author-
11 ized in this title are subject to the performance account-
12 ability provisions described in section 116, except that the
13 indicator described in subsection (b)(2)(A)(i)(VI) of such
14 section shall be applied as if it were the percentage of pro-
15 gram participants who exited the program during the pro-
16 gram year and completed an integrated education and
17 training program.

18 “(b) **DATA COLLECTION.**—Notwithstanding section
19 134(a) of the Higher Education Act of 1965 (20 U.S.C.
20 1015c(a)), the Secretary is authorized to collect
21 deidentified participant-level data for participants in pro-
22 grams and activities funded under this title on the infor-
23 mation required for State performance reports as de-
24 scribed in section 116(d) for the sole purpose of admin-

1 istering the performance accountability system under sec-
2 tion 116.”.

3 **SEC. 206. MATCHING REQUIREMENT.**

4 Section 222(b) of the Workforce Innovation and Op-
5 portunity Act (29 U.S.C. 3302(b)) is amended by adding
6 at the end the following:

7 “(3) PUBLIC AVAILABILITY OF INFORMATION
8 ON MATCHING FUNDS.—Each eligible agency shall
9 maintain, on a publicly accessible website of such
10 agency and in an easily accessible format, informa-
11 tion documenting the non-Federal contributions
12 made available to programs that offer adult edu-
13 cation and literacy activities or family literacy activi-
14 ties pursuant to this subsection, including—

15 “(A) the sources of such contributions, ex-
16 cept that in the case of private contributions,
17 names of the individuals or entities providing
18 such contributions may not be disclosed; and

19 “(B) in the case of funds made available
20 by a State or outlying area, an explanation of
21 how such funds are distributed to eligible pro-
22 viders.”.

23 **SEC. 207. STATE LEADERSHIP ACTIVITIES.**

24 Section 223(a) of the Workforce Innovation and Op-
25 portunity Act (29 U.S.C. 3303(a)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (A), by striking “ac-
3 tivities.” and inserting “activities and the iden-
4 tification of opportunities to coordinate with ac-
5 tivities supported under the Carl D. Perkins
6 Career and Technical Education Act of 2006
7 (20 U.S.C. 2301 et seq.) to expand integrated
8 education and training programs.”;

9 (B) in subparagraph (C)—

10 (i) in clause (i), by striking “based on
11 the most rigorous or scientifically valid re-
12 search available and appropriate, in read-
13 ing, writing, speaking, mathematics,” and
14 inserting “based on evidence-based prac-
15 tices, in reading, writing, speaking,
16 English comprehension, mathematics,”;

17 (ii) in clause (ii), by striking “and” at
18 the end;

19 (iii) in clause (iii), by striking the pe-
20 riod at the end and inserting “; and”;

21 (iv) by adding at the end the fol-
22 lowing:

23 “(iv) assistance in reporting partici-
24 pant outcomes for the performance ac-
25 countability system described in section

1 212, including facilitating partnerships
2 with the appropriate State entities to con-
3 duct matches with State administrative
4 data (such as wage records) to determine
5 program performance on the indicators of
6 performance described in subclauses (I)
7 through (III) of section 116(b)(2)(A)(i)
8 and which may include assistance in inte-
9 grating with statewide longitudinal data
10 systems.”;

11 (C) by redesignating subparagraph (D) as
12 subparagraph (E); and

13 (D) by inserting after subparagraph (C)
14 the following:

15 “(D) The development, identification, ac-
16 quisition, and dissemination (which may be
17 done in coordination with other States) of evi-
18 dence-based instructional materials (to the ex-
19 tent available) that lead to literacy, English lan-
20 guage acquisition, a recognized postsecondary
21 credential, or any combination of such results;
22 and—

23 “(i) are designed to meet the needs of
24 adult learners, including English learners,
25 and may be developed for integrated edu-

1 cation and training in an in-demand indus-
2 try sector or occupation within the State;
3 and

4 “(ii) will improve the instruction pro-
5 vided pursuant to the local activities re-
6 quired under section 231(b).”; and

7 (2) in paragraph (2)—

8 (A) by redesignating subparagraphs (E),
9 (F), (G), (H), (I), (J), (K), (L), and (M), as
10 subparagraphs (F), (G), (H), (I), (J), (K), (L),
11 (M), and (R), respectively;

12 (B) by inserting after subparagraph (D)
13 the following:

14 “(E) Developing content and models for
15 programs that support family literacy activi-
16 ties.”;

17 (C) in subparagraph (J)(i) (as so redesi-
18 gnated)—

19 (i) by striking “mathematics, and
20 English” and inserting “mathematics,
21 English”; and

22 (ii) by striking “acquisition;” and in-
23 serting “acquisition, and digital literacy
24 skills;”;

1 (D) by striking subparagraph (K) (as so
2 redesignated) and inserting the following:

3 “(K) Developing and piloting of strategies
4 for improving adult educator recruitment, qual-
5 ity, and retention, such as—

6 “(i) the provision of professional de-
7 velopment; and

8 “(ii) the development and mainte-
9 nance of policies for awarding recognized
10 postsecondary credentials to adult edu-
11 cators who demonstrate effectiveness at
12 improving the achievement of adult stu-
13 dents.”;

14 (E) in subparagraph (L) (as so redesign-
15 ated), by striking “English language learners”
16 and inserting “English learners”;

17 (F) in subparagraph (M) (as so redesign-
18 ated), by inserting “, which may include
19 through partnerships with local educational
20 agencies or public agencies to recruit eligible in-
21 dividuals” after “employers”; and

22 (G) by inserting after subparagraph (M)
23 (as so redesignated) the following:

24 “(N) Performance incentive payments to
25 eligible providers, including incentive payments

1 linked to increased use of integrated education
2 and training or other forms of instruction link-
3 ing adult education with the development of oc-
4 cupational skills for an in-demand industry sec-
5 tor or occupation in the State.

6 “(O) Strengthening the quality and effec-
7 tiveness of adult education and programs that
8 support family literacy activities in the State
9 through support for program quality standards
10 and accreditation requirements.

11 “(P) Raising public awareness (including
12 through public service announcements, such as
13 social media campaigns) about career and tech-
14 nical education programs and community-based
15 organizations, and other endeavors focused on
16 programs that prepare individuals for in-de-
17 mand industry sectors or occupations.

18 “(Q) Postsecondary preparation activi-
19 ties.”.

20 **SEC. 208. PROGRAMS FOR CORRECTIONS EDUCATION AND**
21 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

22 Section 225 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3305) is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) PROGRAM AUTHORIZED.—

2 “(1) IN GENERAL.—From funds made available
3 under section 222(a)(1) for a fiscal year, each eligi-
4 ble agency shall carry out corrections education and
5 education for justice-involved individuals and other
6 institutionalized individuals.

7 “(2) PRIORITY.—An eligible agency granting
8 awards from funds authorized under paragraph (1)
9 shall give priority to an eligible entity that proposes
10 to operate an educational program in a correctional
11 institution that is also served by a program author-
12 ized under section 172.”;

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),
15 by striking “for criminal offenders in correc-
16 tional institutions and for other institutional-
17 ized individuals” and inserting “for justice-in-
18 volved individuals in correctional institutions
19 and for other institutionalized individuals”; and

20 (B) in paragraph (3), by striking “sec-
21 ondary school credit” and inserting “attainment
22 of a regular high school diploma or its recog-
23 nized equivalent”;

24 (3) in subsection (c), by striking “criminal of-
25 fenders” and inserting “justice-involved individuals”;

1 (4) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively;

3 (5) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) COORDINATION.—Each eligible agency that is
6 using assistance provided under this section to carry out
7 a program for justice-involved individuals within a correc-
8 tional institution shall—

9 “(1) coordinate such educational programs with
10 career and technical education activities provided to
11 individuals in State institutions from funds reserved
12 under section 112(a)(2)(A) of the Carl D. Perkins
13 Career and Technical Education Act of 2006 (20
14 U.S.C. 2322(a)(2)(A));

15 “(2) identify opportunities to develop integrated
16 education and training opportunities for such indi-
17 viduals;

18 “(3) coordinate with institutions of higher edu-
19 cation operating a prison education program in the
20 State; and

21 “(4) if the correctional institution is also served
22 by a program authorized under section 172, provide
23 a description of how the award funds under this sec-
24 tion will be used to carry out the activities described

1 in section 172, in conjunction with the activities de-
2 scribed in subsection (b).”;

3 (6) in subsection (e) (as so redesignated), by
4 striking “criminal offenders” and inserting “justice-
5 involved individuals”; and

6 (7) in subsection (f) (as so redesignated)—

7 (A) in paragraph (1)(F), by striking
8 “criminal offenders” and inserting “justice-in-
9 volved individuals”; and

10 (B) by striking paragraph (2) and insert-
11 ing the following:

12 “(2) **JUSTICE-INVOLVED INDIVIDUAL.**—The
13 term ‘justice-involved individual’ means any indi-
14 vidual who has been adjudicated delinquent or con-
15 victed of a crime and imprisoned under Federal or
16 State law.

17 “(3) **PRISON EDUCATION PROGRAM.**—The term
18 ‘prison education program’ has the meaning given
19 the term in section 484 of the Higher Education Act
20 of 1965 (20 U.S.C. 1091).”.

21 **SEC. 209. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-**
22 **VIDERS.**

23 Section 231 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3321) is amended—

25 (1) in subsection (a)—

1 (A) by striking “From grant funds” and
2 inserting the following:

3 “(1) IN GENERAL.—From grant funds”; and

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

5 “(2) PROMPT AVAILABILITY OF FUNDS.—Each
6 eligible agency shall ensure that funds are available
7 for reimbursement to an eligible provider that is
8 awarded a multiyear grant or contract under para-
9 graph (1) not later than 45 days after the date on
10 which the multiyear grant or contract is awarded.”;

11 (2) in subsection (d), by striking “section
12 203(4)” and inserting “section 203(5)”;

13 (3) in subsection (e)—

14 (A) in paragraph (1)(B)(ii), by striking
15 “English language learners” and inserting
16 “English learners”;

17 (B) in paragraph (5)—

18 (i) in subparagraph (A), by striking
19 “and” at the end;

20 (ii) in subparagraph (B), by adding
21 “and” at the end; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(C) uses instructional materials that are
25 designed to meet the needs of adult learners

1 and English learners and are evidence-based (to
2 the extent practicable), which may include, but
3 shall not be required to include, the instruc-
4 tional materials disseminated by the State
5 under section 223(a)(1)(D);”;

6 (C) in paragraph (6)—

7 (i) by striking “speaking, mathe-
8 matics, and English” and inserting
9 “speaking and listening, mathematics,
10 comprehension, and English”; and

11 (ii) by inserting before the semicolon
12 at the end the following: “, which may in-
13 clude the application of the principles of
14 universal design for learning”; and

15 (D) in paragraph (10), by inserting “local
16 educational agencies,” after “strong links
17 with”; and

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

19 “(f) COST ANALYSIS.—In determining the amount of
20 funds to be awarded in grants or contracts under this sec-
21 tion, the eligible agency may consider the costs of pro-
22 viding learning in context, including integrated education
23 and training and workplace adult education and literacy
24 activities, and the extent to which the eligible provider in-

1 tends to serve individuals using such activities, in order
2 to align the amount of funds awarded with such costs.”.

3 **SEC. 210. LOCAL APPLICATION.**

4 Section 232 of the Workforce Innovation and Oppor-
5 tunity Act (29 U.S.C. 3322) is amended—

6 (1) in paragraph (4), by inserting “and coordi-
7 nate with the appropriate State entity” after “data”;

8 (2) in paragraph (6), by striking “; and” and
9 inserting “, such as how the eligible provider may
10 provide adult education and literacy activities in a
11 manner that is integrated with postsecondary prepa-
12 ration activities to enable students to prepare for op-
13 portunities to attain a recognized postsecondary cre-
14 dential;”;

15 (3) by redesignating paragraph (7) as para-
16 graph (8); and

17 (4) by inserting after paragraph (6) the fol-
18 lowing:

19 “(7) a description of how the eligible provider
20 will provide learning in context, including through
21 partnerships with employers to offer workplace adult
22 education and literacy activities and integrated edu-
23 cation and training; and”.

1 **SEC. 211. LOCAL ADMINISTRATIVE COST LIMITS.**

2 Section 233(a) of the Workforce Innovation and Op-
3 portunity Act (29 U.S.C. 3323(a)) is amended—

4 (1) in paragraph (1), by striking “95” and in-
5 serting “85”; and

6 (2) by striking paragraph (2) and inserting the
7 following:

8 “(2) the remaining amount—

9 “(A) not to exceed 10 percent, may be
10 used for professional development for adult edu-
11 cators; and

12 “(B) not to exceed 5 percent, shall be used
13 for planning, administration (including carrying
14 out the requirements of section 116), profes-
15 sional development of administrative staff, and
16 the activities described in paragraphs (3) and
17 (5) of section 232.”.

18 **SEC. 212. NATIONAL LEADERSHIP ACTIVITIES.**

19 Section 242 of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3332) is amended—

21 (1) in subsection (b)(1), by striking “116;” and
22 inserting “116, including the dissemination of effec-
23 tive practices used by States to use statewide longi-
24 tudinal data systems or other sources of administra-
25 tive data to determine program performance and re-

1 duce the data collection and reporting burden on eli-
2 gible providers;” and

3 (2) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A), by inserting
6 “including, where appropriate, the applica-
7 tion of the principles of universal design
8 for learning and” after “literacy activi-
9 ties,”;

10 (ii) in subparagraph (B), by striking
11 “English language learners” and inserting
12 “English learners”; and

13 (iii) in subparagraph (C), by inserting
14 “skills” after “digital literacy”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (C)—

17 (I) in clause (i), by striking “rig-
18 orous research” and inserting “evi-
19 dence-based practices”; and

20 (II) in clause (vii)—

21 (aa) in subclause (I), by
22 striking “adults with” and all
23 that follows through the semi-
24 colon and inserting “adults with
25 disabilities, including adults with

1 learning disabilities, and with
2 adults who are English learn-
3 ers;”;

4 (bb) in subclause (III), by
5 striking “and” after the semi-
6 colon;

7 (cc) in subclause (IV), by in-
8 serting “and” after the semi-
9 colon; and

10 (dd) by adding at the end
11 the following:

12 “(V) programs that offer family
13 literacy activities;”;

14 (ii) in subparagraph (F), by striking
15 “and” after the semicolon;

16 (iii) by redesignating subparagraph
17 (G) as subparagraph (J); and

18 (iv) by inserting after subparagraph
19 (F) the following:

20 “(G) developing and rigorously evaluating
21 programs for the preparation of effective adult
22 educators and disseminating the results of such
23 evaluations;

24 “(H) carrying out initiatives to support the
25 effectiveness and impact of adult education,

1 that States may adopt on a voluntary basis,
2 through—

3 “(i) the development and dissemina-
4 tion of staffing models, which may include
5 full-time staffing models, that prioritize
6 demonstrated effectiveness and continuous
7 improvement in supporting the learning of
8 adult students; and

9 “(ii) the evaluation and improvement
10 of program quality standards and accredi-
11 tation requirements;

12 “(I) providing technical assistance to eligi-
13 ble agencies regarding effective professional de-
14 velopment for programs that offer adult edu-
15 cation and literacy activities or family literacy
16 activities; and”.

17 **SEC. 213. INTEGRATED ENGLISH LITERACY AND CIVICS**
18 **EDUCATION.**

19 Section 243(c)(1) of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3333(c)(1)) is amended by
21 striking “English language learners” and inserting
22 “English learners”.

1 **TITLE III—AMENDMENTS TO**
2 **OTHER LAWS**

3 **SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.**

4 (a) **DEFINITIONS.**—Section 2(5) of the Wagner-
5 Peyser Act (29 U.S.C. 49a(5)) is amended by inserting
6 “the Commonwealth of the Northern Mariana Islands,
7 American Samoa,” after “Guam,”.

8 (b) **UNEMPLOYMENT COMPENSATION LAW REQUIRE-**
9 **MENT.**—Section 5(b)(1) of the Wagner-Peyser Act (29
10 U.S.C. 49d(b)(1)) is amended by inserting “the Common-
11 wealth of the Northern Mariana Islands, or American
12 Samoa,” after “Guam,”.

13 (c) **ALLOTMENTS.**—Section 6 of the Wagner-Peyser
14 Act (29 U.S.C. 49e) is amended—

15 (1) in subsection (a)—

16 (A) by striking “except for Guam” and in-
17 serting “except for Guam, the Commonwealth
18 of the Northern Mariana Islands, and American
19 Samoa”;

20 (B) by striking “first allot to Guam and
21 the Virgin Islands” and inserting the following:
22 “first allot—

23 “(1) to Guam and the Virgin Islands”;

24 (C) by striking the period at the end and
25 inserting “; and”; and

1 (D) by adding at the end the following:

2 “(2) beginning with the first fiscal year for
3 which the total amount available for allotments
4 under this section is greater than the total amount
5 available for allotments under this section for fiscal
6 year 2024, and for each succeeding fiscal year, to
7 each of the Commonwealth of the Northern Mariana
8 Islands and American Samoa, an amount which is
9 equal to one-half of the amount allotted to Guam
10 under paragraph (1) for the corresponding fiscal
11 year.”; and

12 (2) in subsection (b)(1), in the matter following
13 subparagraph (B), by inserting “, the Common-
14 wealth of the Northern Mariana Islands, American
15 Samoa,” after “Guam”.

16 (d) USE OF FUNDS.—Section 7 of the Wagner-
17 Peyser Act (29 U.S.C. 49f) is amended—

18 (1) in subsection (a)(1), by striking “and refer-
19 ral to employers” and inserting “referral to employ-
20 ers, and the services described in section
21 134(c)(2)(A)(ii) of the Workforce Innovation and
22 Opportunity Act (29 U.S.C. 3174(c)(2)(A)(ii)) when
23 provided by the employment service office colocated
24 with the one-stop delivery system”; and

1 (2) in subsection (e), by inserting before the pe-
2 riod at the end the following: “and in accordance
3 with the requirements of section 134(c)(2)(A)(i)(I)
4 of the Workforce Innovation and Opportunity Act
5 (29 U.S.C. 3174(c)(2)(A)(i)(I))”.

6 (e) WORKFORCE AND LABOR MARKET INFORMATION
7 SYSTEM.—Section 15 of the Wagner-Peyser Act (29
8 U.S.C. 491–2) is amended—

9 (1) in subsection (a)(1)—

10 (A) in subparagraph (A)—

11 (i) in the matter preceding clause (i),
12 by striking “timely manner” and inserting
13 “manner that is as close to real-time as
14 practicable”;

15 (ii) in clause (i), by striking “part-
16 time, and seasonal workers” and inserting
17 “part-time, contingent, and seasonal work-
18 ers, and workers engaged in alternative
19 employment arrangements”;

20 (iii) by redesignating clauses (iii) and
21 (iv) as clauses (iv) and (v), respectively;
22 and

23 (iv) by inserting after clause (ii), the
24 following:

1 “(iii) real-time trends in new and
2 emerging occupational roles, and in new
3 and emerging skills by occupation and in-
4 dustry, with particular attention paid to
5 State and local conditions;”;

6 (B) in subparagraph (B)(i), by inserting
7 “(including, to the extent practicable, real-
8 time)” after “current”; and

9 (C) in subparagraph (G), by striking
10 “user-friendly manner and” and inserting
11 “manner that makes the data, information, and
12 analysis available on-demand and is user-friend-
13 ly,”;

14 (2) in subsection (b)(2)(F)—

15 (A) in clause (i), by striking “; and” and
16 inserting “(including, to the extent practicable,
17 provided in real time);”;

18 (B) by redesignating clause (ii) as clause
19 (iii); and

20 (C) by inserting after clause (i), as so
21 amended, the following:

22 “(ii) the capabilities of digital tech-
23 nology and modern data collection ap-
24 proaches are effectively utilized; and”;

1 (3) in subsection (e)(2)(H), by striking “section
2 116(i)(2) of the Workforce Innovation and Oppor-
3 tunity Act” and inserting “section 116(j)(2) of the
4 Workforce Innovation and Opportunity Act”; and

5 (4) by amending subsection (g) to read as fol-
6 lows:

7 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$64,532,600 for each of the fiscal years 2025 through
10 2030.”.

11 **SEC. 302. JOB TRAINING GRANTS.**

12 Section 414(c) of the American Competitiveness and
13 Workforce Improvement Act of 1998 (29 U.S.C. 3224a)
14 is amended to read as follows:

15 “(c) JOB TRAINING GRANTS.—

16 “(1) ALLOTMENT.—

17 “(A) IN GENERAL.—Of the funds available
18 under section 286(s)(2) of the Immigration and
19 Nationality Act (8 U.S.C. 1356(s)(2)), the Sec-
20 retary of Labor shall, for each fiscal year—

21 “(i) return permanently 12 percent of
22 such amounts in each fiscal year to the
23 general fund of the Treasury;

24 “(ii) use \$65,000,000 of such funds to
25 carry out the program established under

1 section 173 of the Workforce Innovation
2 and Opportunity Act; and

3 “(iii) using the funds remaining after
4 carrying out clauses (i) and (ii), make al-
5 lotments to each State that receives an al-
6 lotment under section 132(b) of the Work-
7 force Innovation and Opportunity Act (29
8 U.S.C. 3172(b)) for the purpose of pro-
9 viding training services through individual
10 training accounts for eligible dislocated
11 workers as described in paragraph (2)(A).

12 “(B) RESERVATION; ALLOTMENT AMONG
13 STATES.—

14 “(i) RESERVATION.—From the
15 amount made available under subpara-
16 graph (A)(iii) for a fiscal year, the Sec-
17 retary shall reserve not more than $\frac{1}{4}$ of 1
18 percent of such amount to provide assist-
19 ance to the outlying areas for the purpose
20 described in paragraph (2)(A).

21 “(ii) ALLOTMENT AMONG STATES.—
22 Subject to clause (iii) of this subpara-
23 graph, the Secretary shall use the remain-
24 der of the amount made available under
25 subparagraph (A)(iii) (in this subpara-

1 graph referred to as the ‘remainder
2 amount’) for a fiscal year to make allot-
3 ments to States described in subparagraph
4 (A)(iii) on the following basis:

5 “(I) 33 and $\frac{1}{3}$ percent shall be
6 allotted on the basis of the relative
7 number of unemployed individuals in
8 each such State, compared to the total
9 number of unemployed individuals in
10 all such States.

11 “(II) 33 and $\frac{1}{3}$ percent shall be
12 allotted on the basis of the relative
13 number of disadvantaged adults in
14 each such State, compared to the total
15 number of disadvantaged adults in all
16 such States.

17 “(III) 33 and $\frac{1}{3}$ percent shall be
18 allotted on the basis of the relative
19 number of individuals in the civilian
20 labor force in each such State, com-
21 pared to the total number in the civil-
22 ian labor force in all such States.

23 “(iii) SMALL STATE MINIMUM.—The
24 Secretary shall ensure that no State shall

1 receive an allotment under this subpara-
2 graph for a fiscal year that is less than—

3 “(I) in the case of a fiscal year
4 for which the remainder amount is
5 not more than \$180,000,000, $\frac{3}{10}$ of 1
6 percent of such remainder amount;
7 and

8 “(II) in the case of a fiscal year
9 for which the remainder amount ex-
10 ceeds \$180,000,000, the total of—

11 “(aa) $\frac{3}{10}$ of 1 percent of
12 \$180,000,000; and

13 “(bb) $\frac{2}{5}$ of 1 percent of
14 such excess amount.

15 “(iv) DISADVANTAGED ADULT DE-
16 FINED.—For purposes of this subpara-
17 graph and subparagraph (C), the term
18 ‘disadvantaged adult’ has the meaning
19 given such term in section
20 132(b)(1)(B)(v)(IV) of the Workforce In-
21 novation and Opportunity Act (29 U.S.C.
22 3172(b)(1)(B)(v)(IV)).

23 “(v) REALLOTMENT.—

24 “(I) IN GENERAL.—The Sec-
25 retary of Labor shall, in accordance

1 with this clause, reallocate to eligible
2 States amounts that are made avail-
3 able to States from allotments made
4 under this subparagraph (referred to
5 individually in this subsection as a
6 ‘State allotment’) and that are avail-
7 able for reallocation.

8 “(II) AMOUNT.—The amount
9 available for reallocation for a pro-
10 gram year is equal to the amount by
11 which the unobligated balance of the
12 State allotment, at the end of the pro-
13 gram year prior to the program year
14 for which the determination under
15 this subclause is made, exceeds 20
16 percent of such allotment for the prior
17 program year.

18 “(III) REALLOTMENT.—In mak-
19 ing reallocations to eligible States of
20 amounts available pursuant to sub-
21 clause (II) for a program year, the
22 Secretary shall allocate to each eligible
23 State an amount based on the relative
24 amount of the State allotment for the
25 program year for which the deter-

1 mination is made, as compared to the
2 total amount of the State allotments
3 for all eligible States for such pro-
4 gram year.

5 “(IV) ELIGIBILITY.—For pur-
6 poses of this subsection, an ‘eligible
7 State’ means a State that does not
8 have an amount available for reallocot-
9 ment under subclause (II) for the pro-
10 gram year for which the determina-
11 tion under subclause (II) is made.

12 “(C) WITHIN STATE ALLOCATIONS.—

13 “(i) IN GENERAL.—The Governor
14 shall allocate the funds allotted to the
15 State under subparagraph (B) for a fiscal
16 year to the local areas in the State on the
17 following basis:

18 “(I) 33 and $\frac{1}{3}$ percent of the
19 funds on the basis described in sub-
20 paragraph (B)(ii)(I).

21 “(II) 33 and $\frac{1}{3}$ percent of the
22 funds on the basis described in sub-
23 paragraph (B)(ii)(II).

1 “(III) 33 and $\frac{1}{3}$ percent of the
2 funds on the basis described in sub-
3 paragraph (B)(ii)(III).

4 “(ii) APPLICATION.—For purposes of
5 carrying out clause (i)—

6 “(I) references in subparagraph
7 (B)(ii) to a State shall be deemed to
8 be references to a local area; and

9 “(II) references in subparagraph
10 (B)(ii) to all States shall be deemed to
11 be references to all local areas in the
12 State involved.

13 “(iii) REALLOCATION AMONG LOCAL
14 AREAS.—

15 “(I) IN GENERAL.—The Gov-
16 ernor may, in accordance with this
17 clause and after consultation with the
18 State board, reallocate to eligible local
19 areas within the State amounts that
20 are made available to local areas from
21 allocations made under this subpara-
22 graph (referred to individually in this
23 subsection as a ‘local allocation’) and
24 that are available for reallocation.

1 “(II) AMOUNT.—The amount
2 available for reallocation for a pro-
3 gram year is equal to the amount by
4 which the unobligated balance of the
5 local allocation, at the end of the pro-
6 gram year prior to the program year
7 for which the determination under
8 this subclause is made, exceeds 20
9 percent of such allocation for the
10 prior program year.

11 “(III) REALLOCATION.—In mak-
12 ing reallocations to eligible local areas
13 of amounts available pursuant to sub-
14 clause (II) for a program year, the
15 Governor shall allocate to each eligible
16 local area within the State an amount
17 based on the relative amount of the
18 local allocation for the program year
19 for which the determination is made,
20 as compared to the total amount of
21 the local allocations for all eligible
22 local areas in the State for such pro-
23 gram year.

24 “(IV) ELIGIBILITY.—For pur-
25 poses of this subsection, an eligible

1 local area means a local area that
2 does not have an amount available for
3 reallocation under subclause (II) for
4 the program year for which the deter-
5 mination under subclause (II) is
6 made.

7 “(2) USE OF FUNDS.—

8 “(A) IN GENERAL.—Funds allocated pur-
9 suant to paragraph (1) to a local area shall be
10 used to pay, through the use of an individual
11 training account in accordance with section
12 134(c)(3)(F)(iii) of the Workforce Innovation
13 and Opportunity Act (29 U.S.C.
14 3174(c)(3)(F)(iii)), an eligible provider of train-
15 ing services from the list of eligible providers of
16 training services described in section 122(d) of
17 such Act (29 U.S.C. 3152(d)) for training serv-
18 ices provided to eligible dislocated workers in
19 the local area.

20 “(B) REQUIREMENTS FOR LOCAL
21 AREAS.—As a condition of receipt of funds
22 under paragraph (1), a local area shall agree to
23 each of the following:

24 “(i) REQUIRED NOTICE TO WORK-
25 ERS.—Prior to an eligible dislocated work-

1 er selecting a program of training services
2 from the list of eligible providers of train-
3 ing services under section 122(d) of the
4 Workforce Innovation and Opportunity Act
5 (29 U.S.C. 3152(d)), the local area shall
6 inform such dislocated worker of any op-
7 portunities the dislocated worker may have
8 to participate in on-the-job training or em-
9 ployer-directed skills development funded
10 through such local area.

11 “(ii) AMOUNTS AVAILABLE.—Except
12 as provided in clause (iv)(II), a local
13 area—

14 “(I) may not limit the maximum
15 amount available for an individual
16 training account for an eligible dis-
17 located worker under subparagraph
18 (A) to an amount that is less than
19 \$5,000; and

20 “(II) may not pay an amount,
21 through the use of an individual train-
22 ing account under subparagraph (A),
23 for training services provided to an el-
24 ible dislocated worker that exceeds
25 the costs of such services.

1 “(iii) WIOA FUNDS.—A local area
2 may not use funds made available to the
3 local area for a fiscal year pursuant to sec-
4 tion 134(c)(1)(B) of the Workforce Innova-
5 tion and Opportunity Act (29 U.S.C.
6 3174(c)(1)(B)) to make payments under
7 subparagraph (A) until the funds allocated
8 to the local area pursuant to paragraph (1)
9 of this subsection for such fiscal year have
10 been exhausted.

11 “(iv) EXHAUSTION OF ALLOCA-
12 TIONS.—Upon the exhaustion of the funds
13 allocated to the local area pursuant to
14 paragraph (1) of this subsection, for the
15 purpose of paying, through the use of indi-
16 vidual training accounts under subpara-
17 graph (A), the costs of training services for
18 eligible dislocated workers in the local area
19 seeking such services, the local area—

20 “(I) shall use any funds made
21 available to the local area pursuant to
22 section 134(c)(1)(B) of the Workforce
23 Innovation and Opportunity Act (29
24 U.S.C. 3174(c)(1)(B)) to pay for such
25 costs under subparagraph (A) (other

1 than any costs that exceed the limit
2 set by the local area pursuant to
3 clause (ii) or subclause (II)); and

4 “(II) for any eligible dislocated
5 worker who is not a low-income indi-
6 vidual, may limit the maximum
7 amount available for the individual
8 training account under subparagraph
9 (A) for such worker to an amount
10 that is less than \$5,000.

11 “(3) ELIGIBLE DISLOCATED WORKER.—A dis-
12 located worker shall be an eligible dislocated worker
13 for purposes of this subsection if the dislocated
14 worker—

15 “(A) meets the requirements under section
16 134(c)(3)(A)(i) of the Workforce Innovation
17 and Opportunity Act (29 U.S.C.
18 3174(c)(3)(A)(i)) to be eligible for training
19 services; and

20 “(B) has not received training services
21 through an individual training account under
22 this subsection or under section
23 134(c)(3)(F)(iii) of the Workforce Innovation
24 and Opportunity Act (29 U.S.C.
25 3174(c)(3)(F)(iii)) during the preceding 5-year

1 period or, if such a worker has received such
2 training services during such period, the worker
3 has been granted an exception by the local area
4 due to an exceptional circumstance, as deter-
5 mined by the local area.

6 “(4) EXCESS DEMAND.—Upon the exhaustion
7 of the funds allocated to a local area pursuant to
8 paragraph (1) of this subsection and any funds that
9 may be available to such local area pursuant to sec-
10 tion 134(c)(1)(B) of the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3174(c)(1)(B)) for the
12 purpose described in paragraph (2)(A) of this sub-
13 section, the local area—

14 “(A) may request additional funds for such
15 purpose from the Governor under section
16 134(a)(2)(A)(i)(III) of the Workforce Innova-
17 tion and Opportunity Act (29 U.S.C.
18 3174(a)(2)(A)(i)(III)); and

19 “(B) shall not be required to pay for train-
20 ing services or establish an individual training
21 account for an eligible dislocated worker.

22 “(5) DEFINITIONS.—Except as otherwise speci-
23 fied, a term used in this subsection shall have the
24 meaning given such term in section 3 of the Work-

1 force Innovation and Opportunity Act (29 U.S.C.
2 3102).

3 “(6) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to provide an indi-
5 vidual with an entitlement to a service under this
6 subsection or under title I of the Workforce Innova-
7 tion and Opportunity Act (29 U.S.C. 3111 et seq.)
8 or to mandate a State or local area to provide a
9 service if Federal funds are not available for such
10 service.”.

11 **SEC. 303. ACCESS TO NATIONAL DIRECTORY OF NEW**
12 **HIRES.**

13 Section 453(j)(8) of the Social Security Act (42
14 U.S.C. 653(j)(8)) is amended—

15 (1) in subparagraph (A)—

16 (A) by inserting “or conducting the report-
17 ing and evaluation activities required under sec-
18 tion 116 of the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3141)” after “State
20 law”; and

21 (B) by striking “such program” and in-
22 serting “such programs”; and

23 (2) in subparagraph (C)(i), by striking “pur-
24 poses of administering a program referred to” and
25 inserting “the purposes specified”.

1 **SEC. 304. REFERENCES TO OTHER LAWS.**

2 (a) REFERENCES TO PROVISIONS OF THE WORK-
3 FORCE INNOVATION AND OPPORTUNITY ACT.—

4 (1) Section 8041(g)(2)(C) of the SUPPORT for
5 Patients and Communities Act (29 U.S.C.
6 3225a(g)(2)(C)) is amended by striking “section
7 172(f) of such Act (29 U.S.C. 3227(f))” and insert-
8 ing “section 175(h) of such Act (29 U.S.C.
9 3227(h))”.

10 (2) Section 60302(23) of the Digital Equity Act
11 of 2021 (47 U.S.C. 1721(23)) is amended by strik-
12 ing “section 3(66) of the Workforce Innovation and
13 Opportunity Act (29 U.S.C. 3102(66))” and insert-
14 ing “section 3 of the Workforce Innovation and Op-
15 portunity Act (29 U.S.C. 3102)”.

16 (b) RELATED PROVISIONS.—

17 (1) Section 286(s)(2) of the Immigration and
18 Nationality Act (8 U.S.C. 1356(s)(2)) is amended by
19 striking “demonstration programs and projects” and
20 inserting “the programs, activities, and uses”.

21 (2) Section 1154 of title 10, United States
22 Code, is amended—

23 (A) in paragraphs (2)(C) and (3)(D) of
24 subsection (a), by striking “Job Corps center as
25 defined” and inserting “Job Corps campus as
26 described”;

1 (B) in subsection (d)(4)(A)(ii), by striking
2 “Job Corps centers” and inserting “Job Corps
3 campuses”; and

4 (C) in subsection (e)(2)(E), by striking
5 “Job Corps center” and inserting “Job Corps
6 campus”.

7 (3) Section 7102(c) of the SUPPORT for Pa-
8 tients and Communities Act (42 U.S.C. 290bb-
9 7a(c)) is amended—

10 (A) in paragraph (2)(I), by striking “(I)”
11 and all that follows through “meaning”, and in-
12 serting the following:

13 “(I) OPPORTUNITY YOUTH.—The term
14 ‘opportunity youth’ has the meaning”; and

15 (B) in paragraph (3)(A), by striking “out-
16 of-school” and inserting “opportunity”.

17 **TITLE IV—DEPARTMENT OF**
18 **LABOR TECHNICAL ASSISTANCE**

19 **SEC. 401. TECHNICAL ASSISTANCE FOR TRANSFORMING TO**
20 **COMPETITIVE INTEGRATED EMPLOYMENT.**

21 (a) IN GENERAL.—From the amounts appropriated
22 under subsection (c), the Secretary (acting through the
23 Office of Disability Employment Policy in partnership
24 with the Employment and Training Administration), in
25 partnership with the Administration for Community Liv-

1 ing of the Department of Health and Human Services and
2 the Office of Special Education and Rehabilitative Serv-
3 ices of the Department of Education, shall establish a
4 Center for Technical Assistance for Transforming to Com-
5 petitive Integrated Employment to—

6 (1) provide technical assistance to employers
7 who are transitioning from employing individuals
8 with disabilities using special certificates on such
9 transition, which shall include technical assistance
10 on providing services that result in competitive inte-
11 grated employment;

12 (2) provide technical assistance to State agen-
13 cies seeking to support such employers described in
14 paragraph (1) on such transition described in para-
15 graph (1) on coordination and alignment of services
16 and funding in support of such transition, including
17 technical assistance on how such services and fund-
18 ing can result in competitive integrated employment;

19 (3) in providing the technical assistance de-
20 scribing in paragraphs (1) and (2), coordinate such
21 technical assistance with education materials and op-
22 portunities made available through existing technical
23 assistance provided by—

24 (A) the Office of Disability Employment
25 Policy;

1 (B) the Employment and Training Admin-
2 istration;

3 (C) the Administration for Community
4 Living of the Department of Health and
5 Human Services; and

6 (D) the Office of Special Education and
7 Rehabilitative Services of the Department of
8 Education; and

9 (4) in providing the technical assistance de-
10 scribed in paragraphs (1) and (2), make use of tech-
11 nical assistance that is in existence on the date of
12 enactment of this Act, including the CIE Trans-
13 formation Hub, the Advancing State Policy Integra-
14 tion for Recovery and Employment Initiative, and
15 the National Expansion of Employment Opportuni-
16 ties Network.

17 (b) DEFINITIONS.—In this section:

18 (1) COMPETITIVE INTEGRATED EMPLOY-
19 MENT.—The term “competitive integrated employ-
20 ment” has the meaning given the term in section
21 7(5) of the Rehabilitation Act of 1973 (29 U.S.C.
22 705(5)).

23 (2) DISABILITY.—The term “disability” in-
24 cludes any intellectual, developmental, mental health,
25 or other disability.

1 (3) INDIVIDUALS WITH DISABILITIES.—The
2 term “individuals with disabilities” means individ-
3 uals described in section 14(c)(1) of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 214(c)(1)).

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Labor.

7 (5) SPECIAL CERTIFICATE.—The term “special
8 certificate” means a special certificate issued under
9 section 14(c) of the Fair Labor Standards Act of
10 1938 (29 U.S.C. 214(c)).

11 (6) STATE.—The term “State” means each of
12 the 50 States, the District of Columbia, the Com-
13 monwealth of Puerto Rico, and the territory of
14 Guam.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section,
17 \$10,000,000 for each of fiscal years 2025 through 2030.

18 **TITLE V—GENERAL PROVISIONS**

19 **SEC. 501. REPORT ON DATA CAPABILITY AND INTEROPER-** 20 **ABILITY OF FEDERAL AND STATE DATABASES** 21 **AND DATA EXCHANGE AGREEMENTS.**

22 The Workforce Innovation and Opportunity Act (29
23 U.S.C. 3101 et seq.) is amended by striking section 505
24 and inserting the following:

1 **“SEC. 505. REPORT ON DATA CAPABILITY AND INTEROPER-**
2 **ABILITY OF FEDERAL AND STATE DATABASES**
3 **AND DATA EXCHANGE AGREEMENTS.**

4 “(a) IN GENERAL.—The Comptroller General of the
5 United States shall prepare and submit an interim report
6 and a final report to Congress regarding existing Federal
7 and State databases and data exchange agreements, as of
8 the date of the report, and the interoperability of data in
9 such databases and agreements, that contain job training
10 information relevant to the administration of programs
11 authorized under this Act (as amended by the A Stronger
12 Workforce for America Act) and the amendments made
13 by this Act (as so amended).

14 “(b) REQUIREMENTS.—The report required under
15 subsection (a) shall—

16 “(1) list existing Federal and State databases
17 and data exchange agreements described in sub-
18 section (a) and, for each, describe—

19 “(A) the purposes of the database or
20 agreement;

21 “(B) the data elements, such as wage and
22 employment outcomes, contained in the data-
23 base or accessible under the agreement;

24 “(C) the data elements described in sub-
25 paragraph (B) that are shared between States;

1 “(D) the Federal and State workforce
2 training programs from which each Federal and
3 State database derives the data elements de-
4 scribed in subparagraph (B);

5 “(E) the number and type of common data
6 elements across such databases and data ex-
7 change agreements;

8 “(F) the number and type of Federal and
9 State agencies having access to such data;

10 “(G) the number and type of private re-
11 search organizations having access to, through
12 grants, contracts, or other agreements, such
13 data;

14 “(H) whether the database or data ex-
15 change agreement provides for opt-out proce-
16 dures for individuals whose data is shared
17 through the database or data exchange agree-
18 ment; and

19 “(I) the volume of data being shared and
20 applied to improve performance accountability
21 and effectiveness of programs under this Act;

22 “(2) study the effects that access by State
23 workforce agencies and the Secretary of Labor to
24 the databases and data exchange agreements de-
25 scribed in subsection (a) would have on efforts to

1 carry out this Act and the amendments made by this
2 Act, and on individual privacy;

3 “(3) explore opportunities to enhance—

4 “(A) the quality, reliability, timeliness, and
5 reporting frequency of the data included in such
6 databases and data exchange agreements; and

7 “(B) the commonality and interoperability
8 of data elements included in such databases and
9 data exchange agreements;

10 “(4) describe, for each database or data ex-
11 change agreement considered by the study described
12 in subsection (a), the number of individuals whose
13 data is contained in each database or accessible
14 through the data agreement, and the specific data
15 elements contained in each that could be used to
16 personally identify an individual;

17 “(5) include the number of data breaches hav-
18 ing occurred since 2014 to data systems adminis-
19 tered by Federal and State agencies;

20 “(6) include the number of data breaches re-
21 garding any type of personal data having occurred
22 since 2014 to private research organizations with
23 whom Federal and State agencies contract for stud-
24 ies;

1 “(7) include a survey of the security protocols
2 used for protecting personal data, including best
3 practices shared amongst States for access to, and
4 administration of, data elements stored and rec-
5 ommendations for improving security protocols for
6 the safe warehousing of data elements;

7 “(8) include an evaluation of the State wage
8 interchange system developed by the Department of
9 Labor and report on the effectiveness of the system
10 in facilitating data exchange between State agencies
11 for the purpose of assessing and reporting on State
12 and local performance for the programs authorized
13 under this Act;

14 “(9) include an assessment of the feasibility,
15 costs, and potential impacts of establishing federally-
16 designated, transparent, interoperable, and non-
17 proprietary data exchange standards using human
18 readable and machine actionable data formats for
19 necessary categories of information that a State
20 agency operating a program under this Act may re-
21 ceive through each database or data exchange agree-
22 ment described in subsection (a);

23 “(10) include a survey of—

1 “(A) customer service and outcome man-
2 agement systems utilized by States for pro-
3 grams under each title of this Act;

4 “(B) the level of interoperability (if any) of
5 such systems;

6 “(C) whether any State has successfully
7 connected such a system serving a program
8 under a title of this Act with such a system
9 serving a program under another title of this
10 Act; and

11 “(D) the benefits achieved through any
12 such connection; and

13 “(11) describe the most significant develop-
14 ments and advancements pertaining to Federal and
15 State databases and data exchange agreements de-
16 scribed in subsection (a) since the final report was
17 submitted by the Comptroller General to Congress
18 under this section, as in effect on the day before the
19 date of enactment of the A Stronger Workforce for
20 America Act.

21 “(c) TIMING OF REPORTS.—

22 “(1) INTERIM REPORT.—Not later than 18
23 months after the date of enactment of the A Strong-
24 er Workforce for America Act, the Comptroller Gen-
25 eral shall prepare and submit to Congress an interim

1 report regarding the initial findings of the report re-
2 quired under this section.

3 “(2) FINAL REPORT.—Not later than 2 years
4 after the date of enactment of the A Stronger Work-
5 force for America Act, the Comptroller General shall
6 prepare and submit to Congress the final report re-
7 quired under this section.”.

8 **SEC. 502. EFFECTIVE DATES; TRANSITION AUTHORITY.**

9 (a) EFFECTIVE DATES.—

10 (1) IN GENERAL.—This division, and the
11 amendments made by this division, shall take effect
12 on the first day of the first full program year after
13 the date of enactment of this Act, except as other-
14 wise provided in this division.

15 (2) PERFORMANCE ACCOUNTABILITY SYS-
16 TEM.—The amendments made to section 116 of the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3141) by this division shall take effect on the
19 first day of the second full program year after the
20 date of enactment of this Act, except that—

21 (A) the amendments to clauses (iii)
22 through (v) of subsection (b)(3)(A) of that sec-
23 tion 116 shall take effect on January 1, 2026;
24 and

1 (B) the amendment to paragraph (1) of
2 subsection (d) of that section 116, the amend-
3 ments to subsections (i) and (j) of that section
4 116 that are made by section 119(g) of this di-
5 vision, and the amendment to subsection (k) of
6 that section 116, shall take effect on the day
7 that is 1 year after the date of enactment of
8 this Act.

9 (3) ONE-STOP DELIVERY SYSTEM.—The amend-
10 ments made to section 121 of the Workforce Innova-
11 tion and Opportunity Act (29 U.S.C. 3151) by this
12 division shall take effect on the first day of the sec-
13 ond full program year after the date of enactment
14 of this Act.

15 (4) YOUTH WORKFORCE INVESTMENT ACTIVI-
16 TIES.—The amendments made to section 129 of the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3164) by this division shall take effect on the
19 first day of the second full program year after the
20 date of enactment of this Act.

21 (5) ADULT AND DISLOCATED WORKER ACTIVI-
22 TIES.—The amendments made to section 134 of the
23 Workforce Innovation and Opportunity Act (29
24 U.S.C. 3174) by this division shall take effect on the

1 first day of the second full program year after the
2 date of enactment of this Act.

3 (6) JOB CORPS MANAGEMENT INFORMATION
4 REQUIREMENTS.—The amendments made to section
5 159 of the Workforce Innovation and Opportunity
6 Act (29 U.S.C. 3209) by this division shall take ef-
7 fect on the first day of the second full program year
8 after the date of enactment of this Act.

9 (b) TRANSITION AUTHORITY.—

10 (1) IN GENERAL.—Pursuant to section 503(a)
11 of the Workforce Innovation and Opportunity Act
12 (29 U.S.C. 3343(a)), the Secretary of Labor and the
13 Secretary of Education shall, effective on the date of
14 enactment of this Act, have the authority to take
15 such steps as are necessary to provide for the or-
16 derly implementation of the amendments to the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3101 et seq.) by this division, including ad-
19 dressing cross references to provisions specified in
20 subparagraphs (A) and (B) of subsection (a)(2).

21 (2) TERMINATION.—The authority described in
22 paragraph (1) shall terminate on the first day of the
23 second full program year after the date of enactment
24 of this Act.

25 (c) TRANSITION PERIOD FOR IMPLEMENTATION.—

1 (1) ELIGIBLE PROVIDERS OF TRAINING SERV-
2 ICES.—Each Governor and local board shall imple-
3 ment the requirements of section 122 of the Work-
4 force Innovation and Opportunity Act (29 U.S.C.
5 3152), as amended by this division, not later than
6 the first day of the second full program year after
7 the date of enactment of this Act. In order to facili-
8 tate early implementation of that section 122, the
9 Governor may establish transition procedures under
10 which eligible providers of training services under
11 chapter 1 of subtitle B of title I of the Workforce
12 Innovation and Opportunity Act (29 U.S.C. 3151 et
13 seq.), as such chapter was in effect on the day be-
14 fore the date of enactment of this Act, may continue
15 to be eligible to provide such services until December
16 31, 2026, or until such earlier date as the Governor
17 determines to be appropriate.

18 (2) STATE PLANS AND LOCAL PLANS.—

19 (A) MODIFICATION OF PLANS.—Not later
20 than the first day of the second full program
21 year after the date of enactment of this Act—

22 (i) each Governor of a State shall sub-
23 mit to the Secretary of Labor any modi-
24 fications to the State plan in effect for
25 such State that are necessary for the State

1 plan to comply with the amendments made
2 by this division to section 102 of the Work-
3 force Innovation and Opportunity Act (29
4 U.S.C. 3112); and

5 (ii) each local board shall submit to
6 the Governor of a State any modifications
7 to the local plan in effect for the local area
8 served by the local board that are nec-
9 essary for the local plan to comply with the
10 amendments made by this division to sec-
11 tion 108 of the Workforce Innovation and
12 Opportunity Act (29 U.S.C. 3123).

13 (B) NEW PLANS.—Not later than the first
14 day of the fourth full program year after the
15 date of enactment of this Act—

16 (i) each Governor of a State shall sub-
17 mit to the Secretary of Labor a new State
18 plan for such State that complies with the
19 requirements of section 102 of the Work-
20 force Innovation and Opportunity Act (29
21 U.S.C. 3112), as amended by this division;
22 and

23 (ii) each local board shall submit to
24 the Governor of a State a new local plan
25 for the local area served by the local board

1 that complies with the requirements of sec-
2 tion 108 of the Workforce Innovation and
3 Opportunity Act (29 U.S.C. 3123), as
4 amended by this division.

5 (3) DEFINITIONS.—In this subsection, the
6 terms “local board”, “local plan”, “State”, “State
7 plan”, and “training services” have the meanings
8 given the terms in section 3 of the Workforce Inno-
9 vation and Opportunity Act (29 U.S.C. 3102).

10 (d) CONFORMING AMENDMENTS.—

11 (1) REPEAL.—Subsections (a) through (e) of
12 section 503 of the Workforce Innovation and Oppor-
13 tunity Act (29 U.S.C. 3343) are repealed.

14 (2) REGULATIONS.—Section 503 of such Act is
15 amended—

16 (A) by redesignating subsections (f) and
17 (g) as subsections (a) and (b), respectively;

18 (B) by amending subsection (a) to read as
19 follows:

20 “(a) REGULATIONS.—

21 “(1) PROPOSED REGULATIONS.—Not later than
22 180 days after the date of enactment of the A
23 Stronger Workforce for America Act, the Secretary
24 of Labor, and the Secretary of Education, as appro-
25 priate, shall develop and publish in the Federal Reg-

1 ister proposed regulations relating to the transition
2 to, and implementation of, the A Stronger Work-
3 force for America Act, including the amendments to
4 this Act made by the A Stronger Workforce for
5 America Act.

6 “(2) FINAL REGULATIONS.—Not later than 12
7 months after the date of enactment of the A Strong-
8 er Workforce for America Act, the Secretaries de-
9 scribed in paragraph (1), as appropriate, shall de-
10 velop and publish in the Federal Register final regu-
11 lations relating to the transition to, and implementa-
12 tion of, the A Stronger Workforce for America Act,
13 including the amendments to this Act made by the
14 A Stronger Workforce for America Act.”; and

15 (C) in subsection (b), as so redesignated,
16 by striking “subsection (f)” and inserting “sub-
17 section (a)”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall take effect on the date of en-
20 actment of this Act.

1 **DIVISION G—OLDER AMERICANS**
2 **ACT REAUTHORIZATION ACT**
3 **OF 2024**

4 **SEC. 1. SHORT TITLE.**

5 This division may be cited as the “Older Americans
6 Act Reauthorization Act of 2024”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this division is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Definitions.

TITLE I—STRENGTHENING THE AGING NETWORK TO MEET THE
NEEDS OF OLDER INDIVIDUALS

- Sec. 101. Declaration of objectives.
- Sec. 102. Addressing mental health and substance use disorders and cognitive impairments of older individuals.
- Sec. 103. List of national resource centers.
- Sec. 104. Awareness of relevant Federal programs.
- Sec. 105. Evaluations and surveys.
- Sec. 106. Contracting.
- Sec. 107. Guidance on reallocation of funding between area agencies on aging.
- Sec. 108. Right to first refusal.
- Sec. 109. Area agency on aging capabilities.
- Sec. 110. Supporting older individuals with disabilities through improved coordination.
- Sec. 111. Business acumen, fiscal training, and technical assistance.
- Sec. 112. Enhancing access to assistive technology.
- Sec. 113. White House Conference on Aging.
- Sec. 114. Technical amendments.

TITLE II—IMPROVING HEALTH OUTCOMES AND ENCOURAGING
INDEPENDENCE FOR OLDER INDIVIDUALS

- Sec. 201. Disease prevention and health promotion services.
- Sec. 202. Improving health outcomes.
- Sec. 203. Technical assistance on evidence-based programs.
- Sec. 204. Enhancing multipurpose senior centers.
- Sec. 205. Addressing home modifications.
- Sec. 206. National resource center for engaging older adults.
- Sec. 207. Multigenerational and civic engagement activities.
- Sec. 208. Report relating to health outcomes for older individuals living with or near family members.
- Sec. 209. Improving broadband coordination and reducing social isolation.

TITLE III—ENHANCING INNOVATION AND FLEXIBILITY IN
NUTRITION SERVICES

- Sec. 301. Medically tailored meals.
- Sec. 302. Grab-and-go meals.
- Sec. 303. GAO study on Nutrition Services Incentive Program.
- Sec. 304. Innovations in nutrition programs and services.

TITLE IV—SUPPORTING FAMILY CAREGIVERS

- Sec. 401. Improving the National Family Caregiver Support Program.
- Sec. 402. Emphasizing respite care.
- Sec. 403. Clarifying supportive services.
- Sec. 404. Direct care workforce resource center.
- Sec. 405. Supporting Grandparents Raising Grandchildren Act.
- Sec. 406. RAISE Family Caregivers Act.

TITLE V—COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT

- Sec. 501. Improving the Community Service Employment Program.
- Sec. 502. GAO report on alignment within the Community Service Employment Program.

TITLE VI—IMPROVING SERVICES FOR NATIVE ELDERS

- Sec. 601. Older Americans Tribal Advisory Committee.
- Sec. 602. Supportive services; set aside.
- Sec. 603. GAO report on Tribal services.
- Sec. 604. Technical amendments.

TITLE VII—STRENGTHENING THE LONG-TERM CARE
OMBUDSMAN PROGRAMS AND ELDER ABUSE PREVENTION

- Sec. 701. Director of the Office of Long-Term Care Ombudsman Programs.
- Sec. 702. Legal assistance training resources relating to elder abuse prevention.
- Sec. 703. Improving training of volunteers under the State Long-Term Care Ombudsman Program.
- Sec. 704. Reporting on State Long-Term Care Ombudsman Programs.
- Sec. 705. Study on State Long-Term Care Ombudsman Programs.

TITLE VIII—AUTHORIZATIONS OF APPROPRIATIONS

- Sec. 801. Administration on Aging.
- Sec. 802. Grants for State and community programs on aging.
- Sec. 803. Activities for health, independence, and longevity.
- Sec. 804. Community Service Senior Opportunities Act.
- Sec. 805. Grants for Native Americans.
- Sec. 806. Allotments for elder rights protection activities.

1 SEC. 3. REFERENCES.

2 Except as otherwise expressly provided in this divi-
3 sion, wherever in this division an amendment or repeal is
4 expressed in terms of an amendment to, or a repeal of,

1 a section or other provision, the reference shall be consid-
2 ered to be made to that section or other provision of the
3 Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

4 **SEC. 4. DEFINITIONS.**

5 In this division, the terms “area agency on aging”,
6 “Assistant Secretary”, “older individual”, and “Sec-
7 retary” have the meanings given such terms in section 102
8 of the Older Americans Act of 1965 (42 U.S.C. 3002).

9 **TITLE I—STRENGTHENING THE**
10 **AGING NETWORK TO MEET**
11 **THE NEEDS OF OLDER INDI-**
12 **VIDUALS**

13 **SEC. 101. DECLARATION OF OBJECTIVES.**

14 Section 101 (42 U.S.C. 3001) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “of the following objectives:” and inserting
17 “of the objectives of—”;

18 (2) in each of paragraphs (1) through (10), by
19 amending the first word so that it begins with a low-
20 ercase letter;

21 (3) in each of paragraphs (1) through (8), by
22 striking the period at the end and inserting a semi-
23 colon;

24 (4) in each of paragraphs (9) and (10), by
25 striking the period at the end and inserting “; and”;

1 (5) in paragraph (2), by inserting “to improve
2 health outcomes and reduce health care expendi-
3 tures” after “economic status”;

4 (6) by redesignating paragraphs (1) through
5 (10) as subparagraphs (A) through (J), respectively,
6 and adjusting the margins accordingly;

7 (7) in the matter preceding subparagraph (A)
8 (as so redesignated), by striking “our democratic so-
9 ciety, the older people” and inserting the following:
10 “our democratic society—

11 “(1) the older people”; and

12 (8) by adding at the end the following:

13 “(2) the families of older individuals and com-
14 munity-based organizations, including faith-based or-
15 ganizations, also play a vital role in supporting and
16 honoring older individuals and their happiness, dig-
17 nity, and independence.”.

18 **SEC. 102. ADDRESSING MENTAL HEALTH AND SUBSTANCE**
19 **USE DISORDERS AND COGNITIVE IMPAIR-**
20 **MENTS OF OLDER INDIVIDUALS.**

21 Section 201(f) (42 U.S.C. 3011(f)) is amended to
22 read as follows:

23 “(f)(1) The Assistant Secretary may designate an of-
24 ficer or employee who shall be responsible for the adminis-
25 tration of services for mental health and substance use

1 disorders and cognitive impairments authorized under this
2 Act and serve as an effective and visible advocate for the
3 related needs of older individuals within the Department
4 of Health and Human Services, including by ensuring that
5 relevant information disseminated and research conducted
6 or supported by the Department takes into consideration
7 such services.

8 “(2) It shall be the duty of the Assistant Secretary,
9 acting through the individual designated under paragraph
10 (1), and in consultation with the heads of relevant agen-
11 cies within the Department of Health and Human Serv-
12 ices, including the Substance Abuse and Mental Health
13 Services Administration, to develop objectives, priorities,
14 and a long-term plan for supporting State and local efforts
15 under this Act involving education about, and prevention,
16 detection, and treatment of, mental health and substance
17 use disorders and cognitive impairments, including age-re-
18 lated dementia, depression, and Alzheimer’s disease and
19 related neurological disorders with neurological and or-
20 ganic brain dysfunction.

21 “(3) Not later than 2 years after the date of enact-
22 ment of the Older Americans Act Reauthorization Act of
23 2024, the Assistant Secretary shall report to the Com-
24 mittee on Health, Education, Labor, and Pensions of the
25 Senate, the Special Committee on Aging of the Senate,

1 and the Committee on Education and the Workforce of
2 the House of Representatives on the activities of the offi-
3 cer or employee designated under paragraph (1) in car-
4 rying out the requirements under this subsection, includ-
5 ing any activities to identify and reduce duplication and
6 gaps across the Department in such information dissemi-
7 nated and research conducted or supported by the Depart-
8 ment.”.

9 **SEC. 103. LIST OF NATIONAL RESOURCE CENTERS.**

10 Section 202 (42 U.S.C. 3012) is amended—

11 (1) in subsection (d)(4), by striking “Resource
12 Center on Elder Abuse” and inserting “Center”; and

13 (2) by striking subsection (h) and inserting the
14 following:

15 “(h)(1) The Assistant Secretary shall publish online
16 in a publicly accessible format, on an annual basis, a list
17 of national resource centers and demonstration projects
18 authorized under, or administratively established through
19 funds provided under, this Act.

20 “(2) The Assistant Secretary shall ensure that the
21 list published pursuant to paragraph (1)—

22 “(A) includes—

23 “(i) a description of each such center and dem-
24 onstration project, including the projected goals and

1 activities of each such center and demonstration
2 project;

3 “(ii) a citation to the statutory authorization of
4 each such center and demonstration project, or a ci-
5 tation to the statutory authority that the Assistant
6 Secretary relies upon to administratively establish
7 each such center and demonstration project;

8 “(iii) the award amount for each such center
9 and demonstration project; and

10 “(iv) a summary of any evaluations required
11 under this Act for each such center, including a de-
12 scription of any measures of effectiveness; and

13 “(B) is directly provided to State agencies, area agen-
14 cies on aging, and the Committee on Health, Education,
15 Labor, and Pensions and the Special Committee on Aging
16 of the Senate and the Committee on Education and the
17 Workforce of the House of Representatives.”.

18 **SEC. 104. AWARENESS OF RELEVANT FEDERAL PROGRAMS.**

19 Title II (42 U.S.C. 3011 et seq.) is amended by in-
20 serting after section 203A (42 U.S.C. 3013a) the fol-
21 lowing:

22 **“SEC. 203B. AWARENESS OF RELEVANT FEDERAL PRO-**
23 **GRAMS.**

24 “In carrying out section 203(a)(1), the Assistant Sec-
25 retary shall coordinate with the heads of relevant Federal

1 departments and agencies to ensure that the aging net-
2 work and individuals served under this Act are aware of,
3 and, subject to applicable eligibility criteria, have access
4 to, Federal programs that may advance the objectives of
5 this Act, including programs described in section 203(b)
6 and other programs to meet housing, health care, and
7 other supportive service needs to help such individuals age
8 in place.”.

9 **SEC. 105. EVALUATIONS AND SURVEYS.**

10 Section 206 (42 U.S.C. 3017) is amended—

11 (1) by striking subsection (d) and inserting the
12 following:

13 “(d)(1) In carrying out evaluations under this sec-
14 tion, the Secretary shall—

15 “(A) award grants to, or enter into contracts with,
16 public or nonprofit private organizations or academic or
17 research institutions to survey State agencies, area agen-
18 cies on aging, and other program and project participants
19 about the strengths and weaknesses of the programs and
20 projects; and

21 “(B) conduct, where appropriate, evaluations that
22 compare the effectiveness of related programs in achieving
23 common objectives.

24 “(2) The surveys and evaluations under paragraph
25 (1) shall include information on programs, services, use

1 and sources of funding (including any transfer of funding
2 between area agencies on aging), identified unmet need
3 for services and related indicators, and any other chal-
4 lenges faced by State agencies and area agencies on aging
5 in carrying out the activities of this Act.

6 “(3) The Secretary shall, in carrying out the evalua-
7 tions under paragraph (1), consult with organizations con-
8 cerned with older individuals, including organizations that
9 represent minority individuals, older individuals residing
10 in rural areas, and older individuals with disabilities.”;
11 and

12 (2) in subsection (g), by striking “him” and in-
13 serting “the Secretary”.

14 **SEC. 106. CONTRACTING.**

15 (a) IN GENERAL.—Section 212 (42 U.S.C. 3020c) is
16 amended—

17 (1) in the section heading, by striking “**AND**
18 **GRANT AUTHORITY**”;

19 (2) by striking subsection (a) and inserting the
20 following:

21 “(a) IN GENERAL.—Subject to subsection (b), this
22 Act shall not be construed to prevent a recipient of a grant
23 or a contract under this Act (other than title V) from en-
24 tering into a contract, commercial relationship, or other
25 business arrangement (referred to in this section as an

1 ‘agreement’) with a profitmaking organization for the re-
2 cipient to provide services to individuals or entities not
3 otherwise receiving services under this Act, provided
4 that—

5 “(1) in the case funds provided under this Act
6 are used in developing or carrying out the agree-
7 ment—

8 “(A) such agreement guarantees that the
9 cost is reimbursed to the recipient;

10 “(B) if such agreement provides for the
11 provision of 1 or more services, of the type pro-
12 vided under this Act by or on behalf of such re-
13 cipient, to an individual or entity seeking to re-
14 ceive such services—

15 “(i) the individuals and entities may
16 only purchase such services at their fair
17 market rate;

18 “(ii) all costs incurred by the recipient
19 in providing such services (and not other-
20 wise reimbursed under subparagraph (A)),
21 are reimbursed to such recipient; and

22 “(iii) except in the case of an agree-
23 ment with a health plan or health care pro-
24 vider, the recipient reports the rates for
25 providing such services under such agree-

1 ment in accordance with subsection (c) and
2 the rates are consistent with the prevailing
3 market rate for provision of such services
4 in the relevant geographic area as deter-
5 mined by the State agency or area agency
6 on aging (as applicable); and

7 “(C) any amount of payment to the recipi-
8 ent under the agreement that exceeds reim-
9 bursement under this subsection of the recipi-
10 ent’s costs is used to provide, or support the
11 provision of, services under this Act; and

12 “(2) subject to subsection (e), in the case no
13 funds provided under this Act are used in developing
14 or carrying out the agreement—

15 “(A) not later than 45 days after the
16 agreement first goes into effect, and annually
17 thereafter until the termination of such agree-
18 ment, the recipient of a grant or contract under
19 this Act shall, in writing—

20 “(i) notify the State agency of—

21 “(I) the existence of the agree-
22 ment; and

23 “(II) the services provided and
24 populations served under the agree-
25 ment; and

1 “(ii) provide assurances to the State
2 agency that—

3 “(I) nothing in the agreement—

4 “(aa) undermines—

5 “(AA) the duties of the
6 recipient under this Act; or

7 “(BB) the provision of
8 services in accordance with
9 this Act; or

10 “(bb) violates any other
11 terms and conditions of an award
12 received by the recipient under
13 this Act; and

14 “(II) any potential real or per-
15 ceived conflict of interest with respect
16 to the agreement has been prevented,
17 mitigated, or otherwise addressed, in-
18 cluding providing a description of any
19 such conflicts of interest and a de-
20 scription of the actions taken to miti-
21 gate such conflicts of interest; and

22 “(B) not later than 45 days after the pop-
23 ulation or services under the agreement sub-
24 stantially change due to an amendment to the
25 agreement, the recipient shall, in writing—

1 “(i) notify the State agency of such
2 change; and

3 “(ii) provide the assurances described
4 in subparagraph (A)(ii) with respect to
5 such change.”;

6 (3) by striking subsection (b) and inserting the
7 following:

8 “(b) ENSURING APPROPRIATE USE OF FUNDS.—An
9 agreement—

10 “(1) described in subsection (a)(1) may not—

11 “(A) be made without the prior approval of
12 the State agency (or, in the case of a grantee
13 under title VI, without the prior recommenda-
14 tion of the Director of the Office for American
15 Indian, Alaska Native, and Native Hawaiian
16 Programs and the prior approval of the Assist-
17 ant Secretary), after timely submission of all
18 relevant documents related to the agreement in-
19 cluding information on all costs incurred; or

20 “(B) directly or indirectly provide for, or
21 have the effect of, paying, reimbursing, sub-
22 sidizing, or otherwise compensating an indi-
23 vidual or entity in an amount that exceeds the
24 fair market value of the services subject to such
25 agreement; and

1 “(2) described in subsection (a) may not—

2 “(A) result in the displacement of services
3 otherwise available to an older individual with
4 greatest social need, an older individual with
5 greatest economic need, or an older individual
6 who is at risk for institutional placement; or

7 “(B) in any other way compromise, under-
8 mine, or be inconsistent with the objective of
9 serving the needs of older individuals, as deter-
10 mined by the Assistant Secretary.”;

11 (4) by striking subsection (c) and inserting the
12 following:

13 “(c) MONITORING AND REPORTING.—To ensure that
14 any agreement described in subsection (a)(1) complies
15 with the requirements of this section and other applicable
16 provisions of this Act, the Assistant Secretary shall de-
17 velop and implement uniform monitoring procedures and
18 reporting requirements consistent with the provisions of
19 subparagraphs (A) through (E) of section 306(a)(13) in
20 consultation with the State agencies and area agencies on
21 aging. The Assistant Secretary shall conduct a review on
22 the impact of such agreements on the provision of services
23 under this Act, including the number of agreements per
24 State, summaries of such agreements, and the impact of
25 such agreements on access to services consistent with the

1 goals of this Act. The Assistant Secretary shall annually
2 prepare and submit to the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate, the Special
4 Committee on Aging of the Senate, and the Committee
5 on Education and the Workforce of the House of Rep-
6 resentatives the findings of such review.”; and

7 (5) by striking subsection (e) and inserting the
8 following:

9 “(e) REQUESTING ADDITIONAL INFORMATION FOR
10 CERTAIN NON-OAA AGREEMENTS.—

11 “(1) IN GENERAL.—In the case of an agree-
12 ment described in subsection (a)(2), if the State
13 agency has a reasonable belief that an agreement
14 may violate the assurances provided under sub-
15 section (a)(2)(A)(ii), the State agency may request
16 additional information from the recipient of funds
17 under this Act that is a party to such agreement,
18 which may include a request for a copy of such
19 agreement. Such recipient shall make a good faith
20 effort to address such request for additional infor-
21 mation, except that such recipient shall not provide
22 agreements or other data that are restricted under
23 the terms of a non-disclosure agreement signed by
24 such recipient. If such recipient declines to provide
25 a copy of an agreement to a State agency, such re-

1 recipient shall provide a justification to the State
2 agency within 30 days of receiving such request.

3 “(2) CONFIDENTIALITY.—A State agency shall
4 keep confidential, as required by applicable Federal
5 and State law, all information received under this
6 subsection that is—

7 “(A) a trade secret;

8 “(B) commercial or financial information;

9 and

10 “(C) information obtained from an indi-
11 vidual that is privileged and confidential.

12 “(f) DEFINITIONS.—In this section:

13 “(1) COST.—The term ‘cost’ means an expense,
14 including an administrative expense, incurred by a
15 recipient in developing or carrying out an agreement
16 described in subsection (a), whether the recipient
17 contributed funds, staff time, or other plant, equip-
18 ment, or services to meet the expense.

19 “(2) RECIPIENT.—The term ‘recipient’ means
20 an area agency on aging in a State with multiple
21 planning and service areas.”.

22 (b) AREA PLANS.—Section 306 (42 U.S.C. 3026) is
23 amended—

24 (1) in subsection (a)(13)—

1 (A) in subparagraph (B)(i), by striking
2 “any service to older individuals” and inserting
3 “any service under this Act to older individuals
4 or caregivers”; and

5 (B) in subparagraph (E), by inserting “or
6 caregivers under this Act” after “older individ-
7 uals”; and

8 (2) in subsection (g), by inserting “, except as
9 provided under section 212(a)(2),” after “Nothing
10 in this Act”.

11 **SEC. 107. GUIDANCE ON REALLOCATION OF FUNDING BE-**
12 **TWEEN AREA AGENCIES ON AGING.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Assistant Secretary
15 shall disseminate one-time guidance to State agencies (as
16 defined in section 102 of the Older Americans Act of 1965
17 (42 U.S.C. 3002)) and area agencies on aging on cir-
18 cumstances under which funds appropriated pursuant to
19 part B and subparts 1 and 2 of part C of title III of the
20 Older Americans Act (42 U.S.C. 3030d et seq., 42 U.S.C.
21 3030e et seq., 42 U.S.C. 3030f et seq.) may be appro-
22 priate to reallocate between area agencies on aging within
23 a single State, with the approval of the State agency and
24 the concurrence of any involved area agencies on aging,
25 within a budget year.

1 (b) CONSIDERATIONS.—In disseminating the guid-
2 ance under subsection (a), the Assistant Secretary may
3 consider circumstances that affect the expenditure of the
4 funds described in such subsection.

5 **SEC. 108. RIGHT TO FIRST REFUSAL.**

6 Section 305(b)(5)(B) (42 U.S.C. 3025(b)(5)(B)) is
7 amended to read as follows:

8 “(B) Whenever a State agency designates a new area
9 agency on aging after the date of enactment of the Older
10 Americans Act Reauthorization Act of 2024, the State
11 agency shall give the right to first refusal to a unit of
12 general purpose local government if—

13 “(i) such unit can meet the requirements of
14 subsection (c);

15 “(ii)(I) such unit has demonstrated experience
16 administering services for older individuals; or

17 “(II) the State agency determines that there is not
18 another entity eligible under subsection (c)(1) within the
19 planning and service area with such demonstrated experi-
20 ence; and

21 “(iii) the boundaries of such unit and the
22 boundaries of the planning and service area are rea-
23 sonably contiguous.”.

1 **SEC. 109. AREA AGENCY ON AGING CAPABILITIES.**

2 (a) ORGANIZATION.—Section 305(c) (42 U.S.C.
3 3025(c)) is amended—

4 (1) by redesignating paragraphs (1) through
5 (5) as subparagraphs (A) through (E), respectively,
6 and moving such subparagraphs 2 ems to the right;

7 (2) by striking “shall be” and inserting the fol-
8 lowing: “shall—

9 “(1) be—”;

10 (3) in subparagraph (E), as so redesignated—

11 (A) by striking “(b)(5)” and inserting
12 “(b)(5)(A)”; and

13 (B) by inserting “and” after the semicolon;

14 and

15 (4) by striking “and shall provide assurance,
16 determined adequate by the State agency, that the
17 area agency on aging will have the ability to develop
18 an area plan and to carry out, directly or through
19 contractual or other arrangements, a program in ac-
20 cordance with the plan within the planning and serv-
21 ice area.” and inserting the following:

22 “(2) provide assurance, determined adequate by
23 the State agency, that the area agency on aging will
24 have the ability, and maintain the capabilities nec-
25 essary, to develop an area plan as required under
26 section 306(a), and carry out, directly or through

1 contractual or other arrangements, and oversee ac-
2 tivities in accordance with—

3 “(A) the plan within the planning and
4 service area;

5 “(B) any other relevant requirements of
6 this Act;

7 “(C) other applicable Federal and State
8 laws; and

9 “(D) other terms and conditions of awards
10 received under this Act.”.

11 (b) PLANS.—Section 306(f)(1) (42 U.S.C.
12 3026(f)(1)) is amended—

13 (1) by inserting “the assurances required under
14 section 305(c)(2),” after “of this section,”; and

15 (2) by striking the period at the end and insert-
16 ing “, and if the State agency determines, in the dis-
17 cretion of the State agency, that an area agency on
18 aging failed in 2 successive years to comply with the
19 requirements under this title, then the State agency
20 may require the area agency on aging to submit a
21 plan for a 1-year period that meets such require-
22 ments, for subsequent years until the State agency
23 determines that the area agency on aging is in com-
24 pliance with such requirements.”.

1 **SEC. 110. SUPPORTING OLDER INDIVIDUALS WITH DISABIL-**
2 **ITIES THROUGH IMPROVED COORDINATION.**

3 (a) AREA PLANS.—Section 306(a)(5) (42 U.S.C.
4 3026(a)(5)) is amended by striking “with agencies that
5 develop or provide services for individuals with disabili-
6 ties” and inserting “with entities that develop or provide
7 services for individuals with disabilities, which may include
8 centers for independent living, relevant service providers,
9 and other community-based organizations, as appro-
10 priate”.

11 (b) SUPPORTING OLDER INDIVIDUALS WITH DIS-
12 ABILITIES THROUGH IMPROVED COORDINATION.—

13 (1) IN GENERAL.—The Administrator of the
14 Administration for Community Living of the Depart-
15 ment of Health and Human Services (referred to in
16 this section as the “Administrator”) shall identify—

17 (A) opportunities to improve coordination
18 between the aging and disability networks,
19 which may include the formation of partner-
20 ships to serve individuals eligible for programs
21 under the Older Americans Act of 1965 (42
22 U.S.C. 3001 et seq.);

23 (B) lessons learned from disability net-
24 works, including centers for independent living,
25 State developmental disabilities councils, univer-
26 sity centers for excellence in developmental dis-

1 abilities education, research, and service, and
2 State protection and advocacy agencies that
3 could improve operations and service delivery
4 within the aging network; and

5 (C) any technical assistance needs related
6 to subparagraphs (A) and (B).

7 (2) **GUIDANCE.**—Not later than 2 years after
8 the date of enactment of this Act, the Administrator
9 shall issue guidance to State agencies and area
10 agencies on aging on strategies to leverage disability
11 networks, including centers for independent living,
12 State developmental disabilities councils, university
13 centers for excellence in developmental disabilities,
14 education, research, and service, and State protec-
15 tion and advocacy agencies, as appropriate, to
16 strengthen the provision of services under the Older
17 Americans Act of 1965 (42 U.S.C. 3001 et seq.).

18 (3) **TECHNICAL ASSISTANCE.**—The Adminis-
19 trator shall coordinate across the Administration for
20 Community Living to address any technical assist-
21 ance needs identified under paragraph (1)(C) in a
22 manner that does not unnecessarily duplicate other
23 technical assistance activities carried out prior to the
24 date of enactment of this Act.

1 (c) DEFINITIONS.—Section 102 (42 U.S.C. 3002) is
2 amended—

3 (1) in paragraph (4), by striking “(as defined
4 in section 3 of the Americans with Disabilities Act
5 of 1990 (42 U.S.C. 12102))”;

6 (2) in paragraph (13), by striking “The term”
7 and all that follows through “adjustment.” and in-
8 serting “The term ‘disability’ has the meaning given
9 such term in section 3 of the Americans with Dis-
10 abilities Act of 1990 (42 U.S.C. 12102).”; and

11 (3) in paragraph (49)(B), by striking “of the
12 major life activities specified in subparagraphs (A)
13 through (G) of paragraph (8)” and inserting “major
14 life activities specified in section 3(2) of the Ameri-
15 cans with Disabilities Act of 1990 (42 U.S.C.
16 12102(2)).”.

17 **SEC. 111. BUSINESS ACUMEN, FISCAL TRAINING, AND TECH-**
18 **NICAL ASSISTANCE.**

19 Section 307(a) (42 U.S.C. 3027(a)) is amended by
20 adding at the end the following:

21 “(31) The plan shall provide assurances that
22 the State agency, to the extent feasible and when
23 applicable and appropriate, provides technical assist-
24 ance for area agencies on aging related to the devel-
25 opment of business acumen, sound fiscal practices,

1 capacity building, organizational development, inno-
2 vation, and other methods of growing and sustaining
3 the capacity of the aging network to carry out activi-
4 ties funded under this Act to serve older individuals
5 and caregivers most effectively.”.

6 **SEC. 112. ENHANCING ACCESS TO ASSISTIVE TECHNOLOGY.**

7 Section 307(a) (42 U.S.C. 3027(a)), as amended by
8 section 111 of this division, is further amended by adding
9 at the end the following:

10 “(32) The plan shall provide assurances that
11 the State will coordinate services, to the extent fea-
12 sible, with lead agencies designated to carry out
13 State assistive technology programs under the As-
14 sistive Technology Act of 1998 (29 U.S.C. 3001 et
15 seq.) and with area agencies on aging to assist eligi-
16 ble older individuals, including older individuals with
17 disabilities, in accessing and acquiring assistive tech-
18 nology.”.

19 **SEC. 113. WHITE HOUSE CONFERENCE ON AGING.**

20 Title II of the Older Americans Act Amendments of
21 1987 (42 U.S.C. 3001 note; Public Law 100–175) is
22 amended by striking title II and inserting the following:

1 **“TITLE II—WHITE HOUSE**
2 **CONFERENCE ON AGING**

3 **“SEC. 201. AUTHORIZATION OF THE CONFERENCE.**

4 “(a) **AUTHORITY TO CALL CONFERENCE.**—Not ear-
5 lier than January 21, 2025 and not later than December
6 31, 2025, the President shall convene the White House
7 Conference on Aging in order to fulfill the purpose set
8 forth in subsection (c) and to make fundamental policy
9 recommendations regarding programs that are important
10 to older individuals and to the families and communities
11 of such individuals.

12 “(b) **PLANNING AND DIRECTION.**—The Conference
13 described in subsection (a) shall be planned and conducted
14 under the direction of the Secretary, in cooperation with
15 the Assistant Secretary for Aging, the Director of the Na-
16 tional Institute on Aging, the Administrator of the Centers
17 for Medicare and Medicaid Services, the Social Security
18 Administrator, and the heads of such other Federal agen-
19 cies serving older individuals as are appropriate. Planning
20 and conducting the Conference includes the assignment of
21 personnel.

22 “(c) **PURPOSE.**—The purpose of the Conference de-
23 scribed in subsection (a) shall be to gather individuals rep-
24 resenting the spectrum of thought and experience in the
25 field of aging to—

1 “(1) evaluate the manner in which the objec-
2 tives of the Older Americans Act of 1965 (42 U.S.C.
3 3001 et seq.) can be met by using the resources and
4 talents of older individuals, of families and commu-
5 nities of such individuals, and of individuals from
6 the public and private sectors;

7 “(2) evaluate the manner in which Federal poli-
8 cies, programs, and activities meet and respond to
9 the needs of older individuals, including an examina-
10 tion of innovative and fiscally responsible strategies
11 relating to retirement security, caregiving, nutrition
12 and supportive services, health care, elder justice,
13 and long-term services and supports;

14 “(3) be informed by the work and recommenda-
15 tions of the Interagency Coordinating Committee on
16 Healthy Aging and Age-Friendly Communities,
17 evaluate the recommendations of the Committee,
18 and, as appropriate, suggest implementation strate-
19 gies for such recommendations; and

20 “(4) develop recommendations to guide the
21 President, Congress, and Federal agencies in im-
22 proving Federal programs that serve older individ-
23 uals, which may relate to the prevention and mitiga-
24 tion of disease, injury, abuse, social isolation, loneli-

1 ness, and economic insecurity, including food insecu-
2 rity, and promotion of healthy aging in place.

3 “(d) CONFERENCE PARTICIPANTS AND DELE-
4 GATES.—

5 “(1) PARTICIPANTS.—In order to carry out the
6 purposes of this section, the Conference shall bring
7 together—

8 “(A) representatives of Federal, State,
9 Tribal, and local governments;

10 “(B) professionals and volunteers who are
11 working in the field of aging; and

12 “(C) representatives of the general public,
13 particularly older individuals.

14 “(2) SELECTION OF DELEGATES.—The dele-
15 gates shall be selected without regard to political af-
16 filiation or past partisan activity and shall, to the
17 best of the appointing authority’s ability, be rep-
18 resentative of the spectrum of thought in the field
19 of aging. Delegates shall include older individuals,
20 individuals who are professionals in the field of
21 aging, individuals who are community leaders, mi-
22 nority individuals, individuals from rural areas, low-
23 income individuals, and representatives of Federal,
24 State, Tribal, and local governments.

1 **“SEC. 202. CONFERENCE ADMINISTRATION.**

2 “(a) ADMINISTRATION.—In administering this sec-
3 tion, the Secretary shall—

4 “(1) consult with relevant State, Tribal, and
5 local officials, stakeholders, and subject matter ex-
6 perts in planning the Conference;

7 “(2) request the cooperation and assistance of
8 the heads of such other Federal departments and
9 agencies, including such officials of the Interagency
10 Coordinating Committee on Healthy Aging and Age-
11 Friendly Communities, as may be appropriate in the
12 carrying out of this section;

13 “(3) make available for public comment a pro-
14 posed agenda for the Conference, which will reflect
15 to the greatest extent possible the major issues fac-
16 ing older individuals, consistent with the provisions
17 of section 201(c);

18 “(4) prepare and make available such back-
19 ground materials for the use of delegates to the Con-
20 ference as the Secretary deems necessary; and

21 “(5) engage such additional personnel as may
22 be necessary to carry out the provisions of this sec-
23 tion without regard to provisions of title 5, United
24 States Code, governing appointments in the competi-
25 tive service, and without regard to chapter 51 and

1 subchapter III of chapter 53 of such title, relating
2 to classification and General Schedule pay rates.

3 “(b) DUTIES.—The Secretary shall, in carrying out
4 the Secretary’s responsibilities and functions under this
5 section, and as part of the White House Conference on
6 Aging, ensure that—

7 “(1) the agenda prepared under subsection
8 (a)(3) for the Conference is published in the Federal
9 Register not later than 30 days after such agenda
10 is approved by the Secretary;

11 “(2) the personnel engaged under subsection
12 (a)(5) shall be fairly balanced in terms of points of
13 views represented and shall be appointed without re-
14 gard to political affiliation or previous partisan ac-
15 tivities;

16 “(3) the recommendations of the Conference
17 are not inappropriately influenced by any appointing
18 authority or by any special interest, but will instead
19 be the result of the independent judgment of the
20 Conference; and

21 “(4) current and adequate statistical data, in-
22 cluding decennial census data, and other information
23 on the well-being of older individuals in the United
24 States, are readily available, in advance of the Con-
25 ference, to the delegates of the Conference, together

1 with such information as may be necessary to evalu-
2 ate Federal programs and policies relating to aging.
3 In carrying out this subparagraph, the Secretary is
4 authorized to make grants to, and enter into cooper-
5 ative agreements with, public agencies and nonprofit
6 private organizations.

7 “(c) GIFTS.—The Secretary may accept, on behalf of
8 the United States, gifts (in cash or in kind, including vol-
9 untary and uncompensated services) that shall be available
10 to carry out this title. Gifts of cash shall be available in
11 addition to amounts appropriated to carry out this title.
12 Gifts may be earmarked by the donor for a specific pur-
13 pose.

14 “(d) RECORDS.—The Secretary shall maintain
15 records regarding—

16 “(1) the sources, amounts, and uses of gifts ac-
17 cepted under subsection (c); and

18 “(2) the identity of each person receiving assist-
19 ance to carry out this title, and the amount of such
20 assistance received by each such person.

21 **“SEC. 203. REPORT OF THE CONFERENCE.**

22 “(a) PRELIMINARY REPORT.—Not later than 100
23 days after the date on which the Conference adjourns, the
24 Secretary shall publish and deliver to the States a prelimi-
25 nary report on the Conference. Comments on the prelimi-

1 nary report of the Conference shall be accepted by the Sec-
2 retary.

3 “(b) FINAL REPORT.—Not later than 180 days after
4 the date on which the Conference adjourns, the Secretary
5 shall publish and transmit to the President and to Con-
6 gress recommendations resulting from the Conference and
7 suggestions for any administrative action and legislation
8 necessary to implement the recommendations contained
9 within the report.

10 **“SEC. 204. DEFINITIONS.**

11 “In this title:

12 “(1) CONFERENCE.—The term ‘Conference’
13 means the White House Conference on Aging.

14 “(2) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Health and Human Services.

16 “(3) STATE.—The term ‘State’ means any of
17 the several States, the District of Columbia, the
18 Commonwealth of Puerto Rico, Guam, American
19 Samoa, the Virgin Islands of the United States, the
20 Trust Territory of the Pacific Islands, or the Com-
21 monwealth of the Northern Mariana Islands.”.

22 **SEC. 114. TECHNICAL AMENDMENTS.**

23 The Older Americans Act of 1965 (42 U.S.C. 3001
24 et seq.) is amended—

1 (1) in section 201(d)(3)(J) (42 U.S.C.
2 3011(d)(3)(J)), by striking “Speaker of the House
3 of Representatives and the President pro tempore of
4 the Senate” and inserting “Committee on Health,
5 Education, Labor, and Pensions of the Senate and
6 the Committee on Education and the Workforce of
7 the House of Representatives”;

8 (2) in section 202(b)(8)(E) (42 U.S.C.
9 3012(b)(8)(E)), by striking “preventative health
10 benefits under the provisions of, and amendments
11 made by, the Medicare Prescription Drug, Improve-
12 ment, and Modernization Act of 2003” and inserting
13 “preventive health benefits under such program”;

14 (3) in section 203(c)(7) (42 U.S.C.
15 3013(c)(7))—

16 (A) in the matter preceding subparagraph
17 (A), by striking “the Committee on Education
18 and Labor of the House of Representatives”
19 and inserting “the Committee on Education
20 and the Workforce of the House of Representa-
21 tives”; and

22 (B) in subparagraph (C), by striking
23 “chairman” and inserting “chairperson”;

1 (4) in section 339 (42 U.S.C. 3030g–21), by
2 striking “this chapter” each place it appears and in-
3 serting “this part”; and

4 (5) in section 432(b)(1) (42 U.S.C.
5 3033a(b)(1)), by striking “Speaker of the House of
6 Representatives and the President pro tempore of
7 the Senate” and inserting “Committee on Health,
8 Education, Labor, and Pensions of the Senate and
9 the Committee on Education and the Workforce of
10 the House of Representatives”.

11 **TITLE II—IMPROVING HEALTH**
12 **OUTCOMES AND ENCOUR-**
13 **AGING INDEPENDENCE FOR**
14 **OLDER INDIVIDUALS**

15 **SEC. 201. DISEASE PREVENTION AND HEALTH PROMOTION**
16 **SERVICES.**

17 Section 102(14) (42 U.S.C. 3002(14)) is amended—

18 (1) in subparagraph (B), by inserting “heart
19 rate, respiratory function,” after “hearing,”;

20 (2) in subparagraph (K), by inserting “pro-
21 viding” before “information”;

22 (3) by redesignating subparagraphs (L), (M),
23 (N), and (O), as subparagraphs (M), (N), (O), and
24 (P), respectively;

1 (4) by inserting after subparagraph (K) the fol-
2 lowing:

3 “(L) providing information concerning
4 testing, diagnosis, and treatment of infectious
5 diseases, taking into consideration infectious
6 diseases for which older individuals are at in-
7 creased risk of infection or serious health out-
8 comes;”; and

9 (5) in subparagraph (P), as so redesignated, by
10 striking “subparagraphs (A) through (N)” and in-
11 sserting “subparagraphs (A) through (O)”.

12 **SEC. 202. IMPROVING HEALTH OUTCOMES.**

13 (a) RESEARCH AND EVALUATION ACTIVITIES.—Sec-
14 tion 201 (42 U.S.C. 3011) is amended—

15 (1) in subsection (c)(3)(B), by striking “in be-
16 half” and inserting “on behalf”; and

17 (2) in subsection (g)—

18 (A) in paragraph (3)(A)(ii), by inserting
19 “reduction of health care expenditures,” after
20 “quality of life,”; and

21 (B) in paragraph (7), by inserting “and
22 recommendations relating to further research,
23 evaluation, and demonstration projects con-
24 ducted under this section” after “title IV”.

1 (b) FALLS PREVENTION PROGRAMS.—Section
2 411(a)(15) (42 U.S.C. 3032(a)(15)) is amended to read
3 as follows:

4 “(15) bringing to scale and sustaining evidence-
5 based falls prevention programs to reduce the num-
6 ber of falls, fear of falling, and fall-related injuries
7 affecting older individuals, including older individ-
8 uals with disabilities, which shall—

9 “(A) provide training and technical assist-
10 ance to the aging network; and

11 “(B) share best practices with the aging
12 network, including the Aging and Disability Re-
13 source Centers;”.

14 (c) INTERAGENCY COORDINATING COMMITTEE ON
15 HEALTHY AGING AND AGE-FRIENDLY COMMUNITIES.—
16 Section 203(c) (42 U.S.C. 3013(c)) is amended—

17 (1) in paragraph (6)(B)—

18 (A) in clause (ii), by striking “and” after
19 the semicolon;

20 (B) in clause (iii), by inserting “and” after
21 the semicolon; and

22 (C) by adding at the end the following:

23 “(iv) strategies to address social isolation,
24 including by promoting strong and stable con-

1 nections across different generations in a family
2 and in the community;” and

3 (2) in paragraph (7), as amended by section
4 114(3) of this division—

5 (A) in subparagraph (B), by striking
6 “and” at the end;

7 (B) by redesignating subparagraph (C) as
8 subparagraph (D); and

9 (C) by inserting after subparagraph (B)
10 the following:

11 “(C) contains an assessment of the effec-
12 tiveness of relevant Federal efforts and pro-
13 grams, including implementation of best prac-
14 tices described in paragraph (6)(B); and”.

15 **SEC. 203. TECHNICAL ASSISTANCE ON EVIDENCE-BASED**
16 **PROGRAMS.**

17 (a) **TECHNICAL ASSISTANCE.**—The Assistant Sec-
18 retary, at the request of a State agency (as defined in sec-
19 tion 102 of the Older Americans Act of 1965 (42 U.S.C.
20 3002)) or area agencies on aging, may provide technical
21 assistance on the requirements of evidence-based pro-
22 grams under the Older Americans Act of 1965 (42 U.S.C.
23 3001 et seq.).

24 (b) **CONSIDERATION.**—The Assistant Secretary may
25 consider whether there are evidence-informed practices,

1 based on the best available science, that may improve
2 health outcomes.

3 **SEC. 204. ENHANCING MULTIPURPOSE SENIOR CENTERS.**

4 (a) IN GENERAL.—Section 202(a)(30) (42 U.S.C.
5 3012(a)(30)) is amended by inserting “, access to services
6 provided at multipurpose senior centers, and (where ap-
7 propriate) the establishment and maintenance of multi-
8 purpose senior centers” before the semicolon at the end.

9 (b) AREA AGENCY ON AGING PLANS.—Section
10 306(a)(2)(A) (42 U.S.C. 3026(a)(2)(A)) is amended by in-
11 serting “, including those services provided at multipur-
12 pose senior centers, where appropriate” before the semi-
13 colon at the end.

14 (c) STATE PLANS.—Section 307(a)(2)(A) (42 U.S.C.
15 3027(a)(2)(A)) is amended by inserting “and, to the ex-
16 tent feasible, make such evaluation public” before the
17 semicolon at the end.

18 **SEC. 205. ADDRESSING HOME MODIFICATIONS.**

19 (a) INDOOR AIR QUALITY.—Section 361(c) (42
20 U.S.C. 3030m(c)) is amended by striking “buildings” and
21 all that follows and inserting “buildings and residences
22 where older individuals congregate or live”.

23 (b) WEATHERIZATION.—Section 321(a)(4) (42
24 U.S.C. 3030d(a)(4)) is amended by striking subparagraph
25 (A) and inserting “(A) to assist older individuals in ob-

1 taining and maintaining adequate housing, including resi-
2 dential repair and renovation projects, and (if assistance
3 for weatherization projects does not unnecessarily dupli-
4 cate other Federal assistance available) weatherization
5 projects, designed to enable older individuals to maintain
6 their homes in conformity with minimum housing and (as
7 applicable and appropriate) other relevant standards, in
8 order to support such older individuals in aging in place
9 and maintaining their health;”.

10 **SEC. 206. NATIONAL RESOURCE CENTER FOR ENGAGING**
11 **OLDER ADULTS.**

12 Section 411(a)(18) (42 U.S.C. 3032(a)(18)) is
13 amended by inserting “, such as providing appropriate
14 training, resources, and best practices to the aging net-
15 work” after “older individuals”.

16 **SEC. 207. MULTIGENERATIONAL AND CIVIC ENGAGEMENT**
17 **ACTIVITIES.**

18 Section 417 (42 U.S.C. 3032f) is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph (1),
21 by striking “projects,” and all that follows
22 through “to—” and inserting the following:
23 “projects to serve individuals in younger gen-
24 erations and older individuals by developing,

1 carrying out, and promoting participation in
2 multigenerational activities to—”;

3 (B) in paragraph (2), by adding “and” at
4 the end;

5 (C) in paragraph (3), by striking “opportu-
6 nities for older individuals to become a mentor
7 to individuals in younger generations; and” and
8 inserting “opportunities—

9 “(A) for older individuals to become men-
10 tors to individuals in younger generations; and

11 “(B) at facilities that serve older individ-
12 uals or individuals in younger generations, at
13 which multigenerational activities might
14 occur.”; and

15 (D) by striking paragraph (4);

16 (2) in subsection (c)(2), by striking “(4)” and
17 inserting “(3)”;

18 (3) in subsection (d)—

19 (A) by striking paragraph (1); and

20 (B) by redesignating paragraphs (2)
21 through (5) as paragraphs (1) through (4), re-
22 spectively;

23 (4) in subsection (g)—

24 (A) in paragraph (1), in the matter pre-
25 ceding subparagraph (A), by striking “of enact-

1 ment of the Supporting Older Americans Act of
2 2020,” and inserting “on which the first grant
3 is awarded under this section following the date
4 of enactment of the Older Americans Act Reau-
5 thorization Act of 2024,”; and

6 (B) in paragraph (2), in the matter pre-
7 ceding subparagraph (A), by striking “the
8 Speaker of the House of Representatives and
9 the President pro tempore of the Senate” and
10 inserting “the Committee on Health, Edu-
11 cation, Labor, and Pensions of the Senate and
12 the Committee on Education and the Workforce
13 of the House of Representatives”; and

14 (5) in subsection (h)(1), by striking “or a fam-
15 ily support program.” and inserting “or a family
16 support program, or a program at a multipurpose
17 senior center, long-term care facility, or any other
18 residential facility for older individuals.”.

19 **SEC. 208. REPORT RELATING TO HEALTH OUTCOMES FOR**
20 **OLDER INDIVIDUALS LIVING WITH OR NEAR**
21 **FAMILY MEMBERS.**

22 (a) IN GENERAL.—The Secretary shall prepare a re-
23 port that assesses—

24 (1) the health outcomes for older individuals
25 who live with, on the same property as, or otherwise

1 in the community in close geographic proximity, rel-
2 ative to the area, to family members; and

3 (2) the degree to which programs under the
4 Older Americans Act of 1965 (42 U.S.C. 3001 et
5 seq.) promote living in the settings described in
6 paragraph (1), as appropriate.

7 (b) INCLUSION.—The report described under sub-
8 section (a) shall include—

9 (1) an assessment of physical and mental health
10 outcomes of older individuals who live in the settings
11 described in subsection (a)(1) in comparison to phys-
12 ical and mental health outcomes of older individuals
13 who do not live in such settings;

14 (2) an assessment of the extent to which living
15 in such settings mitigates social isolation and loneli-
16 ness in older adults; and

17 (3) a description of the different types of such
18 settings and whether, and to what extent, findings
19 under paragraphs (1) and (2) vary across such dif-
20 ferent types.

21 (c) SUBMISSION.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Health, Education, Labor, and Pen-
24 sions and the Special Committee on Aging of the Senate
25 and the Committee on Education and the Workforce of

1 the House of Representatives the report required by sub-
2 section (a).

3 **SEC. 209. IMPROVING BROADBAND COORDINATION AND**
4 **REDUCING SOCIAL ISOLATION.**

5 (a) IN GENERAL.—The Assistant Secretary shall, as
6 appropriate, coordinate with the Assistant Secretary of
7 Commerce for Communications and Information of the
8 National Telecommunications and Information Adminis-
9 tration to ensure that the aging network (as defined in
10 section 102 of the Older Americans Act of 1965 (42
11 U.S.C. 3002)) and other relevant stakeholders are aware
12 of, and, subject to applicable eligibility criteria, have ac-
13 cess to, Federal programs relating to digital literacy and
14 the adoption of broadband that may support healthy aging
15 and aging in place for older individuals.

16 (b) REPORT.—Not later than 90 days after the date
17 of enactment of this Act, the Assistant Secretary shall pre-
18 pare, and submit to the Committee on Health, Education,
19 Labor, and Pensions, the Special Committee on Aging,
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Education and
22 the Workforce of the House of Representatives, a report
23 regarding any coordination efforts carried out pursuant to
24 subsection (a).

1 **TITLE III—ENHANCING INNOVA-**
2 **TION AND FLEXIBILITY IN NU-**
3 **TRITION SERVICES**

4 **SEC. 301. MEDICALLY TAILORED MEALS.**

5 (a) DEFINITIONS.—Section 102(14) (42 U.S.C.
6 3002(14)) is amended—

7 (1) in subparagraph (C), by inserting “, which
8 may include counseling related to the provision of
9 medically tailored meals,” after “counseling”; and

10 (2) in subparagraph (D), by inserting “(includ-
11 ing from medically tailored meals)” after “improved
12 nutrition”.

13 (b) ADMINISTRATION OF NUTRITION SERVICES.—
14 Section 205(a)(2)(A) (42 U.S.C. 3016(a)(2)(A)) is
15 amended—

16 (1) in clause (vi), by inserting “, including
17 through the use of innovative approaches” after
18 “systems”; and

19 (2) in clause (viii), by inserting “and innovative
20 interventions” after “including strategies”.

21 (c) NUTRITION EDUCATION.—Section 214(2)(C) (42
22 U.S.C. 3020e(2)(C)) is amended by inserting “, including
23 interventions,” after “other activities”.

24 (d) NUTRITION SERVICES PURPOSES.—Section
25 330(3) (42 U.S.C. 3030d–21(3)) is amended by inserting

1 “, tailored to their individual medical and nutritional
2 needs to the extent feasible,” after “services”.

3 **SEC. 302. GRAB-AND-GO MEALS.**

4 Section 308(b)(4) (42 U.S.C. 3028(b)(4)) is amended
5 by adding at the end the following:

6 “(E) A State may elect in its plan under section 307
7 to allow use of not more than 25 percent of the funds
8 received by such State under subpart 1 of part C, cal-
9 culated after any transfers under subparagraphs (A) and
10 (B) are completed, to make meals available at congregate
11 meal sites or other community locations for consumption
12 by older individuals outside such sites and locations, such
13 as carry-out or similar meals. A State electing to allow
14 use of funds under the preceding sentence shall—

15 “(i) ensure that such allowable use com-
16 plements the delivery of services through the con-
17 gregate meals program under section 331; and

18 “(ii) notify the Assistant Secretary of such elec-
19 tion, including a description of the amount and per-
20 centage of funds received by such State under sub-
21 part 1 of part C to be used for such purposes.”.

22 **SEC. 303. GAO STUDY ON NUTRITION SERVICES INCENTIVE**
23 **PROGRAM.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study to evaluate the Nutri-

1 tion Services Incentive Program under section 311 (42
2 U.S.C. 3030a) (referred to in this section as the “Pro-
3 gram”).

4 (b) INCLUSIONS.—The study under this section—

5 (1) shall—

6 (A) include an assessment of how States
7 and Tribal organizations use funding provided
8 under the Program, including the degree to
9 which States and Tribal organizations use such
10 funding to procure food products from local or
11 regional producers for meals supported under
12 the Program; and

13 (B) identify any challenges or barriers to
14 increasing the use of local and regional pro-
15 ducers under the Program; and

16 (2) may make recommendations related to im-
17 proving the effectiveness of the Program, including
18 with respect to the use of local and regional pro-
19 ducers.

20 (c) REPORT TO CONGRESS.—Not later than 18
21 months after the date of enactment of this Act, the Comp-
22 troller General of the United States shall submit to the
23 Committee on Health, Education, Labor, and Pensions
24 and the Special Committee on Aging of the Senate and
25 the Committee on Education and the Workforce of the

1 House of Representatives a report on the results of the
2 study under this section.

3 **SEC. 304. INNOVATIONS IN NUTRITION PROGRAMS AND**
4 **SERVICES.**

5 Subpart 3 of part C of title III (42 U.S.C. 3030g–
6 21 et seq.) is amended by adding at the end the following:

7 **“SEC. 340. INNOVATIONS IN NUTRITION PROGRAMS AND**
8 **SERVICES.**

9 “(a) **DEMONSTRATION TO REDUCE HUNGER, FOOD**
10 **INSECURITY, AND MALNUTRITION.—**

11 “(1) **IN GENERAL.—**From funds available
12 under paragraph (5), the Assistant Secretary shall
13 make grants, on a competitive basis, to eligible enti-
14 ties, to achieve the purposes of section 330(1) by de-
15 veloping, testing, implementing, and evaluating inno-
16 vative local or regional approaches to improve the
17 quality, effectiveness, efficiency, and outcomes of nu-
18 trition projects and services described in sections
19 311, 331, and 336.

20 “(2) **ELIGIBILITY.—**In order to be eligible for a
21 grant under paragraph (1), an entity shall—

22 “(A) be—

23 “(i) a State agency, an area agency
24 on aging, an Indian Tribe, a Tribal organi-
25 zation, or another public or nonprofit pri-

1 vate entity, including a nutrition service
2 provider, a multipurpose senior center, a
3 health care entity, or an institution of
4 higher education; or

5 “(ii) a partnership between any enti-
6 ties described in clause (i); and

7 “(B) submit an application at such time
8 and in such manner as the Assistant Secretary
9 may require, including—

10 “(i) a description of an innovative ap-
11 proach referred to in paragraph (1) that
12 the entity proposes to implement under the
13 grant;

14 “(ii) a plan for evaluating the effec-
15 tiveness, including cost-effectiveness, of the
16 innovative approach proposed; and

17 “(iii) a plan for the publication of the
18 results of such evaluation.

19 “(3) PRIORITY.—In selecting eligible entities
20 for grants under this subsection, the Assistant Sec-
21 retary shall give priority to eligible entities proposing
22 to carry out a grant in 1 or more rural areas.

23 “(4) REPORT.—Not later than 1 year after the
24 date of enactment of the Older Americans Act Reau-
25 thorization Act of 2024, and annually thereafter, the

1 Assistant Secretary shall submit a report to the
2 Committee on Health, Education, Labor, and Pen-
3 sions and the Special Committee on Aging of the
4 Senate and the Committee on Education and the
5 Workforce of the House of Representatives describ-
6 ing any activities carried out under paragraph (1),
7 an assessment of the outcomes of such activities
8 using rigorous methodologies, and recommendations
9 for inclusion of any successful innovative approaches
10 within nutrition programs established under this
11 Act.

12 “(5) RESERVATION.—From the total of the
13 amounts made available for a fiscal year under para-
14 graphs (1) and (2) of section 303(b) and in section
15 311(e), the Assistant Secretary shall reserve an
16 amount equal to not more than 1 percent to carry
17 out activities described in paragraph (1) of this sub-
18 section.

19 “(b) INNOVATIVE APPROACHES TO REDUCE HUN-
20 GER, FOOD INSECURITY, AND MALNUTRITION.—

21 “(1) IN GENERAL.—Subject to paragraph (6),
22 in carrying out nutrition projects established under
23 this Act, a State agency or title VI grantee may im-
24 plement innovative approaches, including any appli-
25 cable approaches implemented previously by the As-

1 Assistant Secretary or pursuant to subsection (a), that
2 are demonstrated to be effective, to achieve the pur-
3 poses described in section 330(1) by improving—

4 “(A) the quality, composition, preparation,
5 modality, delivery, or location of meals provided
6 to older individuals under this Act; or

7 “(B) the efficiency and effectiveness of dis-
8 tributing, delivering, or otherwise making meals
9 available to older individuals under this Act.

10 “(2) WAIVER.—At the request of a State agen-
11 cy implementing an approach under paragraph (1),
12 the Assistant Secretary may waive any requirements
13 of subpart 1 or 2 with respect to such State agency
14 if such requirements impede the ability of such State
15 agency to successfully implement such an approach.

16 “(3) FLEXIBILITY.—The Secretary shall pro-
17 vide maximum flexibility to a title VI grantee imple-
18 menting an approach under paragraph (1) in the
19 same manner as the Secretary provides maximum
20 flexibility in accordance with section 614(c)(3).

21 “(4) SUNSET.—The authority to carry out ac-
22 tivities described in paragraph (1) shall expire on
23 October 1, 2029.

24 “(5) REPORT.—Not later than September 30,
25 2028, the Assistant Secretary shall submit a report

1 to the Committee on Health, Education, Labor, and
2 Pensions and the Special Committee on Aging of the
3 Senate and the Committee on Education and the
4 Workforce of the House of Representatives describ-
5 ing any activities carried out by State agencies or
6 title VI grantees under paragraph (1), an assess-
7 ment of the outcomes of such activities using rig-
8 orous methodologies, and recommendations for inclu-
9 sion of any successful innovative approaches within
10 nutrition programs established under this Act.

11 “(6) USE OF ALLOTMENT.—If the amount ap-
12 propriated to carry out section 311 for a fiscal year
13 exceeds the amount appropriated to carry out sec-
14 tion 311 for the prior fiscal year or fiscal year 2024,
15 whichever is greater, a State agency and title VI
16 grantee in receipt of an allotment under section
17 311(b) may elect to use the difference between the
18 allotment received for the fiscal year and the allot-
19 ment received for the prior fiscal year or fiscal year
20 2024, whichever is greater, for activities described in
21 paragraph (1).

22 “(7) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed as limiting or pro-
24 hibiting the requirements described in section 339

1 from applying to nutrition projects utilizing an inno-
2 vative approach under this subsection.”.

3 **TITLE IV—SUPPORTING FAMILY**
4 **CAREGIVERS**

5 **SEC. 401. IMPROVING THE NATIONAL FAMILY CAREGIVER**
6 **SUPPORT PROGRAM.**

7 (a) STATE REQUIREMENTS FOR STATE AND COMMU-
8 NITY PROGRAMS ON AGING GRANTS.—Section
9 305(a)(3)(E) (42 U.S.C. 3025(a)(3)(E)) is amended—

10 (1) in clause (i), by striking “and” at the end;

11 (2) in clause (ii), by striking the period at the
12 end and inserting “; and”; and

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

14 “(iii) available supports for family
15 caregivers and older relative caregivers (as
16 defined in section 372(a)).”.

17 (b) AREA PLAN REQUIREMENTS.—Section
18 306(a)(7)(D) (42 U.S.C. 3026(a)(7)(D)) is amended—

19 (1) in clause (i), by striking “and” at the end;

20 (2) in clause (ii), by adding “and” after the
21 semicolon; and

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

23 “(iii) available supports for family
24 caregivers and older relative caregivers (as
25 defined in section 372(a));”.

1 (c) DEFINITIONS RELATING TO THE NATIONAL FAM-
2 ILY CAREGIVER SUPPORT PROGRAM.—

3 (1) IN GENERAL.—Section 372(a) (42 U.S.C.
4 3030s(a)) is amended—

5 (A) in paragraph (1)—

6 (i) in the first sentence, by striking
7 “The term” and inserting the following:

8 “(A) IN GENERAL.—The term”; and

9 (ii) in subparagraph (A) (as so des-
10 ignated), in the second sentence—

11 (I) by striking the period at the
12 end and inserting “; and”;

13 (II) by striking “Such assess-
14 ment shall be administered through”
15 and inserting the following:

16 “(B) ADMINISTRATION OF ASSESS-
17 MENTS.—A caregiver assessment under sub-
18 paragraph (A) shall—

19 “(i) be administered through”; and

20 (III) by adding at the end the
21 following:

22 “(ii) take into account—

23 “(I) linguistic and cultural dif-
24 ferences;

1 “(II) the ease for the caregiver to
2 access information, supports, or serv-
3 ices, and the timeliness of access to
4 such information, supports, or serv-
5 ices;

6 “(III) barriers to accessing infor-
7 mation, supports, or services;

8 “(IV) the availability of informa-
9 tion, supports, or services in accessible
10 formats; and

11 “(V) the quality of information,
12 supports, or services received, and the
13 degree to which it is helpful to the
14 caregiver.”;

15 (B) by striking paragraph (2) and insert-
16 ing the following:

17 “(2) CHILD OR YOUTH.—The term ‘child or
18 youth’ means an individual who is not more than—

19 “(A) 18 years of age; or

20 “(B) 22 years of age, in the case of an in-
21 dividual who is enrolled in any form of school-
22 ing (including on a part-time basis), includ-
23 ing—

24 “(i) in high school or secondary school
25 (as such terms are defined in section 8101

1 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801)); or

3 “(ii) in an institution of higher edu-
4 cation (as defined in section 102 of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1002)).”; and

7 (C) in paragraph (4)(B)—

8 (i) in clause (i), by inserting “adult”
9 after “or other”; and

10 (ii) by amending clause (iii) to read as
11 follows:

12 “(iii)(I) has a legal relationship to the
13 child or youth, such as legal custody, adop-
14 tion, or guardianship, or is raising the
15 child or youth informally; and

16 “(II) in the case of a child or youth de-
17 scribed in paragraph (2)(B) who is 18 years of
18 age or older, had established such a legal rela-
19 tionship, or began raising such child or youth
20 informally, prior to the child or youth reaching
21 the age of 18; and”.

22 (2) CONFORMING AMENDMENTS.—Part E of
23 title III (42 U.S.C. 3030s et seq.) is amended—

24 (A) by inserting “or youth” after “child”
25 each place it appears (other than in sections

1 372(a)(2) (as amended by paragraph (1)(B))
2 and 372(a)(4)(B)(iii) (as amended by para-
3 graph (1)(C)(ii)); and

4 (B) in section 373(c)(2)(B) (42 U.S.C.
5 3030s-1(e)(2)(B)), by inserting “or youth”
6 after “children”.

7 (d) PROGRAM AUTHORIZED.—Section 373 (42
8 U.S.C. 3030s-1) is amended—

9 (1) in subsection (b)(3)—

10 (A) by inserting “which may include trau-
11 ma-informed services, peer supports,” after “in-
12 dividual counseling,”; and

13 (B) by inserting “elder abuse prevention,”
14 after “nutrition,”;

15 (2) in subsection (c)—

16 (A) in the subsection heading, by striking
17 “PRIORITY” and inserting “PRIORITY; CONSID-
18 ERATION”; and

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

20 “(3) CONSIDERATION.—In providing services
21 under this part, the State shall consider—

22 “(A) that older relative caregivers caring
23 for multiple children or youth may need greater
24 resources and supports; and

1 “(B) the circumstances and unique needs
2 of different types of caregivers, including the
3 needs of children or youth and their older rel-
4 ative caregivers whose families have been af-
5 fected by substance use disorder, including
6 opioid use disorder.”;

7 (3) in subsection (e)—

8 (A) in the matter preceding paragraph (1),
9 by striking “Not later than” and all that fol-
10 lows through “the Assistant Secretary shall”
11 and inserting “The Assistant Secretary shall,
12 on a regular basis”;

13 (B) in paragraph (1)—

14 (i) in subparagraph (B), by striking
15 “and” at the end;

16 (ii) by redesignating subparagraph
17 (C) as subparagraph (D); and

18 (iii) by inserting after subparagraph
19 (B) the following:

20 “(C) the use of caregiver assessments;
21 and”; and

22 (C) in paragraph (2), by striking “make
23 available” and inserting “prepare, publish, and
24 disseminate”;

25 (4) in subsection (i)—

1 (A) in paragraph (1), by inserting “, which
2 may include the improvement of the quality and
3 consistency of caregiver assessments and access
4 to other information, supports, or services”
5 after “section 631”; and

6 (B) in paragraph (2), by inserting “(in-
7 cluding outcome measures)” after “program
8 evaluation”; and

9 (5) in subsection (j)—

10 (A) in the matter preceding paragraph (1),
11 by striking “Not later than” and all that fol-
12 lows through “shall provide technical assist-
13 ance” and inserting “Beginning not later than
14 1 year after the date of enactment of the Older
15 Americans Act Reauthorization Act of 2024,
16 the Assistant Secretary, in consultation with
17 stakeholders with appropriate expertise and, as
18 appropriate, informed by the most recent strat-
19 egy developed under the RAISE Family Care-
20 givers Act (42 U.S.C. 3030s note) and the most
21 recent report developed under the Supporting
22 Grandparents Raising Grandchildren Act (Pub-
23 lic Law 115–196; 132 Stat. 1511), shall pro-
24 vide ongoing technical assistance”;

1 (B) in paragraph (2), by striking “and” at
2 the end;

3 (C) by redesignating paragraph (3) as
4 paragraph (4); and

5 (D) by inserting after paragraph (2) the
6 following:

7 “(3) the quality and consistency of caregiver as-
8 sessments used across States; and”.

9 **SEC. 402. EMPHASIZING RESPITE CARE.**

10 Section 321(a)(19) (42 U.S.C. 3030d(a)(19)) is
11 amended to read as follows:

12 “(19) services, which may include respite care
13 through various models, designed to support family
14 members and other persons providing voluntary care
15 to older individuals that need long-term care serv-
16 ices, which may include older individuals with cog-
17 nitive impairments such as Alzheimer’s disease and
18 related disorders with neurological and organic brain
19 dysfunction;”.

20 **SEC. 403. CLARIFYING SUPPORTIVE SERVICES.**

21 Section 321(a)(18) (42 U.S.C. 3030d(a)(18)) is
22 amended by striking “mentally impaired older individuals”
23 and inserting “older individuals with cognitive, physical,
24 or mental impairments”.

1 **SEC. 404. DIRECT CARE WORKFORCE RESOURCE CENTER.**

2 Section 411(a)(13) (42 U.S.C. 3032(a)(13)) is
3 amended—

4 (1) in subparagraph (B), by adding “and” at
5 the end;

6 (2) by redesignating subparagraphs (A) and
7 (B) as clauses (i) and (ii), respectively, and adjust-
8 ing the margins accordingly;

9 (3) in the matter preceding clause (i) (as so re-
10 designated)—

11 (A) by inserting “and, as appropriate, the
12 heads of other relevant Federal departments
13 and agencies” after “Labor”; and

14 (B) by striking “workers, and the solici-
15 titing,” and inserting the following: “workers,
16 including—

17 “(A) the soliciting,”; and

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

19 “(B) the establishment and operation of a
20 national resource center that supports the
21 growth and professionalization of the direct
22 care workforce necessary to meet the needs of
23 older individuals and individuals with disabil-
24 ities, and, in a manner that does not unneces-
25 sarily duplicate the activities of other resource
26 centers supported by the Assistant Secretary,

1 that addresses training and other educational
2 needs of family caregivers, which activities of
3 the center may include—

4 “(i) the provision of training and
5 technical assistance, including through the
6 development and dissemination of edu-
7 cational materials, to States, long-term
8 services and supports providers, direct care
9 workers, and family caregivers; and

10 “(ii) promoting existing, and sup-
11 porting the demonstration of new, strate-
12 gies for the recruitment, retention, career
13 development, or advancement of direct care
14 workers to reduce barriers to entry for a
15 diverse and high-quality direct care work-
16 force, including providing wages, benefits,
17 and advancement opportunities needed to
18 attract or retain direct care workers;”.

19 **SEC. 405. SUPPORTING GRANDPARENTS RAISING GRAND-**
20 **CHILDREN ACT.**

21 (a) **FINDINGS.**—The Supporting Grandparents Rais-
22 ing Grandchildren Act (Public Law 115–196; 132 Stat.
23 1511) is amended by striking section 2.

24 (b) **DEFINITIONS.**—The Supporting Grandparents
25 Raising Grandchildren Act is amended by redesignating

1 section 4 as section 2 and moving the section so as to
2 follow section 1.

3 (c) ADVISORY COUNCIL.—Section 3 of the Sup-
4 porting Grandparents Raising Grandchildren Act is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by redesignating subparagraphs
9 (G) through (I) as subparagraphs (H)
10 through (J);

11 (ii) by inserting after subparagraph
12 (F) the following:

13 “(G) The Assistant Secretary for Health.”;

14 (iii) in subparagraph (I), as so redesi-
15 gnated, by striking “of children”; and

16 (iv) in subparagraph (J), as so redesi-
17 gnated, by striking “relatives” and insert-
18 ing “relative caregivers”; and

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

20 “(3) LIMITATION ON NON-FEDERAL MEM-
21 BERS.—Not more than 10 members of the Advisory
22 Council may be individuals who are not Federal offi-
23 cers or employees.”;

24 (2) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking “relatives” and insert-
4 ing “relative caregivers”; and
5 (II) in clause (i)—
6 (aa) by striking “the
7 health,” and inserting “the near-
8 and long-term health, including
9 mental health,”; and
10 (bb) by striking “care; and”
11 and inserting “care, including
12 any needs related to the cir-
13 cumstances that caused such
14 children to be raised by a grand-
15 parent or older relative caregiver;
16 and”; and
17 (ii) in subparagraph (B)—
18 (I) by striking “(B)” and all that
19 follows through “In” and inserting
20 the following:
21 “(B) CONSIDERATIONS.—In”; and
22 (II) by striking “needs of those
23 affected by the opioid crisis” and in-
24 serting “needs and challenges of indi-
25 viduals affected by substance use dis-

1 order, including opioid use disorder,
2 or, as applicable and appropriate,
3 needs and challenges of individuals re-
4 lated to other circumstances, which
5 may include public health emer-
6 gencies”;

7 (B) in paragraph (2)—

8 (i) in subparagraph (A), in the matter
9 preceding clause (i), by striking “enact-
10 ment of this Act” and inserting “enact-
11 ment of the Older Americans Act Reau-
12 thORIZATION Act of 2024”; and

13 (ii) in subparagraph (B)—

14 (I) in clause (i)—

15 (aa) by striking “relatives”
16 and inserting “relative care-
17 givers”; and

18 (bb) by striking “needs of
19 children” and all that follows
20 through “epidemic;” and insert-
21 ing “needs of children and their
22 older relative caregivers who have
23 been affected by substance use
24 disorder, including opioid use dis-
25 order;”;

1 (II) in clause (ii), by striking the
2 “and” at the end;

3 (III) by redesignating clause (iii)
4 as clause (iv); and

5 (IV) by inserting after clause (ii)
6 the following:

7 “(iii) a description of any activities of
8 the Department of Health and Human
9 Services to evaluate the effectiveness of
10 supportive services in addressing the needs
11 of children and their older relative care-
12 givers, including those who have been af-
13 fected by substance use disorder, including
14 opioid use disorder, and any related find-
15 ings; and”;

16 (C) in paragraph (3)—

17 (i) in the matter preceding subpara-
18 graph (A)—

19 (I) by striking “(3)” and all that
20 follows through “Not” and inserting
21 the following:

22 “(3) FOLLOW-UP REPORTS.—Not”;

23 (II) by striking “2 years” and in-
24 serting “180 days”; and

1 (III) by inserting after “sub-
2 mitted,” the following: “and every 2
3 years thereafter until the Advisory
4 Council terminates under subsection
5 (f),”; and

6 (D) in paragraph (4) by striking “rel-
7 atives” each place it appears and inserting “rel-
8 ative caregivers”;

9 (3) in subsection (d), by striking “the Federal
10 Advisory Committee Act (5 U.S.C. App.)” and in-
11 serting “chapter 10 of title 5, United States Code.”;
12 and

13 (4) in subsection (f), by striking “terminate”
14 and all that follows through “Act.” and inserting
15 “terminate on September 30, 2029.”.

16 **SEC. 406. RAISE FAMILY CAREGIVERS ACT.**

17 (a) STRATEGY.—Section 3 of the RAISE Family
18 Caregivers Act (42 U.S.C. 3030s note) is amended—

19 (1) in subsection (c)—

20 (A) in the matter preceding paragraph (1),
21 by inserting “(or the Secretary’s designee)”
22 after “The Secretary”; and

23 (B) in paragraph (1), by inserting “and
24 made publicly available by the Secretary,” after
25 “caregiver programs,”; and

1 (2) in subsection (d)(2), by inserting “in” after
2 “caregiver programs”.

3 (b) COUNCIL.—Section 4(e) of that Act (42 U.S.C.
4 3030s note) is amended by striking “The Federal Advi-
5 sory Committee Act (5 U.S.C. App.)” and inserting
6 “Chapter 10 of title 5, United States Code,”.

7 (c) SUNSET EXTENSION.—Section 6 of that Act (42
8 U.S.C. 3030s note) is amended by striking “terminate”
9 and all that follows through “Act.” and inserting “termi-
10 nate on September 30, 2029.”.

11 **TITLE V—COMMUNITY SERVICE**
12 **SENIOR OPPORTUNITIES ACT**

13 **SEC. 501. IMPROVING THE COMMUNITY SERVICE EMPLOY-**
14 **MENT PROGRAM.**

15 (a) PROGRAM.—Section 502(b)(1) (42 U.S.C.
16 3056(b)(1)) is amended—

17 (1) in subparagraph (C)(ii), by striking “section
18 513(a)(2)(E)” and inserting “section 513(a)(2)(F)”;

19 and

20 (2) in subparagraph (E), by inserting “older in-
21 dividuals,” after “youth,”.

22 (b) PERFORMANCE.—Section 513 (42 U.S.C. 3056k)
23 is amended—

24 (1) in subsection (a)(2)—

1 (A) in subparagraph (D)(iii), by inserting
2 “, including toward the long-term performance
3 goals determined by the Department of Labor
4 under the Government Performance and Re-
5 sults Act of 1993 (Public Law 103–62; 107
6 Stat. 285) and the amendments made by such
7 Act,” after “core measures”;

8 (B) by redesignating subparagraph (E) as
9 subparagraph (F); and

10 (C) by inserting after subparagraph (D)
11 the following:

12 “(E) BIENNIAL REPORT.—Not later than
13 2 years after the date of enactment of the Older
14 Americans Act Reauthorization Act of 2024,
15 and every 2 years thereafter during the period
16 of the program described in section 502(a)(1),
17 the Secretary shall prepare, make publicly avail-
18 able, and submit to the Committee on Health,
19 Education, Labor, and Pensions and the Spe-
20 cial Committee on Aging of the Senate and the
21 Committee on Education and the Workforce of
22 the House of Representatives a report regard-
23 ing the methodology used to arrive at the ex-
24 pected levels of performance described in sub-
25 paragraph (B) for each grantee, including the

1 particular statistical model used and other fac-
2 tors taken into account, as described in sub-
3 paragraph (D).”;

4 (2) in subsection (b)(1)(C), by striking “fourth
5 quarter after exit from the project” and inserting
6 “second quarter after exit from the project and re-
7 main in unsubsidized employment during the fourth
8 quarter after exit from the project”;

9 (3) in subsection (c) and paragraphs (1)(A),
10 (2)(A), and (3)(A) of subsection (d), by striking
11 “subsection (a)(2)(E)” and inserting “subsection
12 (a)(2)(F)”; and

13 (4) in subsection (d)—

14 (A) in paragraph (2)(B)(iii), by adding at
15 the end the following: “For grants awarded on
16 or after the date that is 2 years after the date
17 of enactment of the Older Americans Act Reau-
18 thorization Act of 2024, any grantee who has
19 failed to meet the expected levels of perform-
20 ance for the 2 consecutive years prior to the
21 subsequent grant competition under section 514
22 shall not be allowed to compete in the subse-
23 quent grant competition under section 514 fol-
24 lowing the second consecutive year of failure
25 but may compete in the next such grant com-

1 petition after that subsequent competition.”;
2 and

3 (B) in paragraph (3)(B)(iii), by adding at
4 the end the following: “For grants awarded on
5 or after the date that is 2 years after the date
6 of enactment of the Older Americans Act Reau-
7 thorization Act of 2024, if the Secretary deter-
8 mines that the State fails to meet the expected
9 levels of performance described in subparagraph
10 (A) for 2 consecutive program years, the Sec-
11 retary shall provide for the conduct by the
12 State of a competition to award the funds allot-
13 ted to the State under section 506(e) for the
14 first full program year following the Secretary’s
15 determination.”.

16 (c) DEFINITIONS AND RULE.—

17 (1) DEFINITIONS.—Section 518(a)(1)(A) (42
18 U.S.C. 3056p(a)(1)(A)) is amended to read as fol-
19 lows:

20 “(A) social, health, welfare, and edu-
21 cational services (including literacy tutoring and
22 services provided by the aging network), legal
23 and other counseling services and assistance
24 (including tax counseling and assistance and fi-

1 nancial counseling), and library, recreational,
2 and other similar services;”.

3 (2) RULE.—Section 518(b)(2)(F) (42 U.S.C.
4 3056p(b)(2)(F)) is amended to read as follows:

5 “(F) has failed to find employment after receiv-
6 ing any combination of training services or the fol-
7 lowing career services provided under title I of the
8 Workforce Innovation and Opportunity Act (29
9 U.S.C. 3111 et seq.)—

10 “(i) initial or comprehensive skills assess-
11 ment;

12 “(ii) labor exchange services;

13 “(iii) provision of workforce and labor mar-
14 ket information or job search assistance;

15 “(iv) development of an individual employ-
16 ment plan;

17 “(v) group or individual counseling;

18 “(vi) career planning;

19 “(vii) internship, work experience, work-
20 force preparation activities, or prevocational
21 services;

22 “(viii) English language acquisition and in-
23 tegrated education and training; or

24 “(ix) followup services;”.

1 **SEC. 502. GAO REPORT ON ALIGNMENT WITHIN THE COM-**
2 **MUNITY SERVICE EMPLOYMENT PROGRAM.**

3 (a) REVIEW.—Not later than 18 months after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall complete a review in which the
6 Comptroller General—

7 (1) evaluates—

8 (A) the distinct differences and similarities
9 between the older American community service
10 employment program as authorized under title
11 V of the Older Americans Act of 1965 (42
12 U.S.C. 3056 et seq.) and the programs carried
13 out under title I of the Workforce Innovation
14 and Opportunity Act (29 U.S.C. 3111 et seq.);
15 and

16 (B) how the programs described in sub-
17 paragraph (A) serve older individuals in seeking
18 and obtaining community service employment;

19 (2) analyzes the expected levels of performance
20 described in section 513(a) of the Older Americans
21 Act of 1965 (42 U.S.C. 3056k(a)), the efficacy and
22 impacts of the indicators of performance described
23 in section 513(b) of the Older Americans Act of
24 1965 (42 U.S.C. 3056k(b)), and corrective measures
25 described in section 513(d) of the Older Americans
26 Act of 1965 (42 U.S.C. 3056k(d)) for the older

1 American community service employment program,
2 compared with the expected levels of performance,
3 efficacy and impacts of the indicators of perform-
4 ance, and corrective measures described in section
5 116 of the Workforce Innovation and Opportunity
6 Act (29 U.S.C. 3141) for programs authorized
7 under title I of such Act, including the efficacy of
8 the indicators of performance described in section
9 513(b) of the Older Americans Act of 1965 (42
10 U.S.C. 3056k(b)) for individuals described in sub-
11 section (a)(3)(B)(ii) or subsection (b) of section 518
12 of the Older Americans Act of 1965 (42 U.S.C.
13 3056p);

14 (3) develops recommendations for any alter-
15 native measures that may better measure the effi-
16 cacy of the older American community service em-
17 ployment program as authorized under title V of the
18 Older Americans Act of 1965 (42 U.S.C. 3056 et
19 seq.) for individuals described in subsection
20 (a)(3)(B)(ii) or subsection (b) of section 518 of the
21 Older Americans Act of 1965 (42 U.S.C. 3056p) to
22 achieve the objectives described in section 101 of the
23 Older Americans Act of 1965 (42 U.S.C. 3001); and

24 (4) evaluates how the Department of Labor co-
25 ordinates delivery of services with State and national

1 grantees under title V of the Older Americans Act
2 of 1965 (42 U.S.C. 3056 et seq.) and with States
3 and local workforce development areas under title I
4 of the Workforce Innovation and Opportunity Act
5 (29 U.S.C. 3111 et seq.) to serve older individuals.

6 (b) REPORT TO CONGRESS.—Not later than 180 days
7 after the review required under this section is completed,
8 the Comptroller General shall submit to the Committee
9 on Health, Education, Labor, and Pensions and the Spe-
10 cial Committee on Aging of the Senate and the Committee
11 on Education and the Workforce of the House of Rep-
12 resentatives a report on the results of such review.

13 **TITLE VI—IMPROVING SERVICES**
14 **FOR NATIVE ELDER**

15 **SEC. 601. OLDER AMERICANS TRIBAL ADVISORY COM-**
16 **MITTEE.**

17 Section 201(c) (42 U.S.C. 3011(c)) is amended by
18 adding at the end the following:

19 “(4)(A) In addition to other methods of govern-
20 ment-to-government consultation between the Ad-
21 ministration and Indian Tribes and conferring with
22 organizations representing Native Hawaiians, the
23 Assistant Secretary shall establish an advisory com-
24 mittee, to be known as the ‘Older Americans Tribal
25 Advisory Committee’ (referred to in this paragraph

1 as the ‘Committee’) to provide advice and guidance
2 to the Assistant Secretary on matters relating to the
3 needs of older individuals who are Native Americans
4 and implementation of related programs and activi-
5 ties under this Act.

6 “(B) The Committee shall be composed of 11 voting,
7 non-Federal members, including—

8 “(i) geographically diverse individuals with ex-
9 pertise on the range of issues affecting Indian
10 Tribes, organizations representing Native Hawai-
11 ians, and older individuals who are Native Ameri-
12 cans;

13 “(ii) not less than 1 member who is an Alaska
14 Native; and

15 “(iii) not less than 1 member who is a Native
16 Hawaiian.

17 “(C) The Committee shall include non-voting, ex offi-
18 cio representatives of relevant Federal departments and
19 agencies, including—

20 “(i) the Administration;

21 “(ii) the Indian Health Service;

22 “(iii) the Centers for Medicare & Medicaid
23 Services;

24 “(iv) the Department of the Interior;

25 “(v) the Department of Labor; and

1 “(vi) any other agency or office with subject
2 matter expertise that the Assistant Secretary deter-
3 mines appropriate.

4 “(D) The Committee shall meet in person not less
5 frequently than twice each year.

6 “(E) The Committee shall coordinate, as appropriate,
7 with the Secretary’s Tribal Advisory Committee of the De-
8 partment of Health and Human Services.

9 “(F)(i) Not less frequently than once each year, the
10 Committee shall submit to the Assistant Secretary and
11 make publicly available a report that describes—

12 “(I) the activities of the Committee during the pre-
13 vious year; and

14 “(II) recommendations for administrative action, in-
15 cluding the identification of any statutory barriers to car-
16 rying out such recommendations, for the following year.

17 “(ii) Not later than 60 days after the date on which
18 the Assistant Secretary receives a report under clause (i),
19 the Assistant Secretary shall submit to the Committee a
20 written response to such report.

21 “(G) Chapter 10 of title 5, United States Code, shall
22 not apply to the Committee.

23 “(H) In establishing, developing procedures for, and
24 operating the Committee, the Assistant Secretary shall—

1 “(i) consult with Indian Tribes and confer with orga-
2 nizations representing Native Hawaiians; and

3 “(ii) take into consideration best practices of other
4 Tribal advisory committees operated by the Department
5 of Health and Human Services before the date of enact-
6 ment of the Older Americans Act Reauthorization Act of
7 2024.”.

8 **SEC. 602. SUPPORTIVE SERVICES; SET ASIDE.**

9 (a) SUPPORTIVE SERVICES.—Section 636 (42 U.S.C.
10 3057k–21) is amended—

11 (1) in subsection (a), by striking “may” and in-
12 serting “shall, as practicable,”; and

13 (2) in subsection (b)(2), by striking “in-home
14 assistance” and inserting “in-home services”.

15 (b) FUNDING SET ASIDE.—Section 644 (42 U.S.C.
16 3057o) is amended—

17 (1) by striking “Of” and inserting the fol-
18 lowing:

19 “(a) IN GENERAL.—Of”; and

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

21 “(b) REPORT.—Not later than 1 year after the date
22 of enactment of the Older Americans Act Reauthorization
23 Act of 2024, the Assistant Secretary shall submit to the
24 Committee on Health, Education, Labor, and Pensions of
25 the Senate and the Committee on Education and the

1 Workforce of the House of Representatives, a report on
2 the use of funds under part D. Such report shall include—

3 “(1) the total amount of funds made available
4 under subsection (a) to carry out part D for each
5 fiscal year;

6 “(2) a list of award recipients under part D;
7 and

8 “(3) a summary of supportive services for
9 healthy aging and independence provided under part
10 D.”.

11 **SEC. 603. GAO REPORT ON TRIBAL SERVICES.**

12 Not later than 18 months after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall submit to Congress a report that—

15 (1) evaluates and identifies barriers to Indian
16 Tribes (as defined in section 4 of the Indian Self-
17 Determination and Education Assistance Act (25
18 U.S.C. 5304)) and organizations serving Native Ha-
19 waiians accessing programs under title VI of the
20 Older Americans Act of 1965 (42 U.S.C. 3057 et
21 seq.), and coordination of such programs under such
22 title VI with programs funded under titles III and
23 IV of such Act (42 U.S.C. 3021 et seq., 42 U.S.C.
24 3031 et seq.), including by—

1 (A) estimating the number of Native
2 Americans unserved by programs under such
3 title VI;

4 (B) identifying States and area agencies
5 on aging making grants to Indian Tribes under
6 such title III; and

7 (C) providing estimates of funding nec-
8 essary to support programs under such title VI
9 for all Tribal organizations (as defined in sec-
10 tion 4 of the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C. 5304))
12 and organizations serving Native Hawaiians
13 that are not eligible under such title VI (as in
14 effect on the date of enactment of this Act);
15 and

16 (2) details how grantees under title V of the
17 Older Americans Act of 1965 (42 U.S.C. 3056 et
18 seq.) are serving older individuals who are Native
19 Americans with funds received under such title V,
20 including by evaluating how the Secretary of Labor
21 coordinates with State and national grantees under
22 such title V to serve older individuals who are Native
23 Americans.

1 **SEC. 604. TECHNICAL AMENDMENTS.**

2 The Older Americans Act of 1965 (42 U.S.C. 3001
3 et seq.) is amended—

4 (1) in section 102 (42 U.S.C. 3002)—

5 (A) in paragraph (27), by striking “the
6 term ‘Indian tribe’ means any tribe” and insert-
7 ing “the term ‘Indian Tribe’ means any Tribe”;
8 and

9 (B) in paragraph (56), by striking “the
10 term ‘tribal organization’ means” and inserting
11 “the term ‘Tribal organization’ means”;

12 (2) in section 418(a)(2)(6) (42 U.S.C.
13 3032g(a)(2)(6)), by striking “Speaker of the House
14 of Representatives and the President pro tempore of
15 the Senate” and inserting “Committee on Health,
16 Education, Labor, and Pensions of the Senate and
17 the Committee on Education and the Workforce of
18 the House of Representatives”;

19 (3) in section 612(c) (42 U.S.C. 3057c(c))—

20 (A) by striking “terms ‘Indian tribe’ and
21 ‘tribal organization’ have” and inserting “terms
22 ‘Indian Tribe’ and ‘Tribal organization’ have”;
23 and

24 (B) by striking “(25 U.S.C. 450b)” and
25 inserting “(25 U.S.C. 5304)”; and

1 (4) by striking “tribe”, “tribes”, and “tribal”
2 each place such terms appear and inserting “Tribe”,
3 “Tribes”, and “Tribal”, respectively.

4 **TITLE VII—STRENGTHENING**
5 **THE LONG-TERM CARE OM-**
6 **BUDSMAN PROGRAMS AND**
7 **ELDER ABUSE PREVENTION**

8 **SEC. 701. DIRECTOR OF THE OFFICE OF LONG-TERM CARE**
9 **OMBUDSMAN PROGRAMS.**

10 Section 201(d)(2)(A) (42 U.S.C. 3011(d)(2)(A)) is
11 amended, in the second sentence, by inserting “serve on
12 a full-time basis and” after “shall”.

13 **SEC. 702. LEGAL ASSISTANCE TRAINING RESOURCES RE-**
14 **LATING TO ELDER ABUSE PREVENTION.**

15 Section 201(e)(2)(A) (42 U.S.C. 3011(e)(2)(A)) is
16 amended by striking clause (v) and inserting the following:

17 “(v) establishing an information clear-
18 ighthouse to collect, maintain, and dissemi-
19 nate information concerning best practices
20 and resources for training, technical assist-
21 ance, and other activities, which may in-
22 clude training resources for paralegals or
23 law students who are under the direct su-
24 pervision of an attorney, to assist State
25 Long-Term Care Ombudsman programs,

1 adult protective services programs, and
2 other legal services relating to defense of
3 guardianship, promotion of self-determina-
4 tion, and the matters described in clause
5 (ii)(I), and to assist States and commu-
6 nities to carry out evidence-based programs
7 to prevent and address elder abuse, ne-
8 glect, and exploitation;”.

9 **SEC. 703. IMPROVING TRAINING OF VOLUNTEERS UNDER**
10 **THE STATE LONG-TERM CARE OMBUDSMAN**
11 **PROGRAM.**

12 Section 712 (42 U.S.C. 3058g) is amended—

13 (1) in subsection (h)(5)—

14 (A) in the matter preceding subparagraph

15 (A)—

16 (i) by striking “the representatives”
17 and inserting “each type of representa-
18 tive”; and

19 (ii) by inserting “types of” before
20 “unpaid volunteers”;

21 (B) in subparagraph (A), by inserting “for
22 each such type of representative” before the
23 semicolon at the end;

24 (C) in subparagraph (B)(iii), by striking
25 “and” at the end;

1 (D) in subparagraph (C), by adding “and”
2 at the end; and

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

4 “(D) with respect to representatives of the
5 Office who are unpaid volunteers, take into con-
6 sideration the degree to which each such type of
7 unpaid volunteer performs activities requiring
8 specialized training, with a goal of reducing un-
9 necessary training requirements for prospective
10 unpaid volunteers;”; and

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

12 “(k) TRAINING REQUIREMENTS FOR UNPAID VOL-
13 UNTEERS.—

14 “(1) IN GENERAL.—In providing the model
15 standards described in subsection (h)(5), the Direc-
16 tor of the Office of Long-Term Care Ombudsman
17 Programs shall review and, as necessary, update
18 such model standards on a regular basis to tailor
19 such model standards to the individualized training
20 needs of each type of representative of the Office, in-
21 cluding each type of unpaid volunteer.

22 “(2) CONSIDERATIONS.—In carrying out para-
23 graph (1), the Director of the Office of Long-Term
24 Care Ombudsman Programs shall take into consider-
25 ation the degree to which each type of representative

1 of the Office performs activities that require special-
2 ized training, with a goal of reducing unnecessary
3 training requirements for unpaid volunteers.”.

4 **SEC. 704. REPORTING ON STATE LONG-TERM CARE OM-**
5 **BUDSMAN PROGRAMS.**

6 Chapter 2 of subtitle A of title VII (42 U.S.C. 3058f
7 et seq.) is amended by adding at the end the following:

8 **“SEC. 714. REPORTS TO CONGRESS.**

9 “Each year, the Assistant Secretary shall submit to
10 the Committee on Health, Education, Labor, and Pen-
11 sions and the Special Committee on Aging of the Senate
12 and the Committee on Education and the Workforce of
13 the House of Representatives, and make publicly available,
14 a report that—

15 “(1) aggregates all reports submitted under sec-
16 tion 712(h) for such year; and

17 “(2) provides a summary of the findings of
18 such reports.”.

19 **SEC. 705. STUDY ON STATE LONG-TERM CARE OMBUDSMAN**
20 **PROGRAMS.**

21 (a) IN GENERAL.—The Assistant Secretary shall
22 seek to enter into a contract with the National Academies
23 of Sciences, Engineering, and Medicine (referred to in this
24 section as the “National Academies”) to conduct a study
25 on the State Long-Term Care Ombudsman programs car-

1 ried out under the Older Americans Act of 1965 (42
2 U.S.C. 3001 et seq.), including an assessment of the effec-
3 tiveness of such programs and any related challenges and
4 recommendations. The study shall include an assessment
5 of the current (as of the date on which the contract is
6 entered into) recommended staff-to-bed ratio for such pro-
7 grams, as appropriate.

8 (b) REPORT.—Not later than 18 months after the
9 date on which a contract is entered into under subsection
10 (a), the National Academies shall publicly issue a report
11 on the findings of the study under this section.

12 **TITLE VIII—AUTHORIZATIONS** 13 **OF APPROPRIATIONS**

14 **SEC. 801. ADMINISTRATION ON AGING.**

15 Section 216 (42 U.S.C. 3020f) is amended—

16 (1) in subsection (a), by striking
17 “\$43,937,410” and all that follows through “fiscal
18 year 2024” and inserting “\$55,469,968 for fiscal
19 year 2025, \$55,469,968 for fiscal year 2026,
20 \$55,469,968 for fiscal year 2027, \$55,469,968 for
21 fiscal year 2028, and \$55,469,968 for fiscal year
22 2029”; and

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking
25 “\$2,180,660” and all that follows through “fis-

1 cal year 2024” and inserting “\$2,753,033 for
2 fiscal year 2025, \$2,753,033 for fiscal year
3 2026, \$2,753,033 for fiscal year 2027,
4 \$2,753,033 for fiscal year 2028, and
5 \$2,753,033 for fiscal year 2029”;

6 (B) in paragraph (2), by striking
7 “\$1,988,060” and all that follows through “fis-
8 cal year 2024” and inserting “\$2,509,880 for
9 fiscal year 2025, \$2,509,880 for fiscal year
10 2026, \$2,509,880 for fiscal year 2027,
11 \$2,509,880 for fiscal year 2028, and
12 \$2,509,880 for fiscal year 2029”;

13 (C) in paragraph (3), by striking
14 “\$1,371,740” and all that follows through “fis-
15 cal year 2024” and inserting “\$1,731,790 for
16 fiscal year 2025, \$1,731,790 for fiscal year
17 2026, \$1,731,790 for fiscal year 2027,
18 \$1,731,790 for fiscal year 2028, and
19 \$1,731,790 for fiscal year 2029”; and

20 (D) in paragraph (4), by striking
21 “\$8,687,330” and all that follows through “fis-
22 cal year 2024” and inserting “\$10,967,554 for
23 fiscal year 2025, \$10,967,554 for fiscal year
24 2026, \$10,967,554 for fiscal year 2027,

1 \$10,967,554 for fiscal year 2028, and
2 \$10,967,554 for fiscal year 2029”.

3 **SEC. 802. GRANTS FOR STATE AND COMMUNITY PROGRAMS**
4 **ON AGING.**

5 (a) IN GENERAL.—Section 303 (42 U.S.C. 3023) is
6 amended—

7 (1) in subsection (a)(1), by striking
8 “\$412,029,180” and all that follows through “fiscal
9 year 2024” and inserting “\$520,177,347 for fiscal
10 year 2025, \$520,177,347 for fiscal year 2026,
11 \$520,177,347 for fiscal year 2027, \$520,177,347 for
12 fiscal year 2028, and \$520,177,347 for fiscal year
13 2029”;

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking
16 “\$530,015,940” and all that follows through
17 “fiscal year 2024” and inserting “\$669,132,913
18 for fiscal year 2025, \$669,132,913 for fiscal
19 year 2026, \$669,132,913 for fiscal year 2027,
20 \$669,132,913 for fiscal year 2028, and
21 \$669,132,913 for fiscal year 2029”; and

22 (B) in paragraph (2), by striking
23 “\$268,935,940” and all that follows through
24 “fiscal year 2024” and inserting “\$381,342,000
25 for fiscal year 2025, \$381,342,000 for fiscal

1 year 2026, \$381,342,000 for fiscal year 2027,
2 \$381,342,000 for fiscal year 2028, and
3 \$381,342,000 for fiscal year 2029”;

4 (3) in subsection (d), by striking
5 “\$26,587,360” and all that follows through “fiscal
6 year 2024” and inserting “\$33,565,929 for fiscal
7 year 2025, \$33,565,929 for fiscal year 2026,
8 \$33,565,929 for fiscal year 2027, \$33,565,929 for
9 fiscal year 2028, and \$33,565,929 for fiscal year
10 2029”; and

11 (4) in subsection (e), by striking
12 “\$193,869,020” and all that follows through “fiscal
13 year 2024” and inserting “\$244,755,171 for fiscal
14 year 2025, \$244,755,171 for fiscal year 2026,
15 \$244,755,171 for fiscal year 2027, \$244,755,171 for
16 fiscal year 2028, and \$244,755,171 for fiscal year
17 2029”.

18 (b) NUTRITION SERVICES INCENTIVE PROGRAM.—
19 Section 311(e) (42 U.S.C. 3030a(e)) is amended by strik-
20 ing “\$171,273,830” and all that follows through “fiscal
21 year 2024” and inserting “\$216,229,264 for fiscal year
22 2025, \$216,229,264 for fiscal year 2026, \$216,229,264
23 for fiscal year 2027, \$216,229,264 for fiscal year 2028,
24 and \$216,229,264 for fiscal year 2029”.

1 **SEC. 803. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND**
2 **LONGEVITY.**

3 Section 411(b) (42 U.S.C. 3032(b)) is amended—

4 (1) in paragraph (1), by striking
5 “\$14,514,550” and all that follows through “fiscal
6 year 2024” and inserting “\$26,564,974 for fiscal
7 year 2025, \$26,564,974 for fiscal year 2026,
8 \$26,564,974 for fiscal year 2027, \$26,564,974 for
9 fiscal year 2028, and \$26,564,974 for fiscal year
10 2029”; and

11 (2) in paragraph (2), by striking
12 “\$15,613,440” and all that follows through “fiscal
13 year 2024” and inserting “\$19,711,608 for fiscal
14 year 2025, \$19,711,608 for fiscal year 2026,
15 \$19,711,608 for fiscal year 2027, \$19,711,608 for
16 fiscal year 2028, and \$19,711,608 for fiscal year
17 2029”.

18 **SEC. 804. COMMUNITY SERVICE SENIOR OPPORTUNITIES**
19 **ACT.**

20 Section 517(a) (42 U.S.C. 3056o(a)) is amended by
21 striking “\$428,000,000” and all that follows through “fis-
22 cal year 2024” and inserting “\$540,340,139 for fiscal
23 year 2025, \$540,340,139 for fiscal year 2026,
24 \$540,340,139 for fiscal year 2027, \$540,340,139 for fis-
25 cal year 2028, and \$540,340,139 for fiscal year 2029”.

1 **SEC. 805. GRANTS FOR NATIVE AMERICANS.**

2 Section 643 (42 U.S.C. 3057n) is amended—

3 (1) in paragraph (1), by striking
4 “\$37,102,560” and all that follows through “fiscal
5 year 2024” and inserting “\$47,028,435 for fiscal
6 year 2025, \$47,028,435 for fiscal year 2026,
7 \$47,028,435 for fiscal year 2027, \$47,028,435 for
8 fiscal year 2028, and \$47,028,435 for fiscal year
9 2029”; and

10 (2) in paragraph (2), by striking
11 “\$10,759,920” and all that follows through “fiscal
12 year 2024” and inserting “\$13,584,151 for fiscal
13 year 2025, \$13,584,151 for fiscal year 2026,
14 \$13,584,151 for fiscal year 2027, \$13,584,151 for
15 fiscal year 2028, and \$13,584,151 for fiscal year
16 2029”.

17 **SEC. 806. ALLOTMENTS FOR ELDER RIGHTS PROTECTION**
18 **ACTIVITIES.**

19 Section 702 (42 U.S.C. 3058a) is amended—

20 (1) in subsection (a), by striking
21 “\$18,066,950” and all that follows through “fiscal
22 year 2024” and inserting “\$22,809,108 for fiscal
23 year 2025, \$22,809,108 for fiscal year 2026,
24 \$22,809,108 for fiscal year 2027, \$22,809,108 for
25 fiscal year 2028, and \$22,809,108 for fiscal year
26 2029”; and

1 (2) in subsection (b), by striking “\$5,107,110”
2 and all that follows through “fiscal year 2024” and
3 inserting “\$6,447,609 for fiscal year 2025,
4 \$6,447,609 for fiscal year 2026, \$6,447,609 for fis-
5 cal year 2027, \$6,447,609 for fiscal year 2028, and
6 \$6,447,609 for fiscal year 2029”.

7 **DIVISION H—EXTENSION OF**
8 **AGRICULTURAL PROGRAM**

9 **SEC. 1. EXTENSION OF AGRICULTURAL PROGRAMS.**

10 (a) EXTENSION.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this section and the amendments made by
13 this section, notwithstanding any other provision of
14 law, the authorities (including any limitations on
15 such authorities) provided by each provision of the
16 Agriculture Improvement Act of 2018 (Public Law
17 115–334; 132 Stat. 4490) and each provision of law
18 amended by that Act (and for mandatory programs
19 at such funding levels) as in effect (including pursu-
20 ant to section 102 of division B of the Further Con-
21 tinuing Appropriations and Other Extensions Act,
22 2024 (Public Law 118–22)) on September 30, 2024,
23 shall continue and be carried out until the date spec-
24 ified in paragraph (2).

1 (2) DATE SPECIFIED.—With respect to an au-
2 thority described in paragraph (1), the date specified
3 in this paragraph is the later of—

4 (A) September 30, 2025;

5 (B) the date specified with respect to such
6 authority in the Agriculture Improvement Act
7 of 2018 (Public Law 115–334; 132 Stat. 4490)
8 or a provision of law amended by that Act
9 (Public Law 115–334; 132 Stat. 4490); or

10 (C) the date in effect with respect to such
11 authority pursuant to section 102 of division B
12 of the Further Continuing Appropriations and
13 Other Extensions Act, 2024 (Public Law 118–
14 22).

15 (b) DISCRETIONARY PROGRAMS.—Programs carried
16 out using the authorities described in subsection (a)(1)
17 that are funded by discretionary appropriations (as de-
18 fined in section 250(c) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985 (2 U.S.C. 900(c))) shall
20 be subject to the availability of appropriations.

21 (c) COMMODITY PROGRAMS.—

22 (1) IN GENERAL.—The provisions of law appli-
23 cable to a covered commodity (as defined in section
24 1111 of the Agricultural Act of 2014 (7 U.S.C.
25 9011)), a loan commodity (as defined in section

1 1201 of that Act (7 U.S.C. 9031)), sugarcane, or
2 sugar beets for the 2024 crop year pursuant to title
3 I of that Act (7 U.S.C. 9011 et seq.), each amend-
4 ment made by subtitle C of title I of the Agriculture
5 Improvement Act of 2018 (Public Law 115–334;
6 132 Stat. 4511), and section 102 of division B of
7 the Further Continuing Appropriations and Other
8 Extensions Act, 2024 (Public Law 118–22) shall be
9 applicable to the 2025 crop year for that covered
10 commodity, loan commodity, sugarcane, or sugar
11 beets.

12 (2) EXTRA LONG STAPLE COTTON.—Section
13 1208(a) of the Agricultural Act of 2014 (7 U.S.C.
14 9038 (a)) is amended by striking “2024” and insert-
15 ing “2026”.

16 (3) EXTENSION OF PAYMENT AMOUNT.—Sec-
17 tion 1116(d) of the Agricultural Act of 2014 (7
18 U.S.C. 9016(d)) is amended, in the matter pre-
19 ceding paragraph (1), by striking “2024” and in-
20 serting “2025”.

21 (4) DAIRY.—

22 (A) DAIRY MARGIN COVERAGE.—

23 (i) DURATION.—Section 1409 of the
24 Agricultural Act of 2014 (7 U.S.C. 9059)
25 is amended by striking “December 31,

1 2024” and inserting “December 31,
2 2025”.

3 (ii) AVAILABILITY OF PREMIUM DIS-
4 COUNT.—With respect to coverage for cal-
5 endar year 2025, section 1407(g) of the
6 Agricultural Act of 2014 (7 U.S.C.
7 9057(g)) shall only apply to a participating
8 dairy operation with respect to which the
9 premium was reduced in accordance with
10 that section (as applied to such partici-
11 pating dairy operation pursuant to section
12 102(e)(2)(B)(ii) of division B of the Fur-
13 ther Continuing Appropriations and Other
14 Extensions Act, 2024 (Public Law 118–
15 22)) for calendar year 2024.

16 (B) DAIRY FORWARD PRICING PROGRAM.—
17 Section 1502(e)(2) of the Food, Conservation,
18 and Energy Act of 2008 (7 U.S.C. 8772(e)(2))
19 is amended by striking “2027” and inserting
20 “2028”.

21 (5) SUSPENSION OF PERMANENT PRICE SUP-
22 PORT AUTHORITIES.—The provisions of law specified
23 in—

1 (A) subsections (a) and (b) of section 1602
2 of the Agricultural Act of 2014 (7 U.S.C.
3 9092)—

4 (i) shall not be applicable to the 2025
5 crops of covered commodities (as defined
6 in section 1111 of that Act (7 U.S.C.
7 9011)), cotton, and sugar; and

8 (ii) shall not be applicable to milk
9 through December 31, 2025; and

10 (B) section 1602(c) of that Act (7 U.S.C.
11 9092(c)) shall not be applicable to the crops of
12 wheat planted for harvest in calendar year
13 2025.

14 (d) OTHER PROGRAMS.—

15 (1) GRASSROOTS SOURCE WATER PROTECTION
16 PROGRAM.—Section 12400(b)(3) of the Food Secu-
17 rity Act of 1985 (16 U.S.C. 3839bb–2(b)(3)) is
18 amended—

19 (A) in subparagraph (A), by striking the
20 “and” at the end;

21 (B) in subparagraph (B), by striking the
22 period at the end and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(C) \$1,000,000 beginning in fiscal year
25 2025, to remain available until expended.”.

1 (2) VOLUNTARY PUBLIC ACCESS AND HABITAT
2 INCENTIVE PROGRAM.—Section 1240R(f)(1) of the
3 Food Security Act of 1985 (16 U.S.C. 3839bb–
4 5(f)(1)) is amended—

5 (A) by striking the “and” after “2023,”;
6 and

7 (B) by inserting “, and \$10,000,000 for
8 fiscal year 2025” before the period at the end.

9 (3) FERAL SWINE ERADICATION AND CONTROL
10 PILOT PROGRAM.—Section 2408(g)(1) of the Agri-
11 culture Improvement Act of 2018 (7 U.S.C. 8351
12 note; Public Law 115–334) is amended—

13 (A) by striking “and” and inserting a
14 comma; and

15 (B) by inserting “, and \$15,000,000 for
16 fiscal year 2025” before the period at the end.

17 (4) COMMODITY TRUST.—Section 302(h)(2) of
18 the Bill Emerson Humanitarian Trust Act (7 U.S.C.
19 1736f–1(h)(2)) is amended by striking “September
20 30, 2024” and inserting “September 30, 2025”.

21 (5) NUTRITION.—

22 (A) STATE AND LOCAL SUPPLEMENTATION
23 OF COMMODITIES.—Section 203D(d)(5) of the
24 Emergency Food Assistance Act of 1983 (7

1 U.S.C. 7507(d)(5)) is amended by striking
2 “2024” and inserting “2025”.

3 (B) REPLACEMENT EXTENSION.—Section
4 501(b)(2)(C) of division HH of the Consoli-
5 dated Appropriations Act, 2023 (7 U.S.C.
6 2016a(b)(2)(C)) is amended by striking “De-
7 cember 20, 2024” and inserting “September
8 30, 2028”.

9 (6) RESEARCH.—

10 (A) SCHOLARSHIPS FOR STUDENTS.—Sec-
11 tion 1446 of the National Agricultural Re-
12 search, Extension, and Teaching Policy Act of
13 1977 (7 U.S.C. 3222a) is amended—

14 (i) in subsection (a)—

15 (I) in paragraph (1), in the mat-
16 ter preceding subparagraph (A), by
17 inserting “(to be known as David A.
18 Scott 1890 Scholarships)” after
19 “scholarships”;

20 (II) by striking paragraph (3);

21 and

22 (III) by redesignating paragraph
23 (4) as paragraph (3); and

24 (ii) by amending subsection (b)(1) to
25 read as follows:

1 “(1) MANDATORY FUNDING.—Of the funds of
2 the Commodity Credit Corporation, the Secretary
3 shall make available to carry out this section
4 \$15,000,000 for fiscal year 2025 and each fiscal
5 year thereafter.”.

6 (B) URBAN, INDOOR, AND OTHER EMERG-
7 ING AGRICULTURAL PRODUCTION RESEARCH,
8 EDUCATION, AND EXTENSION INITIATIVE.—Sec-
9 tion 1672E(d)(1) of the Food, Agriculture,
10 Conservation, and Trade Act of 1990 (7 U.S.C.
11 5925g(d)(1)) is amended—

12 (i) in subparagraph (A), by striking
13 “and” at the end;

14 (ii) in subparagraph (B), by striking
15 the period at the end and inserting “;
16 and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(C) \$2,000,000 for fiscal year 2025, to
20 remain available until expended.”.

21 (C) FOUNDATION FOR FOOD AND AGRI-
22 CULTURE RESEARCH.—Section 7601(g)(1)(A)
23 of the Agricultural Act of 2014 (7 U.S.C.
24 5939(g)(1)(A)) is amended—

1 (i) by striking clauses (ii) and (iii);

2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(ii) ADDITIONAL FUNDING.—Of the
6 funds of the Commodity Credit Corpora-
7 tion, the Secretary shall transfer to the
8 Foundation to carry out this section, to re-
9 main available until expended—

10 “(I) on the date on which the
11 strategic plan described in subsection
12 (f)(3)(B)(iv) is submitted,
13 \$185,000,000;

14 “(II) not later than 30 days after
15 November 17, 2023, \$37,000,000;
16 and

17 “(III) not later than 30 days
18 after the date of enactment of this
19 subclause, \$37,000,000.”.

20 (D) GRAZINGLANDS RESEARCH LABORA-
21 TORY.—Section 7502 of the Food, Conserva-
22 tion, and Energy Act of 2008 (Public Law
23 110–246; 122 Stat. 2019; 132 Stat. 4817) is
24 amended to read as follows:

1 **“SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.**

2 “Except as otherwise specifically authorized by law
3 and notwithstanding any other provision of law, the Fed-
4 eral land and facilities at El Reno, Oklahoma, adminis-
5 tered by the Secretary (as of the date of enactment of this
6 Act) as the Grazinglands Research Laboratory, shall not
7 at any time, in whole or in part, be declared to be excess
8 or surplus Federal property under chapter 5 of subtitle
9 I of title 40, United States Code, or otherwise be conveyed
10 or transferred in whole or in part, for the period beginning
11 on the date of the enactment of this Act and ending on
12 September 30, 2025.”.

13 (7) ENERGY.—

14 (A) BIOBASED MARKETS PROGRAM.—Sec-
15 tion 9002(k)(1) of the Farm Security and
16 Rural Investment Act of 2002 (7 U.S.C.
17 8102(k)(1)) is amended by striking “2024” and
18 inserting “2025”.

19 (B) BIOENERGY PROGRAM FOR ADVANCED
20 BIOFUELS.—Section 9005(g)(1)(F) of the Farm
21 Security and Rural Investment Act of 2002 (7
22 U.S.C. 8105(g)(1)(F)) is amended by striking
23 “2024” and inserting “2025”.

24 (C) FEEDSTOCK FLEXIBILITY PROGRAM.—
25 Section 9010(b) of the Farm Security and
26 Rural Investment Act of 2002 (7 U.S.C.

1 8110(b)) is amended in paragraphs (1)(A) and
2 (2)(A) by striking “2024” each place it appears
3 and inserting “2025”.

4 (8) HORTICULTURE.—

5 (A) ORGANIC PRODUCTION AND MARKET
6 DATA INITIATIVES.—Section 7407(d)(1) of the
7 Farm Security and Rural Investment Act of
8 2002 (7 U.S.C. 5925c(d)(1)) is amended—

9 (i) in subparagraph (B), by striking
10 “and” at the end;

11 (ii) in subparagraph (C), by striking
12 the period at the end and inserting “;
13 and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(D) \$1,000,000 for fiscal year 2025.”.

17 (B) MODERNIZATION AND IMPROVEMENT
18 OF INTERNATIONAL TRADE TECHNOLOGY SYS-
19 TEMS AND DATA COLLECTION.—Section
20 2123(c)(4) of the Organic Foods Production
21 Act of 1990 (7 U.S.C. 6522(c)(4)) is amended,
22 in the matter preceding subparagraph (A)—

23 (i) by striking “2019 and” and insert-
24 ing “2019,”; and

1 (ii) by striking “2024” and inserting
2 “2024, and \$1,000,000 for fiscal year
3 2025”.

4 (C) NATIONAL ORGANIC CERTIFICATION
5 COST-SHARE PROGRAM.—Section
6 10606(d)(1)(C) of the Farm Security and
7 Rural Investment Act of 2002 (7 U.S.C.
8 6523(d)(1)(C)) is amended by striking “2024”
9 and inserting “2025”.

10 (D) MULTIPLE CROP AND PESTICIDE USE
11 SURVEY.—Section 10109(c)(1) of the Agri-
12 culture Improvement Act of 2018 (Public Law
13 115–334; 132 Stat. 4906) is amended—

14 (i) by striking “2019 and” and insert-
15 ing “2019,”; and

16 (ii) by striking “2024” and inserting
17 “2024, and \$100,000 for fiscal year
18 2025”.

19 (9) MISCELLANEOUS.—

20 (A) PIMA AGRICULTURE COTTON TRUST
21 FUND.—Section 12314 of the Agricultural Act
22 of 2014 (7 U.S.C. 2101 note; Public Law 113–
23 79) is amended—

1 (i) in subsection (b), in the matter
2 preceding paragraph (1), by striking
3 “2024” and inserting “2025”; and

4 (ii) in subsection (h), by striking
5 “2024” and inserting “2025”.

6 (B) AGRICULTURE WOOL APPAREL MANU-
7 FACTURERS TRUST FUND.—Section 12315 of
8 the Agricultural Act of 2014 (7 U.S.C. 7101
9 note; Public Law 113–79) is amended by strik-
10 ing “2024” each place it appears and inserting
11 “2025”.

12 (C) WOOL RESEARCH AND PROMOTION.—
13 Section 12316(a) of the Agricultural Act of
14 2014 (7 U.S.C. 7101 note; Public Law 113–79)
15 is amended by striking “2024” and inserting
16 “2025”.

17 (D) EMERGENCY CITRUS DISEASE RE-
18 SEARCH AND DEVELOPMENT TRUST FUND.—
19 Section 12605(d) of the Agriculture Improve-
20 ment Act of 2018 (7 U.S.C. 7632 note; Public
21 Law 115–334) is amended by striking “2024”
22 and inserting “2025”.

23 (E) SHEEP PRODUCTION AND MARKETING
24 GRANT PROGRAM.—Section 209(c) of the Agri-
25 cultural Marketing Act of 1946 (7 U.S.C.

1 1627a(c)) is amended by striking “for fiscal
2 year 2024” and inserting “for each of fiscal
3 years 2024 and 2025”.

4 (10) EXCEPTIONS.—

5 (A) MANDATORY FUNDING.—Subsection
6 (a) does not apply with respect to mandatory
7 funding under the following provisions of law:

8 (i) Section 1614(c)(4) of the Agricultural
9 Act of 2014 (7 U.S.C. 9097(c)(4)).

10 (ii) Subparagraphs (A) and (B) of
11 section 1241(a)(1) of the Food Security
12 Act of 1985 (16 U.S.C. 3841(a)(1)).

13 (B) LIMITATIONS.—Subsection (a) does
14 not apply with respect to limitations under the
15 following provisions of law in fiscal year 2025:

16 (i) Section 1240G of the Food Security
17 Act of 1985 (16 U.S.C. 3839aa–7).

18 (ii) Section 1240L(f) of the Food Security
19 Act of 1985 (16 U.S.C. 3839aa–
20 24(f)).

21 (e) REPORTS.—

22 (1) IN GENERAL.—Subject to paragraph (2),
23 any requirement under a provision of law described
24 in paragraph (1) of subsection (a) to submit a re-
25 port on a recurring basis, and the final report under

1 which was required to be submitted during fiscal
2 year 2024, shall continue, and the requirement shall
3 be carried out, on the same recurring basis, until the
4 later of the dates specified in paragraph (2) of that
5 subsection.

6 (2) APPROPRIATIONS REQUIRED.—If discre-
7 tionary appropriations (as defined in section 250(c)
8 of the Balanced Budget and Emergency Deficit Con-
9 trol Act of 1985 (2 U.S.C. 900(c))) are required to
10 carry out a reporting requirement described in para-
11 graph (1), the application of that paragraph to that
12 reporting requirement shall be subject to the avail-
13 ability of appropriations.

14 (f) EFFECTIVE DATE.—Except with respect to sub-
15 paragraph (C) of subsection (d)(6) and the amendments
16 made by such subparagraph, this section and the amend-
17 ments made by this section shall be applied and adminis-
18 tered as if this section and those amendments had been
19 enacted on September 30, 2024.

20 **SEC. 2. RESCISSIONS.**

21 (a) RURAL DEVELOPMENT LOANS AND GRANTS.—
22 Of the unobligated balances of amounts made available
23 under section 313B(e)(2) of the Rural Electrification Act
24 of 1936 (7 U.S.C. 940e–2(e)(2)), \$3,835,000 is rescinded.

1 (b) BIOREFINERY, RENEWABLE CHEMICAL, AND
2 BIOBASED PRODUCT MANUFACTURING ASSISTANCE.—Of
3 the unobligated balances of amounts made available under
4 section 9003(g)(1)(A) of the Farm Security and Rural In-
5 vestment Act of 2002 (7 U.S.C. 8103(g)(1)(A)),
6 \$115,610,000 is rescinded.

7 (c) OFFICE OF THE SECRETARY.—Of the unobligated
8 balances of amounts made available under the heading
9 “Department of Agriculture—Agricultural Programs—
10 Office of the Secretary” in title I of division B of the
11 Coronavirus Aid, Relief, and Economic Security Act (Pub-
12 lic Law 116–136; 134 Stat. 505), \$18,500,000 is re-
13 scinded.

14 (d) DISTANCE LEARNING, TELEMEDICINE, AND
15 BROADBAND PROGRAM.—Of the unobligated balances of
16 amounts made available under the heading “Rural Devel-
17 opment Programs—Rural Utilities Service—Distance
18 learning, telemedicine, and broadband program” in title
19 I of division B of the Coronavirus Aid, Relief, and Eco-
20 nomic Security Act (Public Law 116–136; 134 Stat. 507),
21 \$4,750,000 is rescinded.