United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *117th* CONGRESS, SECOND SESSION

Vol. 168 WASHINGTON, SATURDAY, AUGUST 6, 2022 *No. 133*

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, August 9, 2022, at 1 p.m.

Senate

SATURDAY, AUGUST 6, 2022

The Senate met at 12 noon and was called to order by the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in Heaven, we sing of Your steadfast love and proclaim Your faithfulness to all generations.

Lord, make us one Nation, truly wise with righteousness, exalting us in due season. Today, inspire our lawmakers to walk in the light of Your countenance. Abide with them so that Your wisdom will influence each decision. Keep them from evil so that they will not be brought to grief, enabling them to avoid the pitfalls that lead to ruin. Empower them to glorify You in all they think, say, and do.

And, Lord, we thank You for our faithful Senate pages.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. BALDWIN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

MOTION TO DISCHARGE—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the motion to discharge, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to Discharge David M. Uhlmann, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency from the Committee on Environment and Public Works.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATE ACCOMPLISHMENTS

Mr. SCHUMER. Madam President, we approach the culmination of one of the most productive stretches in recent Senate memory. It began almost 2 months ago when, in the wake of unimaginable bloodshed in Buffalo and Uvalde, the Senate came together and passed the first gun safety law in nearly 30 years.

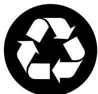
A few weeks later, in the face of the damaging semiconductor shortage, the Senate approved the largest investment in American manufacturing and scientific research in decades.

This week, we finally told American veterans with cancer, lung disease, and other terrible ailments that their wait for their benefits was over by passing the PACT Act.

And a few days ago, as Russian aggression toward Ukraine continues, we swiftly approved the accession of Sweden and Finland to the NATO alliance, greatly strengthening that alliance in the face of Russian aggression.

Gun safety, chips, veterans, NATO—all of this we got done in under 6 weeks. And, now, we have one more groundbreaking item left, the most important of them all: the Inflation Reduction Act. Passing any one of these bills in a summer would be significant. Yet we are on the verge of getting all

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of them done before the August State work period.

In a few hours, we will formally begin the process of passing the Inflation Reduction Act of 2022 by voting on the motion to proceed. Our meetings with the Parliamentarian have now largely concluded, and we thank her and her staff for their hard work and diligence on such a large bill in such a short period of time. And now that our meetings with the Parliamentarian have largely concluded, we have a bill before us that can win the support of all 50 Democrats.

I am happy to report to my colleagues that the bill we presented to the Parliamentarian remains largely intact. The bill, when passed, will meet all of our goals: fighting climate change, lowering healthcare costs, closing tax loopholes abused by the wealthy, and reducing the deficit.

This is a major win for the American people and a sad commentary on the Republican Party as they actively fight provisions that lower costs for the American family.

As the Inflation Reduction Act works its way through the floor, the American people are going to learn an unmistakable truth about this proposal: It was written, first and foremost, with the American people in mind. It reduces inflation, it lowers their costs, and it fights climate change. For seniors who have faced the indignity of rationing medications or skipping them altogether, the Inflation Reduction Act will lower prescription drug costs and finally cap out-of-pocket expenses.

For families that have fallen behind on the electric bill while trying to stay cool through a heat wave, this bill will lower energy costs and provide the largest investment in clean energy ever in American history. For every child deprived of clean air and a neighborhood where they can play safely outside, away from smog and exhaust fumes, this bill will help reverse air pollution and help clean up communities that have endured the shadow of congested highways and industrial sites. And, as the most significant action of climate change ever, it will help deliver our children and grandchildren the planet they deserve.

The Inflation Reduction Act was written with the American people in mind: families struggling to pay the bills, kids who struggle with asthma and pollution, seniors who can't afford lifesaving medications. This bill is for them.

For many years, many in Washington promised to address some of the biggest challenges facing our Nation, only to fall short. Many have talked about the need to act on climate change, the need to hold drug companies accountable, the need to make the Tax Code fairer. But where previous efforts have fallen short, this Senate majority is on the verge of succeeding.

After years of trying, we will finally empower Medicare to negotiate the price of prescription drug costs. After years of trying, we will finally cap out-of-pocket expenses and make vaccines free for our seniors.

After years of trying, after years of Americans calling for action—particularly our young people—Congress will pass the largest clean energy package ever. We will cut emissions by 40 percent by 2030, helping us avert the worst consequences of a warming planet. That is a huge goal, and we are going to meet it. We will prevent nearly 4,000 deaths and 100,000 asthma attacks each year by reducing air pollution. We will save Americans money on their utility bill by making it easier for them to tap into clean energy and expand incentives for utility companies to explore cleaner ways to generate power. We will make it easier to finally usher in the era of greater solar and wind power, battery storage, and EVs and bring manufacturing of this technology back to America. We will restore coastlines, regenerate our forests, shield communities everywhere from the danger of droughts and sweltering heat waves.

Through it all, we will create more than 9 million jobs over the next decade—good-paying union jobs—an average of nearly a million a year. So many of those jobs, as I said, will be good-paying union jobs.

From the moment Democrats announced the Inflation Reduction Act, Senate Republicans have fruitlessly tried every approach under the sun to lay a glove on our bill.

First, they said our bill will make inflation worse, only to give up on that once everyone from Larry Summers to Hank Paulson, to seven Nobel laureates said it would do the opposite. Then they tried calling our bill a bill of tax hikes on the middle class before changing their minds and actually admitting that the bill contains no tax rate increases at all for the middle class.

At every turn, they have resorted to the decades-old talking point of calling our bill nothing but wasteful spending, conveniently ignoring that our bill, in fact, lowers the deficit and is completely paid for.

I will grant my Republican colleagues that their task is not easy. By one measure, over 65 percent of Americans support the policies in the Inflation Reduction Act, and other polls reflect the same. Republicans haven't been able to get around the fact that Americans like that we are letting Medicare negotiate the price of prescription drugs. They like that we will close tax loopholes that allow billion-dollar companies to pay zero in taxes. Voices across the country, from Nobel-winning economists to former Treasury Secretaries, to even Republican movie star ex-Governors, have all praised the Inflation Reduction Act as an inflation-fighting, climate-saving, job-creating piece of legislation.

At a time of seemingly impenetrable gridlock, the Inflation Reduction Act will show the American people that when the moment demands it, Congress is still capable of taking big steps to solve big challenges. We will show the American people that, yes, we are capable of passing a historic climate package and rein in drug companies and make our Tax Code fairer. We are able to make big promises and work hard at keeping them as well.

We know that Republicans will continue their mightiest to try to smear our work before the bill is passed. This isn't our first time going through the reconciliation process, and no one is going to be surprised when the other side comes up with wild, misleading, and wholly partisan amendments that have nothing—nothing—to do with our bill. These efforts will not deter us. No matter how long it takes, the Senate is going to stay in session to finish this bill.

In short, this is one of the most comprehensive and far-reaching pieces of legislation that has come before the Congress in decades. It will help just about every citizen in this country and make America a much better place.

We are not leaving until the job is done. The American people deserve nothing less. So let's get to work today.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that following the vote on the motion to discharge the Uhlmann nomination, the Senate execute the previous order with respect to the Milstein nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING BY 19 DAYS THE AUTHORIZATION FOR THE SPECIAL ASSESSMENT FOR THE DOMESTIC TRAFFICKING VICTIMS' FUND

Mr. SCHUMER. Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4785, which was introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4785) to extend by 19 days the authorization for the special assessment for the Domestic Trafficking Victims' Fund.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask that the bill be considered read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 4785) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS' FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking "September 11" and inserting "September 30".

MOTION TO DISCHARGE—Continued

Mr. SCHUMER. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

FLOODING IN KENTUCKY

Mr. McCONNELL. Madam President, Eastern Kentucky is again facing the threat of stormy weather and flash floods this weekend. Emergency responders have been on the ground since the flooding began and will continue their critical role in the coming days. We are making sure the Federal Government is stepping up as well.

In addition to the Governor and State lawmakers, I have been in personal contact with the President, Secretaries Mayorkas and Becerra, and FEMA Administrator Criswell going back to the beginning of this emergency.

FEMA has been on the ground since day one, providing enormous help with search and rescue operations. Once rebuilding begins, their role will only be more important.

With the President's major disaster declaration, FEMA is now authorized to send financial assistance directly to the flood victims. These funds will be critical to those who lost their homes in the flooding, especially since many lack flood insurance. To reach remote residents, FEMA representatives are going door-to-door and speaking directly to survivors in shelters to make sure everyone who qualifies for help actually receives it. The Agency has already approved hundreds of thousands of dollars for affected Kentuckians.

FEMA is also helping pull together a wide swath of Federal Agencies to supplement the Kentucky National Guard and State agencies. The Forest Service is already on the ground, clearing debris from roadways. The Small Business Administration is issuing loans to help employers rebuild. The Army Corps of Engineers is ensuring all dams in the region remain operational.

The Federal response so far has been extraordinary.

I have been proud to stand with the Governor and Kentucky's entire congressional delegation to help expand the number of counties receiving assistance and streamline the aid. Kentuckians can visit my official website to see the full list of services offered by our Federal disaster response Agencies.

The Federal Government has done an excellent job so far. The crisis is far from over.

Soon, I will visit the region myself to meet with flood victims and listen to their concerns, and then I will take what I hear from my constituents back to Washington and ensure we stand by their side as we rebuild bigger and better than before.

INFLATION

Madam President, now on an entirely different matter, a year and a half ago, Democrats misread a 50–50 Senate as a mandate for $1.9 trillion in party-line reckless spending. The result has been the worst inflation in 40 years.

With Democrats in charge, working families are having to spend thousands of extra dollars each year just to tread water. Grocery costs are through the roof. Energy bills are skyrocketing. Gas prices are more than $1 higher than on Inauguration Day. American families are trapped in an inflation spiral, where many workers have earned pay raises on paper, but even those bigger paychecks buy them less and less every time they go to the store.

Because of Democrats' historic failure on the economy, the American people have lost their patience. Ninety percent say they are feeling anxious about inflation. Only 28 percent like what President Biden is doing about it, and just 22 percent think we will be in any better shape after another year of Democratic leadership. But, amazingly, Senate Democrats are misreading the American people's outrage as a mandate for yet another—yet another—reckless taxing-and-spending spree. Democrats have already robbed American families once through inflation, and now their solution is to rob American families yet a second time.

Democrats want to ram through hundreds of billions of dollars in tax hikes and hundreds of billions of dollars in reckless spending—and for what? For a so-called inflation bill that will not meaningfully reduce inflation at all and will actually make inflation even worse in the short term; for a so-called economic bill that will kill American jobs and hammer our manufacturing sector; for a so-called climate bill that will have no meaningful impact on global temperatures whatsoever; for a so-called prescription drug bill that will result in fewer lifesaving medicines and higher prices for the new cures that are invented. Every fact I have just laid out has come from nonpartisan experts and academics.

Democrats' bill will do nothing to meaningfully cut inflation. Hundreds of billions of dollars in tax hikes on a struggling economy will help kill American jobs everywhere, except the IRS, that is, where the bill would fund the hiring of—listen to this—86,000 new tax collectors plus new cars and new computers.

Jacking up Americans' electricity bills and gas prices in order to subsidize rich people buying luxury cars and new appliances will not make one dent in the future trajectory of global temperatures.

Democrats will choke off the development of new lifesaving medicines if they pretend that making things cheaper is as simple as passing a law saying they ought to be cheaper.

Survey after survey, poll after poll has proven that none of this nonsense is what American people want Democrats to focus on. The American people don't want hundreds of millions of dollars in Green New Deal waste. They want less inflation, not more. American families don't want tens of thousands more IRS agents. What they would like are more Border Patrol and ICE agents. American families don't want Democrats policing what kinds of stoves and clothes dryers they can put in their homes. What they want is for Democrats to actually start policing our city streets.

Democrats have decided their first economic disaster justifies a second economic disaster. The working people of this country feel very, very differently.

Now, on a related matter. I want to drill down on Democrats' plan to take a buzz saw to the research and development behind new lifesaving medical treatment and cures. The American people have enough common sense to know that the government can't actually make something cost less by making it illegal to raise the price. Let me say that again. The government can't actually make something cost less by making it illegal to raise its price. This was the logic of college sophomore socialism. It is not fair that a certain thing costs more than we like. Why doesn't the government simply pass a law making it cheaper?

Well, the world would be a lot easier for everybody if things actually worked that way. It would certainly be easier to be a member of Congress. We could just vote to set the price of everything in America, snap our fingers and everybody in the country would enjoy $5 smartphones, $10 TVs, and $100 pickup trucks. What a concept. Why hasn't anybody thought of this genius idea before?

Well, of course, people have thought of it before. Plenty of governments have tried crude price-fixing—Cuba, Venezuela, the old Soviet Union, not exactly thriving paradises, not pinnacles of prosperity, well-being, or innovation; not the examples we would want to follow.

Everybody wants prescription drugs and complex medicines to be more affordable. Everybody wants to help struggling families. That is the goal we all share. But you know what would not achieve that goal? Empowering some Biden administration bureaucrat to sit down at a desk and arbitrarily name the price that manufacturers can charge.

Democrats' policy would not bring about some paradise where we all get

amazing new innovations we would have gotten anyway, but at a lower cost. Their policy would bring about a world where many fewer new drugs and treatments get invented in the first place as companies cut back on R&D.

By one analysis, if Democrats' price-fixing scheme had already been in place, 104 of 110 major new medicines released in the past decade may never have made it to the market. We would literally have fewer lifesaving cures and treatments. More Americans would die and die young under Democrats' policy. And the new drugs that did still get invented would be more expensive when they hit the market. That is according to the nonpartisan Congressional Budget Office.

During the Obama administration, I worked with then-Vice President Biden on a project he was especially passionate about. I was proud to help launch his Cancer Moonshot within the 21st Century Cures bill. But according to one expert's calculation, the bill President Biden wants Senate Democrats to ram through this weekend would reduce cancer research spending by more than nine times as much as our Cancer Moonshot expanded it. I will say that one more time. According to one expert, this far-left takeover of America's medicine cabinets would destroy nine times as much cancer funding as we provided with the Cancer Moonshot.

We are talking about a tidal wave of Washington meddling, wiping out future treatments and cures for Americans suffering with rare diseases. What a terrible, terrible and tragic part of their reckless plans.

VOTE ON MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the motion to discharge.

Mr. DURBIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from North Carolina (Mr. BURR), the Senator from Montana (Mr. DAINES), the Senator from Missouri (Mr. HAWLEY), the Senator from Kansas (Mr. MARSHALL), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Missouri (Mr. HAWLEY) would have voted "nay" and the Senator from Kansas (Mr. MARSHALL) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 39, as follows:

[Rollcall Vote No. 285 Ex.]

YEAS—51

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NAYS—39

Barrasso	Graham	Murkowski
Blackburn	Grassley	Paul
Blunt	Hagerty	Portman
Boozman	Hoeven	Romney
Capito	Hyde-Smith	Rounds
Cassidy	Inhofe	Scott (FL)
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Toomey
Cruz	Lummis	Tuberville
Ernst	McConnell	Wicker
Fischer	Moran	Young

NOT VOTING—10

Braun	Marshall	Scott (SC)
Burr	Risch	Tillis
Daines	Rubio	
Hawley	Sasse	

The motion was agreed to.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Constance J. Milstein, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

VOTE ON MILSTEIN NOMINATION

Ms. STABENOW. Madam President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the Milstein nomination?

Ms. STABENOW. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from Montana (Mr. DAINES), the Senator from Missouri (Mr. HAWLEY), the Senator from Kansas (Mr. MARSHALL), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Missouri (Mr. HAWLEY) would have voted "nay" and the Senator from Kansas (Mr. MARSHALL) would have voted "nay."

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 286 Ex.]

YEAS—57

Baldwin	Hickenlooper	Portman
Bennet	Hirono	Reed
Blumenthal	Kaine	Romney
Booker	Kelly	Rosen
Brown	King	Sanders
Burr	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Luján	Shaheen
Carper	Manchin	Sinema
Casey	Markey	Smith
Cassidy	Menendez	Stabenow
Coons	Merkley	Sullivan
Cortez Masto	Moran	Tester
Duckworth	Murkowski	Tuberville
Durbin	Murphy	Van Hollen
Feinstein	Murray	Warner
Gillibrand	Ossoff	Warnock
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden

NAYS—34

Barrasso	Fischer	McConnell
Blackburn	Graham	Paul
Blunt	Grassley	Rounds
Boozman	Hagerty	Scott (FL)
Capito	Hoeven	Shelby
Collins	Hyde-Smith	Thune
Cornyn	Inhofe	Toomey
Cotton	Johnson	Warren
Cramer	Kennedy	Wicker
Crapo	Lankford	Young
Cruz	Lee	
Ernst	Lummis	

NOT VOTING—9

Braun	Marshall	Sasse
Daines	Risch	Scott (SC)
Hawley	Rubio	Tillis

The nomination was confirmed.

CHANGE OF VOTE

Mr. MORAN. Madam President, on rollcall vote No. 286, I voted no. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not change the outcome.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Delaware.

MORNING BUSINESS

Mr. COONS. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that Senator SCHUMER be recognized at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COONS. Madam President, I rise briefly to speak to a unanimous consent request that I am going to make in just a moment. I am pleased that we are about to consider the nomination of Dr. Monde Muyangwa, to be Assistant Administrator for Africa for USAID.

This is a critical post, one we cannot afford to leave vacant at a time when the humanitarian needs, the development opportunities, the strategic challenges that we see in Africa need to be met by an outstanding development professional.

As the ongoing Russian aggression in Ukraine continues to cause skyrocketing fertilizer costs, widespread food crises, the people of Africa need to know that the people of the United States will support them, will work with them, and will be a great partner in their development.

I am about to ask unanimous consent for the confirmation of a nominee who has a long and deep experience in this area. The director of the Wilson Center Africa Program, long-time dean of the Africa Center for Strategic Studies at the National Defense University, a professor, a nonprofit leader, a development professional, a Rhodes Scholar—someone who will represent us very well.

Madam President, with that, I ask unanimous consent that the Senate proceed to executive session to consider the follow nomination: Calendar No. 815, Monde Muyangwa, to be an Assistant Administrator for the United States Agency for International Development; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Monde Muyangwa, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Muyangwa nomination?

The nomination was confirmed.

LEGISLATIVE SESSION—Continued

Mr. COONS. With that, I yield to my colleague from the State of Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first, let me say I am joining in with the action just taken by the Senate, led by Senator COONS, who has shown an extraordinary gift of understanding of the importance of the African continent and the people that need to be part of its future.

I wholeheartedly support the effort which he initiated on the floor this afternoon. And I believe that Dr. Muyangwa is going to be a valuable asset to AID and to Africa, and I thank him for his leadership in bringing this issue before us today.

INFLATION REDUCTION ACT OF 2022

Mr. DURBIN. Madam President, the United States has done some good, important, even historic work this week. On Tuesday, we passed the PACT Act, expanding VA healthcare to an estimated 3.5 million veterans. Their service to our Nation exposed them to potentially deadly toxic chemicals from Agent Orange in the Vietnam conflict to toxic burn pits, which were found to be ubiquitous in Iraq and Afghanistan.

It took too long: 12 years. Toxic exposed veterans and family members had to stand on the steps of the Capitol, literally camped out for 5 days and nights to remind us that the veterans suffering from toxic exposure deserve care as surely as veterans injured by bullets and bombs.

But in the end, thank goodness, we did the right thing. The vote to pass the PACT Act was 86 to 11—86 votes in a 50–50 Democratic/Republican Chamber. It was a remarkable, bipartisan rollcall.

And then we made history this week when the Senate voted to ratify the entry of Finland and Sweden to NATO. Vladimir Putin gambled that Russia could seize Ukraine in just a few days, could use his victory to shatter NATO's unity and to deepen divides around the world.

Vladimir Putin, again, was dead wrong. NATO is more united, larger, and more powerful than ever, while Vladimir Putin has become an international pariah. Russia's military is bogged down in Ukraine, suffering heavy losses. And the Russian economy is staggering under the weight of global sanctions imposed by the freedom-loving nations of the world against Russia.

The Senate vote in favor of enlarging NATO to include Sweden and Finland was 95 to 1—95 votes in favor of it in a body that is divided equally, 50–50. Two major achievements in just 2 days, both with huge bipartisan majorities. That is proof for the doubters that the Senate can work together when the need is urgent and the solutions are just.

Now we are debating another historic plan that should have the support of both parties. I listen to the speeches each day on the floor of the Senate. And every day our Republican colleagues stand on the floor and say it is about time we did something about inflation. They know that is exactly the way the American families feel—and I feel, as well. And then, sadly, when given a chance, as they will be in just a few minutes, my Republican friends try to stop legislation that will lower the cost and give American families a break on their cost of living. All the speeches notwithstanding, they refuse to vote for a provision which will actually lower families' living costs.

They oppose cutting taxes for families. They oppose banning price gouging by oil companies. They oppose cutting healthcare premiums. They oppose extending the Child Tax Credits. They oppose lowering prescription drug prices. But we are going to give them another chance to do the right thing.

They are going to have a chance to actually lower some of those big ticket costs which they gave all their speeches about and—listen to this bonus—reduce the deficit at the same time. Yes, the Democrats have a proposal which will reduce our national debt by $300 billion. Our plan is called the Inflation Reduction Act. It does exactly what it says and even more.

The Inflation Reduction Act will cut energy costs, now and in the future, by deploying American-made clean energy and by making the biggest investment to battle the climate crisis in U.S. history.

You can't miss on the news the terrible things that have happened in the Commonwealth of Kentucky in the last week. Horrible things. Thirty-seven people—at least 37 people—have lost their lives with the flooding in that State. They go to these remote, rural villages. It just breaks your heart to look at the devastation.

And the reporters go to families still, I guess, trying to get back on their feet, trying to imagine tomorrow and do these interviews. And many times, the people are clearly in pain and distraught over their personal losses.

There was one man I remember yesterday, particularly. He did not appear to be the kind of person who spends a lot of time thinking about Congressional issues or even great political issues. He was a fellow, a hardworking fellow, who just lost his home. And you know what he said? He said: This is climate change; what you are looking at here is climate change. I have lived in this town for 40 years. And I have never seen anything like that. And I can't imagine if it comes again.

For him to use the words ''climate change'' really was an eye opener for me, because it means that he is sensitized to the reality that we face in this world. Extreme weather has become the norm in our country, whether it is an extreme drought, an extreme flooding situation, more tornadoes than ever at different times of the year. The list goes on and on.

Some people think it is just God being restless. I think there is more to it. I think we—those of us who inhabit

this planet Earth—bear some responsibility.

The question is, will we give speeches, will we lament these extreme weather events, or will do something? That is why this bill that is coming up today, starting today, subject to amendment, is so important. We can't allow our energy and national security to be dictated by some foreign power or some foreign leader like Vladimir Putin or anyone else who doesn't share America's national interest.

The Inflation Reduction Act, which is coming before us, invests in clean, new American energy sources so that our future can be determined by American ingenuity, not by some foreign cartel or some Kremlin kleptocrat.

Earlier today, the Senator from Kentucky came to the floor and talked about the EPA police checking on whether people are buying certain products or not buying other products. That isn't what this bill is about at all. Incentives are there. And I—just from a family point of view—am going to take a look at it. Is it time for my family to buy a heat pump? I will take a look and see. Tax credits, tax incentives could be an incentive for me to make that decision with my family and my wife. And that is all that we are offering—incentives for people to choose the right things, the environmentally smart things to deal with climate change.

The more energy solutions we discover, the cheaper our energy bills will be. Importantly, the Inflation Reduction Act will enable the United States—listen to this—to cut greenhouse gas emissions by an estimated 40 percent by the year 2030.

We have a lot of young pages here who come and work in the summer. We are glad to have them. They brighten up the place, and their energy is a sight to behold. They probably listen to this debate and wonder if these graying politicians, these Senators and Congressman, really do care about the planet that they are going to be living on, raising their own families, building their own futures. Well, this bill is an indication we do care. And to reduce greenhouse gas emissions not only does the right thing for America, it sets an example for the world. Despite all the excuses, there is no excuse for ignoring climate change, as that poor fellow down in Kentucky made obvious.

For anyone who still says global warming is a hoax—and I guess there are a handful of those folks left—or admits that it is real and says we just can't afford to fix it, know this: The costs of ignoring the climate crisis are far greater than dealing with it.

A recent analysis by the Office of Management and Budget warns, if left unchecked, climate change could reduce our Nation's gross domestic product by 10 percent and cost Americans $2 trillion a year by the end of the century—$2 trillion in the production of goods and services.

To put that in perspective, that is about a third of the entire U.S. budget this year. And in case you are dismissing these warnings because they happen to come from a Democrat or from the Biden administration, maybe you should listen to Deloitte—a well-known accounting firming in this country—their center for sustainable management. They released a report in May estimating that left unchecked, climate change will cost the global economy $178 trillion for the next 50 years. If rising sea levels don't swamp us, rising costs of ignoring climate disasters very well may.

The Inflation Reduction Act will enable us to make reasonable changes now that will pay for themselves many times over. It will also cut families' healthcare costs in four important ways. First, we extend the enhanced Affordable Care Act subsidies for 13 million Americans for 3 more years.

I was so surprised to read recently that there are still 8 million Americans uninsured. There should be none. And our goal is none. But we made such dramatic progress cutting by a third to a half the number of people uninsured since the passage of the Affordable Care Act.

Have you ever had a young child in your family who was sick and you worried because you had no health insurance as to whether they would be seen by the right doctor, the right hospital? I went through it. It happened right after our first child was born. We didn't have health insurance. I never felt more vulnerable, and I never had an emptier feeling when it came to being a father caring for his child as to not have health insurance and worrying about that. I don't think any family should ever have to go through that. It is an experience I will never forget.

Second, our plan allows Medicare to finally negotiate fair prices for prescription drugs. I listened to the Republican leader on the floor this morning talking about what a terrible idea that is.

Well, I just want to suggest to him, we have been doing that at the Veterans' Administration for years. They have been negotiating pharmaceutical prices so that our veterans get affordable drugs and taxpayers get a break and don't have to subsidize them. That, to me, is just common sense, and it is humane. The notion that we are going to extend that to Medicare recipients is not a radical idea. It involves something that we think is fundamental to the free market economy: competition. If these pharmaceutical companies want to sell their drugs to the Medicare recipients, we say to them, let's negotiate, on a certain number of those drugs, reasonable prices.

Now, some people say that is too much government, government stepping in there and trying to establish the prices that will be paid for these pharmaceuticals.

Well, I would say to the same pharmaceutical companies that are raising these objections: Look what you are doing today in Canada. You take exactly the same drug made here in the United States, sold to Americans at an inflated price, and sell it at a deep discount to people living in Canada. Why do you do it? Is it out of the kindness of your heart? No. The Canadian Government stood up and said you are not going to gouge Canadian families. Yes, we would like to have your pharmaceuticals and, yes, we will put them in our formulary, but you cannot dictate the prices to us. We are going to negotiate those prices. And the pharmaceutical companies sat down and did it—not just in Canada but in Europe.

When you say the same thing in the United States, that they treat Americans and those under Medicare the way they treat Canadians, you have the Senator from Kentucky coming to the floor and calling it a college sophomore socialist answer. I don't think so. I think it is just common sense.

These pharmaceutical companies are some of the most profitable companies in the United States year in and year out. They make money hand over fist. And I am glad they do, in many respects, because they can invest that money in the next generation of drugs.

You say to yourself: Wait a minute. If you are going to give them less for the product, they will have less for research. Not necessarily because there is something that you ought to remember that I think is very important. I want to make sure I get these figures right. The big pharmaceutical companies today spend more on advertising than on research.

Let me give you a couple of examples. Bayer, one of the makers of Xarelto—you have heard that one, haven't you, on TV—spent $18 billion on sales and marketing, $18 billion. How much did they spend on research for new drugs and new products? Eight billion. More than twice as much of the research budget went to be spent on marketing and television advertising.

Incidentally, the United States is only one of two nations in the world that allows direct-to-consumer drug advertising. The other one is New Zealand, if you can imagine. They put all this money on television advertising drugs like Xarelto. Why? So that people say: Wait a minute. Maybe that is what I have needed all along. I have to write down that name. How do you spell ''Xarelto?'' They get it right, finally, because ads keep coming on hour after hour on television, and they go to the doctor and say: I need Xarelto.

The doctor may have second thoughts about whether that is a good drug, but he doesn't have a lot of time for each patient. He is not going to debate his customers. He ends up writing a script for a high-priced drug like Xarelto, and Bayer makes more money.

They are not the only ones. Johnson & Johnson—that is a pretty well-known company. They spent $22 billion on sales and marketing. How much, if they spent $22 billion on sales and marketing, did they spend on research? Twelve—twelve. Do you see a pattern here?

To be fair, not all of pharma's big bucks go into TV ads. Over the past 5 years, the 14 largest drug corporations spent more on stock buybacks lining the pockets of their CEOs than on R&D. Remember what I just said. They took their profits, turned them into stock buybacks so that the wealthiest people in America got a better balance sheet. Money that could have gone into research for new drugs, they diverted into profit-taking. So this notion about saying that Medicare should be able to negotiate more competitive and fairly priced drugs is not unreasonable, and it isn't going to stop research. We know that.

Can I add one other element to this? Each of these pharmaceutical companies has a benefactor, a major benefactor. Think of it. It is an Agency that generates research by the billions each year, and the product of that research—which is a suggestion for new drugs, for example—is literally given to the pharmaceutical industry to use and make a profit. What is that Agency? The National Institutes of Health. It does the basic research by the Federal Government, paid for by American taxpayers—billions of dollars—and makes it available to pharmaceutical companies to develop the next generations of drugs. That is as it should be. But this notion that the pharmaceutical companies are just making it on their own and their own skills goes way beyond the obvious. NIH is helping very much.

We want to cut healthcare costs to make sure as well that seniors cap their out-of-pocket prescription drug costs at $2,000 a year, and $2,000 a year is still a sacrifice for many seniors, but it is a reasonable amount. We know what is happening now. Many seniors have drugs that they are supposed to be taking. They can't afford to fill the prescriptions or they take half the dose when they should be taking a full dosage. That is the reality of the prescription drug pricing in America.

Is it a serious problem? Well, just ask Blue Cross Blue Shield in Chicago, and I have: What is the impact of these inflated prescription drug prices on healthcare premiums? Blue Cross Blue Shield said to me that it is the No. 1 driver of increased health insurance premium costs, the cost of prescription drugs.

So when we start bringing down these costs, we are also going to create a situation where we have less incentive to increase premiums for health insurance.

Fourth, we penalize drug companies if they try to increase the price of the drug more than the rate of inflation. That was another on the list of sophomore in college socialist ideas, according to the Republican leader on the floor this morning. Well, I think he is wrong. We know what happens to the price of these drugs year in and year out. They just don't go up with the cost of inflation, they go up by multiples that reach the point people can't afford to pay it. That has to come to an end.

Five years ago, Republicans used this same process we are using called reconciliation to pass a nearly $2 trillion tax bill that overwhelmingly benefited big corporations and the wealthiest people in America, and they put the whole boondoggle on the credit card. It was unpaid for—tax cuts unpaid for. They claimed their tax cuts would pay for themselves. Dynamic scoring, they called it. Instead, they blew up the national debt.

Our plan is paid for, and here is the bottom line: No one in America—no one earning less than $400,000 a year—is seeing any increase in their taxes. Now, the Republicans say: Well, if you raise taxes on the wealthiest people, it is going to hurt the poorest people. When it gets right down to it, many of these corporations are extremely profitable—a billion dollars a year in profits and pay no Federal taxes. What is wrong with this picture?

The average American family is paying their taxes, as the law requires, and yet these corporations have found an escape hatch to avoid paying any taxes whatsoever. If they pay any taxes, they are going to hurt the poor families. The poor families are doing their part to pay their taxes. It is time these wealthy individuals and corporations did the same.

Instead of adding to the national debt, as our Republican colleagues did with their tax cuts for corporations and the wealthy, our proposal that we will vote on today will reduce the deficit by $300 billion. That is on top of the $1.7 trillion we have already cut from the deficit this year. Cutting the deficit reduces inflation pressure in the long run. In the short term, we are fighting inflation by lowering the cost of energy and healthcare, two of the biggest ticket items in family budgets.

And lastly, Senator MCCONNELL and our Republican colleagues seem to have developed a great respect for the economic wisdom of former Treasury Secretary Larry Summers. I can't tell you how many times Senator MCCONNELL has mentioned Larry Summers' name as if he is the great leader of all the great thinkers in the economics field in America. Let me tell you what Mr. Summers happens to say about our plan that we are going to vote for today and that all the Republicans are going to oppose. He said:

> This bill is fighting inflation.

He also said:

> This is an easy bill to get behind.

I didn't hear that this morning when Senator MCCONNELL came to the floor and talked about his view of this bill. Larry Summers was his expert previously. Now he is ignoring when Summers says we ought to vote for this bill to reduce inflation.

Do our Republican friends really want to tame inflation and help families with energy and healthcare or just come to the floor and complain? That is the choice they have. If they want to help, we have a plan. It is fair; it is paid for; it fights inflation; and it lowers the deficit. Wouldn't it be great if they would join us in a bipartisan effort to pass this at this moment in history? It is what America is waiting for and looking for. I hope that a number of Republicans will surprise us and join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

INFLATION REDUCTION ACT OF 2022

Mr. CORNYN. Madam President, it is good to be back in the Senate. Like a number of my colleagues, after dodging the virus for 2 years, it finally caught up with me last weekend. I spent a week in quarantine and, fortunately, experienced only mild symptoms. I think that is because I was fully vaccinated and boosted and I was glad to have the help of modern science on my side.

There is never a good time to be away from our work here in the Senate, but we all have a responsibility to keep those around us safe as well, no matter how inconvenient. Unfortunately, there are reports that our friends across the aisle may be intentionally disregarding that responsibility. I am deeply concerned by published reports that our Democratic colleagues have adopted a ''don't test, don't tell'' policy to ensure full attendance today.

Allegedly, they are more concerned about ramming through Senator MANCHIN's tax hike than following CDC guidelines to protect not only each other but the staff members, the Capitol Police, custodial staff, food service workers, and countless others who keep this institution running. These folks could have any number of other health conditions that could lead to more severe COVID experiences than, for example, I had or they could be caregivers for young children or elderly relatives who have a high risk of serious illness.

I sincerely hope these reports are not true. I hope our Democratic colleagues are not selfish enough to put so many people at risk in order to pass this massive tax-and-spending spree. If any of our colleagues are experiencing COVID symptoms, they should do what I did. They should get tested, period.

We know that as soon as this evening, the Senate is expected to vote on Senator MANCHIN's and Senator SCHUMER's massive tax hike on middle-class families. You can call it the Manchin-Schumer tax hike of 2022. It sprung to life, unbeknownst, I believe, to virtually all the Democratic Senators, except for Senator MANCHIN and Senator SCHUMER. And no one has seen what we will purportedly be voting on later today, even our Democratic colleagues. No one has seen the final product. Once the so-called Byrd bath has

been undertaken by the Parliamentarian, this will be a substitute bill that Senator SCHUMER will lay down, but nobody has seen it.

When the senior Senator from West Virginia announced this bill last week—or this agreement—every Republican was shocked and, from my view, most Democrats were as well. My private conversations with many of my Democratic colleagues said: Boy, that does not look good to be working so closely together on a bipartisan bill only to spring this on everybody by surprise. It looks like they were trying to pull a fast one. After all, Senator MANCHIN did put the kibosh on the reckless tax-and-spending spree bill last year, and he doubled down on his opposition just a few weeks ago.

Privately, his Democratic colleagues assured me this was not happening. But then the Senator from West Virginia has engaged in a gigantic Olympic-worthy flip-flop. Senator MANCHIN will tell you this bill is completely different from ''Build Back Broke,'' but it is not.

We should take a look at some of the elements of this legislation. ''Build Back Broke'' was a roundup of expensive, unnecessary damaging policies, including job-killing tax hikes, which would leave hard-working American families without a way to earn a paycheck, Green New Deal climate policies that would hurt our energy security and drive energy costs through the roof, taxpayer subsidies for wealthy people buying expensive cars and SUVs.

I was listening to the majority whip, the Senator from Illinois, talking about these businesses that are making too much money and so they need to pay more in taxes. That is what I have come to expect from our Democratic colleagues. They are kind of a ''Robin Hood'' party—take from the rich, give to the poor. Except here, this is a reverse Robin Hood. They are taking from middle-class families who can't afford to buy expensive electric vehicles and giving a tax subsidy to wealthy people who can afford to buy them but are helped with the $7,500 taxpayer subsidy. So you might call that a reverse Robin Hood.

Then they want to supersize the Internal Revenue Service with even more manpower and authority to track everyday American people and perform, I presume, many, many more audits, not just on the rich and famous but also on middle-class Americans.

And then there are the special handouts to powerful friends of the Democratic Party. This isn't the type of legislation that will bring our economy roaring back to life or cool inflation. In fact, that is the first place that this bill is misrepresented. They are calling it the Inflation Reduction Act, but nobody believes that, in the near term, it is going to have a single impact, at all, on inflation.

That is what Penn Wharton said. For the next 2 years, they said, it may actually make inflation worse, but it is a negligible amount. But the one thing we are sure of is that it sure won't go down.

So it is not an ''inflation reduction act.'' It is really an insult to the intelligence of the American people to think that you can spend this money and you can tax individuals and businesses during a recession—something everybody from Bill Clinton to Barack Obama, to CHUCK SCHUMER, to JOE MANCHIN has said you don't do, which is raise taxes during a recession—but that is exactly what this bill does.

Higher taxes, bigger government, more inflation, and fewer jobs—this is a bill whose time has not come. No wonder when this bill was originally proposed as Build Back Better, Senator MANCHIN opposed the bill.

So let's see what he and Senator SCHUMER wrote in secret behind closed doors and then sprung on the American people. And, again, we haven't even seen the final product yet, and yet Senator SCHUMER said we are going to stay in session until it passes.

Well, it is going to have to take all 50 votes of Democratic Senators and the vote of the Vice President to do that, because not one single Senator on this side of the aisle was consulted, was asked to work on a bipartisan basis to come up with a product that could be supported across the aisle.

This will be a purely partisan exercise, after I think we have had a pretty good run of bipartisan cooperation, and I have been proud to be a part of that. But this is a complete reversal of sort of the spirit of bipartisan cooperation that we have seen, frankly, all summer long, which has produced some pretty good legislation.

Well, there are tax hikes that will leave hard-working Americans poorer. Not only will inflation be roughly 9 percent, which it is today—meaning that for every $100 you earn, you are only going to get $91 in purchasing power—in addition to that, the Joint Committee on Taxation said the impact of this bill will mean that individuals earning as little as $10,000 a year will see an increase in their tax burden, because you can't spend this much money, you can't tax this many people without it having some trickle-down effect on taxpayers, certainly those who earn less than $400,000, which was President Biden's pledge. And I heard the majority leader say that again and, I believe, the majority whip, too, but this is not true.

The Joint Committee on Taxation is the entity here—nonpartisan entity—which provides the final word on those issues. So notwithstanding the denials of the majority leader and the majority whip and others, the Joint Committee on Taxation said that taxpayers earning as little as $10,000 will see their taxes go up—maybe not their income tax, but they will be poorer as a result of this bill.

Again, part of that is because, in addition to inflation, in addition to additional tax burden, you are going to be asking them to pay taxes to subsidize wealthy people to buy electric vehicles or to subsidize people's health insurance, even though they make well above the 400 percent of poverty cap that was initially part of ObamaCare, the Affordable Care Act. That cap has been lifted now as well.

We will see what the final product looks like, but the earlier provision showed that people earning up to as much as 750 percent of poverty would then receive taxpayer subsidies for their health insurance.

Well, Senator MANCHIN and Senator SCHUMER may have slapped a new name on Build Back Better or ''Build Back Broke,'' but all of the essential elements are still there: tax hikes on families, the Green New Deal, massive electric vehicle subsidies.

Oh, and here is another thing. A lot of the American car manufacturers said we may not be able to access these tax credits because 70 percent of the components that go into electric vehicles are made in other countries, like China. That is how slapdash this bill was put together. If more time, more deliberation, more debate, more bipartisanship had occurred, maybe we could have come up with something that would make more sense.

But this is what happens when you get in a big hurry. You make mistakes and do things that make zero sense, like provide this subsidy to a limited class of car manufacturers when 70 percent of the components of a typical electric vehicle, including the battery, come from overseas.

As I said, this is a misleading-labeled bill. It is not going to do a thing to ease inflation in the near term. The budget experts at Penn Wharton analyzed Senator MANCHIN's tax hike and bill and completely decimated the argument that this legislation will reduce inflation. If this bill becomes law, inflation will not get any better anytime soon. In fact, I believe Americans can expect it to get worse.

The people at Penn Wharton said the Manchin tax hike bill would increase inflation slightly in the short term and cause it to stick around for 2 more years before it would have any impact. That is what you are going to tell hard-working American families: You are being priced out of your favorite food and grocery products at the grocery store or you can't afford to fill up your car? Just wait 2 more years.

Well, if the Democrats are successful in passing this bill with purely Democratic votes, there will be an accounting, and there will be a comparison by voters in November with, OK, they told us that if we pass this bill, it would reduce inflation, and let's see what inflation looks like in November of 2022.

I am not wishing for higher inflation. I hope inflation will go down. But this is exactly the opposite of what you ought to do if you want to reduce inflation to restore people's purchasing power.

Well, again, several years ago and more recently, our colleague from West Virginia said he didn't think it was wise to raise taxes during a recession. He and the majority leader have tried to convince anyone who will listen, who is gullible enough, to believe that this bill does not raise taxes on anyone making less than $400,000 a year, but, as I said, the Joint Committee on Taxation explodes that myth.

Next year, more than 60 percent of taxpayers who earn between $40,000 and $50,000 a year will be hit with a higher tax bill. That is what the Joint Committee on Taxation said. It is in the so-called distributional tables. It is a pretty complex calculation, but that is why we rely on the Joint Committee on Taxation to provide this expert information and guidance to us, because, frankly, it is beyond the capability of most of us in Congress. They also said that more than 90 percent of those earning between $75,000 and $100,000 a year will pay more in taxes, and a whopping 97 percent of those earning between $100,000 and $200,000 will see a tax increase.

I heard our colleague the majority whip talk about these big, rich companies—oil and gas companies, pharmaceutical companies—making too much money. But these aren't billion-dollar corporations that they are raising taxes on; these are middle-class families—and for what? To subsidize rich people driving around in fancy electric vehicles? It is a disgrace.

Well, of course, working families aren't the only ones who are going to face a higher tax bill. The Manchin tax hike also hits businesses and is sure to have a devastating impact on—guess where—West Virginia. I am not making this up. Higher taxes require companies to cut costs everywhere.

I think sometimes our Democratic colleagues have this idea that if you raise taxes on businesses, they will simply absorb it and they won't pass it along to their customers. That is a flight of fantasy. Higher taxes will require them either to pass those costs along or to cut costs elsewhere, like to cut off their employees, to not hire as many people as they would otherwise hire.

I was flabbergasted, frankly, when I saw that, according to the Tax Foundation, the industry that will be hit hardest is the coal industry. Now, we know the coal industry has been the primary target of Democrats' green policies, and maybe that is what they have in mind—to put even more coal miners out of a job.

Despite the adverse impact this legislation will have on families and communities across the country, it was written by two people: Senators MANCHIN and SCHUMER. They have been working hard since they announced their deal, arrived at in secret, behind closed doors. They have worked hard to try to get this bill to the floor, to see if it complies with the Senate rules. They continue to make last-minute changes—going on even as I speak, which is the reason none of us have seen the final product—but we are unlikely to see those final changes before Senator SCHUMER asks us to vote on the bill. But still Senator SCHUMER said he expects every Democrat to fall in line and to vote for this legislation within a matter of hours. They haven't seen the bill either. I have to imagine that Democrats in both the House and the Senate are pretty unhappy with this process.

Experts have analyzed this bill and said it raises taxes on families, and it will have an adverse impact on jobs and keep inflation high—certainly not cut it—but the top Senate Democrat expects his colleagues to ignore these warning signs and to vote for it anyway.

Like I said, all of us are held accountable by the voters at election time. And I guess ultimately that is what this exercise will be about—it will be about political accountability.

On average, there have been about 40 amendments in a so-called vote-arama, which we are all familiar with, which we will experience presumably later on tonight. Our colleagues said: Well, there may be some amendments I would like to vote for, but I am going to vote against them because I want to make sure we get this bill across the floor, no matter how ugly the process, no matter what is in it.

Well, Democrats have tried and failed to convince the American people that the biggest problems facing our country aren't really problems at all or certainly their problem.

Despite all the obvious warnings, the Biden administration officials insisted that inflation was transitory, that it is temporary, won't last long. Now they even want to redefine what it means to be in a recession even though we have experienced two consecutive quarters of negative GDP—gross domestic product—growth, which is the textbook definition of a recession.

People in my State and across the country know better than to believe this sort of sleight of hand. Despite what our colleagues are saying today, this bill will increase taxes on families earning less than $400,000 a year. It will stifle medical and pharmaceutical innovation and prevent new lifesaving cures from being discovered. It will threaten our economy and our energy security at a vulnerable moment when we are in a recession.

And it won't do a darn thing to ease the loss of purchasing power due to historically high inflation rates—the highest in 40 years—that consumers and all Americans are experiencing. It won't do a thing. No amount of spin or fast talking can conceal the damage this bill will inflict on the American people.

Senator MANCHIN likes to say: ''If I can't go back home and explain it, I can't vote for it,'' but for the life of me, I don't know how our Democratic colleagues are going to explain this one in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator SCHUMER be recognized at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFLATION REDUCTION ACT OF 2022

Mrs. MURRAY. Madam President, I go back home to Washington State every week, and I talk to young people in Seattle who are urgently calling for bold climate action. I talk to families in Yakima County who are deeply concerned by a wildfire season that gets worse every year and parents in Vancouver who are trying to figure out how they can afford their kids' medication and make ends meet.

This summer has broken records in Washington State and not in a good way. Energy prices and temperatures have both spiked. People from Seattle to Spokane are feeling the stress, and they are feeling the heat. Climate disasters have become an everyday reality in every community across the country. Washington State has seen droughts and wildfires and floods and heat waves that literally made our roads buckle.

Families desperately need us to tackle rising costs and rising temperatures because we cannot build a stronger economy if we do not build a more sustainable economy, and that is why we need the Inflation Reduction Act. It will reduce costs for families, it will reduce emissions, and it will even reduce the debt and deficit.

The climate investments in this bill are, in a word, historic. They won't just bring down carbon emissions by a whopping 40 percent; they will help us establish real energy independence from dirty fossil fuels and foreign adversaries. They will save lives by reducing air pollution and supporting conservation efforts happening in rural Washington State right now to prevent wildfires and protect families and address the climate crisis.

This legislation will make historic, first-of-its-kind, economy-wide investment in clean energy that will create millions of good-paying clean energy jobs, including in Washington State, and it will bring down families' energy costs for people who are struggling to keep the AC on in the summer or the heat on in the winter or lights on year-round. It will help weatherize homes and install energy-efficient appliances and heat pumps and rooftop solar panels and more.

This bill will offer huge cost savings for clean or electric vehicles, new or

used, and give companies a good reason to build more of these cars in America.

We aren't just cutting energy costs, though. No one should have to worry about whether they can afford the healthcare they need, but I have heard from countless patients who worked their whole life, who saved their money, but still had to work an extra job or move in with their family or even ration their prescription just to make ends meet.

Lifesaving medicine doesn't do any good if people can't afford it. That is why this bill will finally give Medicare power to negotiate. We are going to force drug companies to the bargaining table, and patients everywhere are going to benefit. It will also cap seniors' annual drug costs and cap insulin at $35 a month and protect patients from companies that are jacking up prices on them with reckless abandon. It extends the healthcare coverage relief that helped millions of people save thousands of dollars on their healthcare this year.

This isn't just saving people money; this is going to save lives—patients who are rationing their prescriptions, afraid to see their doctors not because they are scared of getting a diagnosis but because they are scared of the price tag. If that is not the goal when we come to work every day, then I don't know what is.

But the Inflation Reduction Act won't just bring down families' everyday costs; it will bring down the deficit by more than $300 billion because every cent of this bill is paid for by closing loopholes used by enormous corporations. There is no reason a company making a billion-dollar profit should pay a smaller tax rate than a mom-and-pop shop in Washington State or a firefighter or a teacher in Walla Walla, WA, so Democrats won't let it fly any longer.

Those big billion-dollar companies? They are going to pay no less than the same 15 percent in taxes that many of our small businesses already pay. Those stock buyback schemes that line the pockets of corporate executives and Wall Street investors but do nothing for working families? They are going to be taxed so companies pay their fair share. As for everyday Americans, they won't see their taxes go up one penny.

Make no mistake, the Inflation Reduction Act represents historic progress. There is simply no reason anyone should be against these policies and many reasons to get this done now.

This is not a bill for Democrats or Republicans; it is legislation that will help all Americans—lowering prescription drug costs, making healthcare more accessible and more affordable than ever, and pass the largest investment in climate action in our country's history—all paid for.

CHILDCARE

Mrs. MURRAY. Madam President, but for everything good this bill accomplishes, we have not yet addressed a critical issue families face today: access to high-quality childcare.

There is a childcare crisis in this country, and the time to address it is now. There can be no more excuses. We cannot simply vote on this package and call it a day. Our childcare system isn't just stretched thin; it is broken. Talk to parents, talk to businesses, talk to anyone, and it is painfully obvious that our childcare system isn't working for families, providers, or our economy and hasn't been for some time.

Right now, families from Seattle to Spokane are stressed. They are staying up late at night, trying to figure out how on Earth they are going to find a childcare opening or how they are going to afford it if they ever get off a wait list. When they can't find and afford childcare, as is all too often the case, parents—moms in particular—have to leave their job and stay out of the workforce, all while childcare workers are being paid poverty wages, struggling to make ends meet and provide for their own families, and they are leaving their jobs for better paying work at fast food chains and big box stores, which pay them more than their childcare position.

We have to do better for kids, for moms, for workers, for our economy, for everyone, or this is just going to keep getting worse.

I know all of my colleagues have heard me say this before—you have probably heard me say it 100 times—but I want to be clear: The childcare system is on the brink of collapse, and parents are telling us every single day this is an urgent crisis.

The emergency support that we did provide in the American Rescue Plan was hugely helpful, but it is going to run out, and soon, and families who are already at their wits' end will feel the pressure.

So we need to lower the cost for families as we fight inflation. We need to expand parents' options so they can go back to work and support the childcare workers caring for and educating our kids each and every day. Now, I have been putting forward proposal after proposal to do exactly this, and I am working with anyone I can to make progress here because this isn't a ''my way or the highway'' proposal. It never was. I hope my colleagues know that is not how I operate. What I am talking about here is delivering a lifeline to kids, to moms, to our childcare industry, not to mention the businesses and industries that desperately want to hire more workers.

I am deeply disappointed that Congress has failed to meet this crucial moment for our families and our childcare providers, so let me just say this: I have been fighting for childcare my entire career, since before I ever got here to the U.S. Senate. In fact, for a very long time, I was the only person in the room fighting. So I am not going to stop anytime soon.

And guess what. I am not the only one fighting today. There are parents and advocates across the country who are fighting for this, who know how critical this is for our families. There are small business owners who understand how critical this is to strengthening our economy—real people, not some army of invisible lobbyists. So I am here right now to be a voice for them, and I am asking everyone here in Congress to step up and speak for these families too. We have to get this done. We must make this a priority. We must address this urgent crisis before it is too late.

So I want everyone to know I am going to stay in this fight for moms and for our kids, and you better believe, one day, we are going to win this.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

CHILDCARE

Mr. SCHUMER. Madam President, well, first, I want to thank my dear friend and our great leader and chair of the Health, Education, Labor, and Pensions Committee for her positive words on this bill and her reminder to all of us that our work is not done and particularly for her work on one of the most urgent issues facing American families: childcare. I don't know of a single Member of this Senate, Democrat or Republican, who has done more to push the issue of childcare and get it done than the senior Senator from the great State of Washington, and I thank her for that.

I want to thank my colleagues Senator KAINE and Senator BLUMENTHAL, who have also been such strong leaders on this issue.

I am here to say that what they are saying—Senator MURRAY, Senator BLUMENTHAL, Senator KAINE—is right. We need to do something in this country to lower childcare costs and increase its availability. I pledge to my colleagues and to the American people that I will keep working with Senator MURRAY until we get something done to increase access to high-quality childcare for working families.

We all know that, today, families pay more for childcare than at any point in American history. Amazingly, sometimes families have to pay more for childcare than they would pay for a mortgage. It is out of reach.

Some people forget how the world has changed. When I was a kid, my dad had this little junky exterminating business. My mom was what was then called a housewife. I got home from school every day at 3 o'clock, and there was Mom with milk and cookies, asking me what homework I had—oh, I don't have any homework, Mom—and telling me what time I had to come back home from going out and playing in the schoolyard for dinner.

That doesn't happen anymore. The vast majority of families in America are either single parent or two parents,

both working. The percentage that have two parents, only one working, is minimal. So childcare is now a necessity. It is a necessity for families.

The anguish people go through to try to find childcare, and then when it is not available or something happens, what are they going to do? They are both working and scrambling. Who is going to watch the kids? It is agony. It is not this kind of agony that comes, you know, God forbid, once in a lifetime when you get a serious illness, but it is real agony and anxiety. We have to do something.

There is another reason we have to do something: our economy. You read all of the economic experts. We are short of labor. We are short of labor. You go to any business—small, medium, big—they are short of labor.

Probably the No. 1 or No. 2 reason in the whole country we are short of labor is we don't have adequate childcare. Moms or dads don't want to go to work because they don't know who is going to take care of the kids. Moms or dads stay home or retire or whatever. So our economy desperately needs this. When parents can't enter the workforce—particularly women—our country suffers as an economy, and productivity is greatly diminished.

Of course, there are other issues to deal with in this economy as well that are related. Home- and community-based services. People need a roof over their heads. We need to support families through paid leave. We need to make sure that every child in this country has a chance to grow and reach their potential, not in poverty. All of these issues are important. Childcare is so important—so important.

So I want to first thank again Senator MURRAY for her words. I want to thank my colleagues. Two of our leaders on this issue, Senators KAINE and BLUMENTHAL, are here today.

We want to pledge to the American people that we are going to keep working until we get something done in childcare, and we will keep fighting for all these issues to expand opportunity for all Americans. It is so, so vital to the future of our country and to the well-being of families across the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

CHILDCARE

Mr. KAINE. Madam President, I am so pleased to be on the floor today to join with Senator MURRAY, Senator SCHUMER, and Senator BLUMENTHAL to talk about the critical importance of childcare.

I will speak in about 40 minutes about a piece of this bill, the black lung program, which is really important to the State of Virginia, but, like Senator MURRAY, I share a sadness that childcare is not included in this bill because this is what I am hearing from Virginians: Even before the pandemic, there was an inadequate supply. People working in this field weren't being paid enough. Parents are having to pay too much.

It is a market failure, and we have to fix it. This bill doesn't, and so we will need to continue it.

There has never been anyone in the history of the U.S. Senate who has been as passionate an advocate for childcare as the senior Senator from Washington, Senator MURRAY. She sort of swallowed a lead, because she is a modest person, when she said: I cared about this from before I got here.

Her colleagues know and Washingtonians know, but all Americans might not know, that Senator MURRAY was an early childhood educator before she came to the U.S. Senate. So this is a passion that drove her career before she was here, and she hasn't left it behind, not for one second. So when she says she is going to stay on this until it gets done, she will.

I am very, very pleased to be a HELP Committee member under her leadership and to help her on this, and I have a personal interest in this too. I have three children. My middle son, Lin, went to Carleton College, Phi Beta Kappa graduate, and he works as a pre-K classroom aide in Minneapolis. This is how he has chosen to make a difference in the world around him, by working as a classroom aide in a prekindergarten program. And I know from my discussions with my son, who just turned 30 a couple of weeks ago, how important the work is and how poorly paid it is, and how parents struggle even to afford sending kids to a childcare program, where the workers don't get paid very much.

So this really is a classic market failure, and I think about Lin as I advocate for this. And I also had a chance to think anew, Senator MURRAY, about the importance of a priority.

A good news story the other day was that the American unemployment rate is the lowest that it has ever been in 50 years at 3.5 percent, and we all are hearing employers saying: But I can't hire people. I can't hire people.

There are millions of Americans who could be in the workforce, filling up these jobs that employers are looking to fill, but are not in the workforce because of a lack of affordable childcare. So it is important for kids, it is important for families' pocketbooks, and it is important for the providers themselves. But our economy does not work in the way that it should if we don't have affordable childcare options. So I pledge to work together with my chair on this issue until we get it done.

TRIBUTE TO KARISHMA MERCHANT

Mr. KAINE. Madam President, the last thing I want to say is a thank-you. I have a staffer in the room, Karishma Merchant, who has staffed me on the HELP Committee since before I was on the HELP Committee, and she is leaving me to take a wonderful job at Jobs for the Future to continue her passion for workforce and education.

She has helped me on childcare, on issues battling campus sexual assault, career and technical education, and teacher training. Everything I have done in the education and workforce space and on the committee has been because I had a fantastic staffer pointing me in the right direction. She is here in the Chamber, and I want to finish by expressing my thanks to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

INFLATION REDUCTION ACT OF 2022

Mr. BLUMENTHAL. Madam President, I am so proud to be here today to speak in favor of the Inflation Reduction Act, which hopefully we are on the cusp of passing.

It is historic. We will save lives, save money, save taxpayers. It will lower costs for all Americans in healthcare, particularly prescription drugs. It is the most important action to cut medicine costs in our history—certainly, in recent history. It is the most significant tax fairness measure in recent history, and it is the largest investment and most important action to fight climate change in our history. So it is a big deal, and it will be measurable for all Americans in what they pay to keep themselves healthy, to keep the planet inhabitable, to keep the highest income people from avoiding or evading taxes, and, in so many ways, it will make a difference in people's lives.

But it is a compromise, like many measures that we have passed that have accomplished very significant improvements in people's lives. It is an agreement where some people get some of what they want and others don't get what they want. And one point where I think a number of us wanted to advance was the cause of childcare, and we see an absence.

But listening to Senator SCHUMER, especially, I am more confident than ever that we will fight and win more aid for childcare, and Senator MURRAY and Senator KAINE have spoken so eloquently. I will simply say to what they said that I agree whole-heartedly because childcare is critical to kids. It is essential to early development, education, and physical and mental well-being.

It is essential for families because they need it to go back to work, particularly moms who have been out of the workforce. It is essential to our economy because employers—big, small—all need more workers, and they need to train those workers, and the way to find those workers and give them the skills they need to fill those jobs is to enable them to be secure in knowing their children have good childcare.

It is important to the men and women who form the childcare workforce. I have been all around the State

of Connecticut—to Torrington, Hartford, Bristol. In fact, I accompanied the President of the United States to visit one of Connecticut's childcare facilities. They do great work. They have been doing great work during the pandemic, reporting for duty, taking care of children, even as their industry was impacted by smaller amounts of children being able to go there because parents had smaller amounts of income to afford it. And the fact of the matter is, in Connecticut, the yearly cost of childcare is about $20,000. We have lost a major part of our childcare workforce, and this measure is essential to those men and women who take care of kids in those childcare facilities with their courage and diligence and strength that befits the enormous responsibility that they have.

We are determined to make childcare affordable and accessible for every American family. The proposal that no more than 7 percent of any family's income be required for childcare is one that I still think makes eminent good sense.

We need to recognize that childcare facilities need to be sustained and supported, and those families need that same support and resource.

So I am absolutely determined that we will move forward on childcare. As frustrated as I may be that this great compromise we see in the Inflation Reduction Act fails to include it, I am proud to support it and vote for it, and to continue this fight which we can and will win. And I thank my colleagues who will be joining us for their support as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFLATION REDUCTION ACT OF 2022

Mr. THUNE. Madam President, we are somehow continuing to consider the Democrats' grab bag of bad ideas, otherwise known—I would say, misleadingly—as the Inflation Reduction Act.

Let's start with the bill's title. It gets you feeling somewhat hopeful, doesn't it? The Inflation Reduction Act sounds like a bill that is going to address perhaps the No. 1 problem facing our Nation—inflation. Then you actually look at the bill's contents and discover that the bill will do nothing to reduce inflation—nothing.

And you don't have to take my word for it. Here is what the nonpartisan Penn Wharton Budget Model had to say about the bill's impact on inflation: ''The impact on inflation is statistically indistinguishable from zero''—''statistically indistinguishable from zero.''

The nonpartisan Congressional Budget Office also found that the bill would do nothing to address our current inflation crisis. So did the Tax Foundation.

So much for inflation reduction.

So what about the deficit reduction the Democrats are touting? Well, unfortunately, there is a good chance there won't be much of that either. Democrats rely on some very shady accounting to reach their supposed deficit reduction number—most notably from the repeal of a rule that has never been implemented and, at this point, was never expected to be.

No matter what this rule was predicted to cost, if it was never going to be implemented, its cost was effectively zero. So repealing this rule leaves you with exactly zero—zero dollars to spend, not $120 billion.

Then there is the question of the bill's expanded ObamaCare subsidies. The Democrats' bill extends the expanded ObamaCare subsidies by 3 years. But it is common knowledge that the Democrats want to extend them permanently, as the President explicitly said in his State of the Union Address. And when you figure in the cost of extending them permanently, most of the purported cost savings in the bill, which the Democrats claim will go toward deficit reduction, dwindle away.

So no deficit reduction, an extremely doubtful amount of deficit reduction—what else? Well, there are the hundreds of billions of dollars in tax hikes. Yes, hundreds of billions of dollars in tax hikes. Our economy has posted two consecutive quarters of negative growth. In fact, by any common definition, we are now in a recession. And Democrats think now is a good time to hike taxes on businesses—businesses that are already struggling with 40-year high inflation?

The Democrats' book minimum tax, as proposed last week, would be a $313 billion tax hike, with roughly half of the increase falling on American manufacturers.

I don't think I need to tell anyone what happens when you raise taxes on businesses, particularly when the economy is shrinking. You get less growth, lower wages, and fewer jobs.

According to an analysis from the National Association of Manufacturers, in 2023 alone, the version of the bill Democrats introduced last week would reduce real gross domestic product by more than $68 billion and result in more than 218,000 fewer workers in the overall economy.

The Tax Foundation also found that the bill would, unsurprisingly, reduce economic growth, reduce wages, and reduce jobs. In short, a big part of the burden of the Democrats' tax hike on businesses would fall on American families and American workers.

And the book minimum tax on American businesses is not the only tax hike Democrats are proposing on this bill. They just purportedly replaced a $14 billion tax hike on investment with a new $74 billion stock buyback tax designed to punish investors who choose to keep their own money invested in a business—a tax hike that will likely discourage new investment and have a negative impact on Americans' retirement savings.

And, of course, they have included a number of taxes and fees on oil and gas production. I guess Democrats would like our current sky-high energy prices to continue long-term, because I am at a loss for any other reason why Democrats would choose to hike taxes on oil and gas production at a time when Americans are already struggling with high gas prices and high utility bills.

The Democrats didn't always think raising taxes during a recession was a good idea. In fact, President Obama once said:

> [T]he last thing you want to do is to raise taxes in the middle of a recession.

That was from President Obama.

As the current Democratic leader once said:

> You don't want to take money out of the economy when the economy is shrinking.

Well, unfortunately, now that their Green New Deal fantasies are on the line, the Democrats have changed their tune. That is right. Democrats are hiking taxes during a recession not to address our border crisis or inflation or rising crime but so that they can implement their Green New Deal agenda.

Their so-called Inflation Reduction Act is chock-full of Green New Deal spending, things like $1.5 billion—billion dollars—for a grant program to plant trees; $1 billion for electric, heavy-duty vehicles like garbage trucks, which is something that communities used to normally provide for; $3 billion for the U.S. Postal Service to purchase zero-emissions delivery vehicles; and $1.9 billion for things like road equity and identifying gaps in tree canopy coverage.

Yes, the Democrats are apparently willing to send us into a longer term recession—or stagflation—in order to provide billions of dollars for things like road equity and identifying gaps in tree canopy coverage.

All told, the Democrats provide more than $60 billion in this bill for ''environmental justice''—$60 billion. Now, to put that number in perspective, that is more than the Federal Government spent on highways in 2019.

The bill also contains at least $30 billion in climate slush funds, part of which is allocated for, among other things, climate-related political activity—yes, climate-related political activity—because, for sure, there is nothing more that families who are struggling with ballooning grocery bills and the high price of gas are eager to see their tax dollars going toward than Green New Deal activism. Apparently, it is a very high priority for Democrats, but I would say, in all likelihood, not for the American people and American families.

I haven't even talked about the tax credits and rebates the Democrats' bill will provide for wealthy Americans who purchase new electric vehicles or who remodel their kitchens with Democrat-approved green appliances.

Well, I could go on for a while here. It is difficult, really, honestly, to squeeze all of the bad ideas in the Democrats' bill into just one floor speech, and I haven't mentioned the socialist-style price controls that the Democrats' bill would pose on prescription drugs—price controls that would result in fewer new drugs and treatments—or the additional $80 billion—yes, $80 billion—that the Democrats' bill would give to the IRS, with the majority of it being used to boost IRS audits.

Now, of that $80 billion, $45 billion of it would go to IRS enforcement—$45 billion, or 57 percent. Do you want to know how much of that $80 billion would go to taxpayer services? Four percent. Four percent—that for an Agency that only succeeded in answering about 1 out of every 50 taxpayers' phone calls during the 2021 tax season.

There is $80 billion to the IRS for an additional 87,000 employees—87,000 new employees at an Agency that, I am told, only has about 53 percent of its workforce actually going back to the office—87,000 employees. You are going to have tax agents moving in with families around this country.

The Democrats aren't focused on improving taxpayer services but on boosting the number of IRS audits. No one should be deceived into thinking these increased audits will fall solely on millionaires and billionaires. No matter what the Democrats and some officials at the IRS conveniently claim, the fact of the matter is that it is exceedingly unlikely the Democrats will be able to collect the revenue they want to collect from increased IRS enforcement without auditing small businesses and ordinary taxpayers. In fact, based on data from the Joint Committee on Taxation, somewhere between 78 to 90 percent of the revenue that is projected to be raised from underreported income would likely come from those making under $200,000 a year.

So 87,000 new IRS agents are sent out with the purpose of collecting more revenue, allegedly, according to the Democrats, from high-income taxpayers and businesses that are escaping taxation; yet the Joint Committee on Taxation finds that 78 to 90 percent of the revenue projected to be raised from underreported income would likely come from those making under $200,000 a year.

Almost 18 months ago now, the Democrats passed a massive, partisan $1.9 trillion spending spree, which fueled inflation—record inflation—that Americans are still struggling with in this country. By the way, that $1.9 trillion spending spree was all on the debt—all on the debt. They didn't attempt to pay for it; they just put it on the debt.

So now, to talk about possibly reducing the deficit by what I think, when it is all said and done, in this bill will be under $100 billion, that will assume all kinds of things like actually they are going to raise revenue from these 87,000 new agents whom they are going to hire at the IRS to audit American taxpayers. It also assumes things like the ObamaCare premium subsidies are only going to be limited to a 3-year extension rather than a full 10 years, which we all know is ultimately going to happen.

In the end, I believe there will be zero deficit reduction, but the fact of the matter is that that piece of legislation, in addition to fueling inflation and adding to the debt—and having learned from that experience, I would hope you would think that the Democrats here would not double down with yet another terrible economic idea, which is another tax-and-spending spree. Like the so-called American Rescue Plan before it, it will leave our economy and the American people worse off.

For their sake, I hope the Democrats will think better of this bill before it is too late. We are going to have an opportunity to debate it here, probably in a few hours, and will have an opportunity to vote on lots of amendments, and we will see what that process yields.

I can tell you one thing: The American people are tired of 40-year high inflation; they are tired of higher energy prices; they are tired of higher food prices; and they are concerned about an economy that is in recession. They are looking at a Democrat leadership in Washington, DC, that has as its No. 1 goal—out of all of the things you could do to attack inflation, attack high energy costs, to deal with a broken border, crime in our cities, and to deal with a wobbly economy, their prescription, as always, is the same thing no matter what the problem is; that is, to raise taxes, increase spending, and grow government—all at the expense of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

INFLATION REDUCTION ACT OF 2022

Mr. CARPER. Madam President, I rise this afternoon to speak in support of the historic legislation we are considering today, the Inflation Reduction Act of 2022.

A little over a week ago, when I heard the news that there was an agreement reached to move forward on this legislation, I could not help but feel an overwhelming sense of relief and of joy, and I am not alone in feeling that way. I felt relief in knowing that, after months of negotiations and years of hard work from volunteers, from activists, from policy experts, from leaders at all levels of government and industry, and from so many others, we had finally broken the logjam on major climate and clean energy legislation. I felt joy in knowing that we were one step closer to delivering a major victory for the American people, one that will help reduce inflation and create good-paying jobs at the same time. My belief is that this legislation is an answer to our prayers for a brighter future for our Nation and for our planet.

I might say to all of these young people who are sitting up here—we have a bunch of our pages who are here from all over the country; they are, for the most part, rising juniors and seniors—that they remind me a lot of our grandchildren, frankly, in my family and, for folks, of a lot of their children.

This is for you. This is for your generation.

This is for our kids, our grandchildren, our nieces, our nephews.

This is for you.

After enduring a deadly global pandemic for the last 2 years and the resulting political and economic turbulence flowing from it, the truth is that far too many Americans are struggling. They are hurting from the high cost of healthcare; they are hurting from rising living expenses and energy bills; and they are hurting from extreme weather that is costing us in terms of dollars and of lives.

I know this because that is what I hear when I travel home to Delaware almost every night. I don't live here; I live in Delaware. I go back and forth on a train—a lot like a guy named Biden used to do when he was a mere Senator, along with Senator CHRIS COONS and LISA BLUNT ROCHESTER, a Congresswoman. Whether it is a senior on a fixed income who is struggling with the cost of lifesaving prescription drugs or a young person who is living in a community that is prone to flooding from rising sea levels, many Delawareans of all ages are anxious about their futures, and they are pleading with us to do something about it.

Scientists are also pleading with us for action, too, before it is too late. For years, they have warned us that time is running out, that we must shift away from fossil fuels to avoid a future of unrelenting extreme weather. Now scientists are telling us it is code red for humanity and for our planet.

We are already experiencing a climate crisis, and Americans from communities large and small are feeling its impact, most notably in the form of extreme heat, wildfires, and floods.

As I speak here today, nearly 100 million Americans from Texas to Maine are under heat advisories—100 million. There are also more than 50 wildfires raging across the West, burning tens of thousands of acres in States like California and Montana and Idaho and Alaska. Just last week, catastrophic flash floods in Eastern Kentucky, not far from where my mom spent the last years of her life, have tragically claimed some 37 lives.

We know that these deadly, extreme weather events will only get worse in

the years ahead without coordinated action—without coordinated action—and we know that the most vulnerable among us, including many communities of color, will suffer the most if we fail to act.

The best science available tells us that to avoid the worst impacts of global warming, we must achieve something that is referred to as ''net zero carbon emissions'' no later than the year 2050. Achieving this ambitious goal will not be easy, but it is achievable.

As some of my colleagues will tell you, I am by nature an optimist. I always have been. Out of great adversity comes great opportunity. Those are the words of Albert Einstein. In adversity lies opportunity. There is huge adversity here but also great opportunity.

I am proud to say that we are on the precipice of passing legislation that will channel American ingenuity to address this crisis, lower costs for families, and fight inflation. How will they do all of that? The Inflation Reduction Act includes nearly $370 billion in funding for climate and clean energy provisions. In other words, it will be the most ambitious climate legislation to ever emerge from this body. It does so by not raising taxes on people whose incomes are under $400,000, on families whose incomes are under $400,000, and it does so in a way that is not inflationary and that is fully paid for and offset.

What will the impact be of this transformational climate legislation? Well, according to an analysis from Energy Innovation—some the smartest people here in this country who work on issues like this—according to their analysis, passing this legislation will reduce net greenhouse gas emissions by a little bit over 40 percent by 2030. And as President Biden might say, that is a very big deal. He might say it differently but something along those lines.

This legislation will, along with action from executive Agencies and State and local actors, will put us within reach of meeting our national target of cutting emissions in half by the end of this decade.

In addition to slashing emissions from across our economy, this legislation will also unleash the potential of the American clean energy industry and create good-paying jobs throughout our country. In fact, it will create a ton of jobs. The analysis from the Political Economy Research Institute at the University of Massachusetts Amherst projects that the Inflation Reduction Act—this legislation that we are debating—will help create 9 million jobs over the next decade—9 million over the next decade.

And the benefits to this historic package aren't just limited to emission reductions and to job creation. As its name suggests, this legislation will fight inflation and lower costs for many Americans. Again, ask: How?

For starters, the Inflation Reduction Act will help homeowners save up to $220 a year on electricity costs, according to an analysis by the Resources for the Future.

This legislation also includes huge healthcare savings for families across our country. For example, on average, median-income families in Delaware with exchange-based care will save upward of $1,000 annually. That is $1,000 back in their pockets.

This bill will also ensure that our seniors don't face financial ruin paying for lifesaving prescription drugs. It does so, in part, by capping patients' out-of-pocket costs in the Medicare Part D Program at $2,000 per year.

And the Inflation Reduction Act will help strengthen our tax system to better ensure that everyone pays their fair share and also to ensure that we have got decent constituent services for our constituents in our States. I don't care whether it is Minnesota, I don't care whether it is Delaware, or some other place, the IRS just hasn't had the resources, the people, the technology, to actually provide good constituent services. We are still waiting for people to get their returns from last year and their refunds from last year. That is just totally unacceptable. And over the last probably 30, 40 years, we have reduced by roughly a quarter the amount of resources that are available to actually serve people through the IRS.

At the end of the day, the programs in this bill will help create jobs, lower costs for many American families, and fight inflation, all while addressing the imminent threat of climate change and doing so in a way that leaves no community behind. It is proof that we can do well and do good at the same time.

As chairman of the Environment and Public Works Committee, I am especially proud that our $41 billion title within the purview of our committee prioritizes climate action in low-income and disadvantaged communities. This is part of ensuring that all communities, especially those most susceptible to the negative impacts of climate change, benefit from our funding to reduce greenhouse gas emissions and reduce air pollution where they live—where they live.

As part of that commitment, we provide $27 billion for the Environmental Protection Agency to create a greenhouse gas reduction fund, known as the Green Bank. It will help leverage private investments in projects that combat climate change, with over 40 percent of these investments going to underserved communities. The climate impact of this program will be huge, removing the equivalent of some 15 million gasoline-powered vehicles from our roads over the next decade.

We also provide $3 billion in competitive grants to States, Tribes, and municipalities—and to community-based nonprofit organizations—for financial and technical assistance to address clean air and to eliminate pollution in environmental justice communities.

Our EPW title also provides some $3 billion to help reduce carbon emissions flowing from our Nation's ports. Doing so not only cleans up the air in nearby communities but also reduces our reliance on foreign fuels. And we provide $1 billion to replace dirty medium and heavy-duty vehicles with zero-emitting vehicles on our roads, reducing fuel consumption while allowing businesses that run those trucks to save significantly on their energy costs.

While I wish I could discuss this afternoon every program in our title of the Environment and Public Works Committee, let me just close by sharing a few words on one program I am particularly proud of, our first-ever Methane Emission Reduction Program to rein in excess methane pollution from the oil and gas industry.

Why did we create a program to reduce methane emissions? Why was this so important? Well, let me tell you this: Methane is more than 80 times more potent than carbon dioxide as a greenhouse gas. I will say that again. Methane is more than 80 times more potent than carbon dioxide as a greenhouse.

There was a guy who used to be a bank robber named Willie Sutton back in the Great Depression. My friend from Iowa probably remembers Willie Sutton, not personally. But Willie Sutton robbed a lot of banks back in those days. He finally got caught and was brought to trial. And standing before the judge, the judge said: Mr. Sutton, why do you rob banks?

Willie Sutton responded famously: That is where the money is, judge; that is where the money is.

Well, there are huge emissions—huge emissions—that flow from methane. They ought to be captured; they can be captured, and the programs that we offer here, the funding we offer here, will help that to happen.

We designed this commonsense program to provide $1½ billion to help businesses invest in existing technology to reduce potent methane emissions. It then ramps up a fee over time for emitters that fail to take advantage of this assistance. All told, we expect this program to raise about $6½ billion—that is billion with a ''b''—to offset the costs of other climate and environmental justice investments in the title of our committee's bill.

Years from now—years from now—folks are going to gather here in this Chamber, and they will look back at what we had before us, what we were confronted with, and whether or not we made a difference. I hope they will judge us favorably.

Let me just say, in closing, 2 weeks ago, they reported in London, England, a temperature of 105 degrees. For those of us who have been to England, you may know this: They don't even have air-conditioning in most places in England. The temperature there, 105 degrees. In the same week that the temperature was 105 degrees, folks were trying to run the bicycle event, the French bicycle event that is so famous, and they could not run parts of it because the pavement was melting. They

had to put tens of thousands of gallons of water on the roads just so they could run the French bicycle race.

I will close with this: In Louisiana, they have problems, they have challenges from sea level rise. How serious are they? Well, every 100 minutes in Louisiana, they lose a piece of land to the ocean from sea level rise. Every 100 minutes they lose a piece of land the size of a football field. And today, this week, we are seeing incredible heat, incredible drought. From the west coast to the east coast, people are suffering, suffering, in some cases, injury and death. We have got to do something about it, and we are going to do that with this legislation and also make sure that a lot of folks who need jobs in the years to come will have a good-paying job. That is not a bad day's work.

With that, I am pleased to take this piece of paper and read it to my colleagues, including the Senator from Iowa, who is waiting patiently for me to stop talking.

UNANIMOUS CONSENT AGREEMENT

Mr. CARPER. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 4:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator SCHUMER be recognized at 4:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. I thank the Senator from Iowa for his patience today. Thank you so much.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTHCARE

Mr. GRASSLEY. Madam President, this body has a long record of coming together to improve healthcare for Americans.

In 2003, when I was chairman of the Senate Finance Committee, we worked in a bipartisan manner to establish the Medicare Part D benefit. More recently, I have worked with my colleagues on the Finance Committee on oversight and investigations to hold EpiPen manufacturers accountable that were misusing taxpayer dollars and insulin manufacturers and PBMs accountable that were unfairly increasing the list price of insulin. We can work together and meaningfully improve healthcare.

This Congress, I have worked with my Democratic colleagues to pass five of my bills out of committee in a bipartisan way. These bills will lower drug prices, create more competition, while holding Big Pharma and PBMs accountable. Unfortunately, the leader hasn't brought any of these bills up for a vote, even though they would easily pass the U.S. Senate.

But this hasn't stopped me from trying to find other ways to help bring down the cost of medications.

In 2019, as Finance Committee chairman, I began a bipartisan committee process with the ranking member from Oregon to lower the costs of prescription drugs. That bill is entitled the ''Prescription Drug Pricing Reduction Act.''

We held three committee hearings to learn from policymakers and advocates, while also holding Big Pharma and PBMs accountable. We held a committee markup, where the bill passed 19 to 9 on a bipartisan basis. We continued to hold additional negotiations to make improvements in the bill, even after it got out of committee. It contained stuff that I like. It also contained stuff I didn't like, but that is the way we do bipartisan legislating.

Today, it is still the only comprehensive prescription drug bill that can garner more than 60 votes on the Senate floor.

I recently outlined on the floor the bill's details in case the majority party has forgotten. I won't restate every part of my July 20 speech, but here are some of the bill's key highlights:

One, it lowers costs for seniors by $72 billion and saves the taxpayers $95 billion.

Two, it establishes an out-of-pocket cap, eliminates the doughnut hole, and redesigns Medicare Part D.

Three, it ends taxpayer subsidies to Big Pharma by capping price increases of Medicare Part B and D drugs at inflation.

Four, it establishes accountability and transparency in the pharmaceutical industry.

Five, and most important in this body, the bill is bipartisan.

Now, believe it or not, a bipartisan bill limiting pharmaceutical increases is possible. Compare this to what the majority has offered us. Their partisan bill includes more reckless spending and tax increases. Their partisan bill reduces the number of new cures and treatments. Their partisan bill fails to enact any bipartisan accountability for Big Pharma and, in particular, for PBMs.

Even while the majority party has decided to pursue a purely partisan bill in secret over the past 20 months, I have continued to meet with Democrats and Republicans to advance a bipartisan and negotiated bill. I would prefer a bipartisan bill to pass the U.S. Senate.

We could still pass the Prescription Drug Pricing Reduction Act. My colleagues know it. Several of them have thanked me publicly on my bipartisan work to lower prescription drug prices. Sadly, the majority party has chosen a different route.

They have chosen a bill that contains zero—zero—PBM accountability. It gives middlemen a pass. They have chosen a bill that contains none of the 25 accountability and transparency provisions that had bipartisan consensus in my bill.

Finally, one last thing I would like to address about my colleagues' reckless tax and spending. I have heard some of my colleagues on the other side say this bill's prescription drug provision is what I have described today as Grassley-Wyden. This is untrue. This is a reckless tax-and-spending bill. It is not bipartisan, and no reporter should accept or repeat that notion.

I oppose the partisan bill because it is a long list of reckless tax increases and spending. It is not the bipartisan prescription drug bill that passed out of the Finance Committee 19 to 9.

I will file the Prescription Drug Pricing Reduction Act as an amendment today. We could strike and replace this reckless tax-and-spending spree with comprehensive drug pricing reform that could garner more than 60 votes and lower drug prices while holding Big Pharma and PBMs accountable.

We could actually enact meaningful accountability and transparency in the pharmaceutical industry. I will file that amendment as well. We could pursue PBM transparency and accountability, and I will file that amendment as well.

I have said throughout this Congress that I will work with anyone who wants to pass the bipartisan-negotiated Prescription Drug Pricing Reduction Act.

To continue on the bill today, the Democrats' most recent reckless tax-and-spending spree suffers from some serious policy whiplash. Just last week, all but one Democrat voted to provide nearly $80 billion in subsidies to some of the largest and most profitable corporations in the world. The goal then was to make America a more favorable business environment to attract investments from a critical industry.

But mere hours later, they unveiled a huge tax hike on domestic manufacturing. Democrats tried to justify this 180-degree policy turn by claiming their tax hike is necessary to make corporations ''pay their fair share.'' However, this claim is laughable, given the so-called CHIPS+ bill nearly all Democrats enthusiastically supported last week. As I pointed out at that time, the CHIPS+ bill ensures many large, very profitable semiconductor manufacturers will pay zero tax or even receive payments from the IRS exceeding any tax liability.

Yet Senator SANDERS was the only Democrat to express any concern about these profitable companies paying nothing in taxes.

Under the Democrats' so-called book minimum tax, large, profitable corporations favored by Democrats can still escape paying any Federal tax. While they claim their reckless tax-and-spending bill will ensure companies pay their fair share, they include carve-outs and expanded subsidies for their favorite industries.

For example, business tax credits are carved out from Democrats' book minimum tax, including a myriad of souped-up green energy tax breaks.

This is despite the fact that research by the liberal Institute on Taxation and Economic Policy confirms these credits are a significant reason why seemingly profitable companies pay little or no tax.

The Democrats' bill not only carves out certain tax credits, it doubles down with $270 billion in corporate tax subsidies in the name of their Green New Deal agenda. Along with a new provision that allows green energy developers to sell their credits to others, a host of businesses and industries will be able to use this new loophole to pay little or no tax. This could include financial institutions, private equity firms, tech firms, and wealthy private investors.

Democrats' message to the business community is very clear: If you are a large, Democrat-aligned green industry, you have nothing to worry about; paying your ''fair share'' of taxes is optional. But if you are a domestic textile or electronics manufacturer, prepare to be taxed into submission.

This mindset is especially concerning given our increasingly fragile economy. Late last week, we learned our economy contracted for the second straight quarter, indicating, as we know, we are in a recession. The last thing businesses and families need right now are tax hikes and a rash of poorly vetted policies creating even more confusion and uncertainty in the economy. Nonpartisan analyses by the Joint Committee on Taxation and outside groups show this is exactly what Democrats are offering.

During the election, Democrats promised not to raise taxes on anyone earning less than $400,000, but the Joint Committee on Taxation confirms their proposal does exactly the opposite. For 2023 alone, Democrats propose a $17 billion tax hike on families and individuals making less than $200,000.

While Democrats' tax hikes hit Americans of all incomes, their proposed benefits are targeted at a privileged few, like helping wealthy Americans purchase $80,000 electric SUVs. According to the Joint Committee on Taxation, the original version of their bill had a whopping $155 billion tax hike on domestic manufacturing stemming from their so-called book minimum tax.

The National Association of Manufacturers estimated that this tax hike would cost more than 200,000 jobs, reduce labor income by $17 billion, and reduce GDP by nearly $70 billion.

Now, I understand Senator SINEMA has since secured changes to the book minimum tax that may lessen the burden on domestic manufacturers. However, even if we assume all the relief secured by Senator SINEMA accrues to manufacturers, the best-case scenario is manufacturers will still see a $100-billion-plus tax hit.

Democrats' inflation act still throws blue-collar workers overboard for their Green New Deal. The Democrats' war on manufacturing is mind-boggling. Members of both parties have stressed a need to reshore manufacturing to address supply chain disruptions and delink from China for national security reasons. Saddling manufacturers with a giant tax bill will hurt, not help, our efforts. Targeting manufacturers for tax hikes makes even less sense in the face of our surging inflation.

Democrat tax hikes will curtail investments necessary to increase the supply of goods needed to meet consumer demand. This mismatch between supply and demand is what is actually driving our inflation. The potential harm to our economy is underscored by Penn Wharton's analysis of the Democrats' reckless tax-and-spending spree. They called out the novelty and uncertainty surrounding Democrats' book minimum tax saying more work is needed to understand its impact on capital market efficiency and the economy.

Penn Wharton's analysis also shows Democrats' proposals will do nothing to bring down inflation and are more likely to make inflation worse in the near term. Essentially, Democrats are gambling on untested and unproven policies while our economy is in a recession, real wages are falling, and inflation is soaring.

The truth is, Democrats' reckless tax-and-spending spree is bad for jobs, bad for the economy, and won't do anything to address what Iowans care about the most: the rising cost of inflation.

I urge my Democrats to rethink your approach. Stop gambling with our Nation's economy.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Minnesota.

MORNING BUSINESS

Ms. SMITH. Madam President, I ask unanimous consent that there be a period of Morning Business that is for debate only until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator SCHUMER be recognized at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

INFLATION REDUCTION ACT OF 2022

Mr. BARRASSO. Madam President, last year, Democrats in this body passed a party-line spending bill, and they spent us into record-high inflation. Ever since then, this has been nothing but bad news for the working families of this country.

We have seen the worst inflation in 40 years. Prices have gone up faster than wages month after month after month. Fifteen months in a row now, prices are up faster than wages.

Now, Democrats' inflation has caused a recession. As a result, working families are finding it much harder to get by. They can't keep up. The average family can afford less today than they could the day that Joe Biden took office—much less. The savings rate hasn't been this low since the great recession. People are having to spend their savings. Credit card debt is at an alltime high.

But the worst gut punch is about to happen right now, making all the pain the Americans have suffered now extend for a longer period of time. If Democrats pass this bill that is on the floor today, this inflation crisis is going to get worse.

For weeks, there have been rumors that Democrats were working hidden behind closed doors on another reckless tax-and-spending bill. The American people knew it would be bad, and the bill that we are looking at now is worse than expected.

Of course, the Democrats wrote it in secret. They didn't want the American people to know what was inside it. Now, here we are, late on a Saturday afternoon, and the Democrats are trying to cram it through before people even get to read it. Members of my party were wanting to read it earlier today. It wasn't even available, likely because it wasn't even written yet.

I understand it is over 700 pages long. An earlier version, I saw 725 pages, with a cost of over a billion dollars a page.

Democrats call it their bill that they intend to try to use to reduce inflation. But the more likelihood is that it will lead to double-digit inflation. Haven't seen that since Jimmy Carter was in the White House.

The Wharton School of Business does a budget model. It says that this bill, from everything that they have read so far, will actually increase inflation for the next 2 years. It is bad enough for the American people today. They can't put up with it for another 2 years.

Now, I am told that the Wharton analysis is usually the economic analysis that the Senator from West Virginia, JOE MANCHIN, uses. Well, I hope that Senator MANCHIN and every Member of this body pays attention to that Wharton study.

A chorus of economists is saying the exact same thing as the experts are telling us from Wharton. There is a nonpartisan group called the Tax Foundation, and it says ''this bill may actually worsen inflation''—worsen inflation. That is why I say we are looking at the possibility of double-digit inflation. It is 9.1 percent now.

Democrats' favorite economist, Mark Zandi, says that the bill would almost have no effect on inflation. How is it going to lower inflation if it has no effect on inflation? And that is from a favorite of the Democrats.

The Congressional Budget Office says the bill would have a negligible effect on inflation. Clearly, there is broad agreement among experts that the bill will not lower inflation.

Democrats were warned the last time, March of 2021. Democrats are being warned again this time. And they

are ignoring the warnings. But it doesn't take an economist to tell you that this bill would be a disaster for working families.

The bill is going to mean more taxes, more spending, higher prices—right in the middle of the combination of an inflation time and a time of recession.

The cost, the burdens, of this bill are going to be borne by the working families of this country.

Now, this bill is going to hit working families from all sides. First, let's take a look at the taxes. Tax revenues were already at record highs in this country—not enough for the Democrats but record alltime highs of tax revenue.

Democrats want more—a lot more. The Democrats' inflation bill would increase taxes by nearly half a trillion dollars. Now, this includes a blatant violation of Joe Biden's campaign promise when he said he wouldn't raise taxes on middle-class families.

The Joint Tax Committee says that this bill will raise taxes on the very people that Joe Biden said he wasn't going to come after. The Joint Tax Committee actually said the bill will raise taxes on people at nearly every level of income. It will affect you, every one of you, all across this country.

Now, Democrats, of course, want to raise taxes on American energy. It has been their claim since day one when Joe Biden basically put the target on the back of American energy and pulled the trigger. And, amazingly, they want to do it in the middle of an energy crisis.

Remember, this is the energy crisis that the Democrats have created. When Joe Biden declared war on American energy, American families started paying the price and have been paying the price ever since then.

The bill does nothing to open up exploration for energy and American oil on American properties on Federal lands. No. It includes a new tax on American oil and gas production. This tax alone will raise the cost of energy for half of the households in America.

Now, this is at a time when one-third of the inflation in this country is driven by the cost of energy. When you take a look at the cost of food, energy is a component of that. Growing food, getting food to market—all of those things are related to energy. That tax alone is going to shrink the economy and cost jobs.

There is also a new tax on imported oil. And Joe Biden's energy policy has been, basically: Please send us some oil. It was his policy last year when he went to Glasgow. And he actually asked Vladimir Putin to send us more oil from Russia as Russia was planning to invade Ukraine. He is trying to cut a deal with Iran to get Iranian oil. Venezuela—he sent emissaries to Venezuela asking for oil. And he went hat in hand last month to Saudi Arabia saying: Please send us more oil.

And then the Democrats put in their bill an excise tax on that oil that the President is begging to have sent to America. And then to add insult to injury, they indexed the tax to inflation—high inflation begetting more inflation. It means the more inflation the Democrats cause, the higher the prices go up. More taxes, more inflation.

This is a vicious cycle of Democrat taxes and Democrat inflation. As a result, the pain at the pump is going to get worse. Yet the worst punishment of all is for American coal production.

Now, I am proud to say Wyoming has been America's No. 1 producer of coal for decades. Coal is still the most affordable, reliable energy known to man. It is used all over the world. Yet in this bill, the Democrats want to raise taxes on coal companies by up to 16 percent of their income.

Well, I am from a coal State. Senator MANCHIN is from a coal State. He and I worked together on the Energy Committee. He is the chair; I am the ranking member. Here is what the West Virginia Coal Association has said about what is in this bill that we are going to be voting on starting tonight. JOE MANCHIN's home State coal association said:

> Why support anything CHUCK SCHUMER, Joe Biden, NANCY PELOSI, or John Kerry want for coal?

They go on to say:

> It is incomprehensible why any miner [coal miner] would support the Manchin-Schumer legislation.

This is going to punish West Virginia directly, and it is going to punish the hard-working people of Wyoming. It is also going to punish their customers who rely on affordable energy.

These taxes are clearly going to get passed on to the consumer—in other words, higher prices, more inflation. Economics 101.

The Democrats also want to raise taxes on savings and investment at a time when seniors are hurting. Seniors are already watching their savings go down and their taxes go up. Inflation is so bad that there are reports that seniors are moving in together because they can't afford to pay the rent.

Yet CHUCK SCHUMER and Joe Biden want to raid their 401(k)s. This bill also contains a hidden tax increase. That is because the bill would nearly double the size of the IRS.

Now, Democrats think that giving the IRS 80 billion additional dollars to hire additional auditors—tens of thousands, over 80,000 more auditors at the IRS, an army of auditors—that they are going to be able to squeeze another $200 billion out of American taxpayers.

They are not talking about a couple of rich people here. Eighty-six thousand auditors aren't needed to go after a couple of billionaires. They are going after mainstream America. They are going after families, farmers, after small businesses.

The IRS is already one of the most powerful and unaccountable bureaucracies in the Federal Government. But the Democrats say: Not enough. We want to put you on steroids so you can squeeze more money out of the families of this country.

The Joint Tax Committee says almost all of the money raised by supersizing the IRS would come from those making less than $200,000 a year. That is the Joint Tax Committee.

So the billionaires in San Francisco and Manhattan who run the Democrat Party, they are going to be just fine. It is working families who always foot the bill for liberal policies.

So what are Democrats going to do with half a trillion in new taxes? Well, they want to do what they do best: give taxpayer dollars to their closest friends and their biggest political contributors. That includes hundreds and hundreds and hundreds of billions of dollars for the big fans of the Green New Deal.

The bill puts American taxpayers on the hook for more than $315 billion in green energy loan guarantees. This will be billions and billions for projects like Solyndra that went bankrupt when President Obama was in the office and Joe Biden was Vice President. You would have thought Joe Biden had learned those lessons from the horror stories of the money being lost, the taxpayer dollars wasted in projects that went bankrupt one after another after another.

The bill would give billions and billions for rich people to buy electric vehicles. Unlike other vehicles, electric vehicles, they pay no gas tax, which is how, of course, in this country that we pay for the roads and the bridges and the highways. Democrats want to cut them a big check as well. This is welfare for the wealthy.

The bill also includes supersized ObamaCare subsidies for people making well over $100,000 a year. It is also welfare for the wealthy—supersized subsidies on steroids.

Now, the subsidies were put in place at the beginning of the pandemic. They were supposed to be temporary. Yet Democrats seem to want them to continue forever. If Democrats extend these subsidies permanently, this bill would not actually help at all with the deficit. It would clearly add to the national debt.

In other words, Democrats are using the same sleight-of-hand accounting gimmicks that they tried last year. Nine months ago, when Democrats tried things like this in their Build Back Better Plan that failed, even Senator MANCHIN admitted that it was ''smoke and mirrors,'' a shell game, and budget gimmicks.

The Democrats are back to their old tricks right now. Here we are, 9 months later. The difference is, inflation is a lot, lot higher. The pain people have gone through is felt more deeply.

Not a single Republican is going to vote for this monstrosity. No Democrat should either. Joe Biden's economy is already the worst economy that most Americans have ever experienced in their lifetime.

If Democrats pass this bill, it is going to get worse. And so I urge my colleagues, don't inflict this kind of pain

on the American people in the middle of a recession. The American people are hurting enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

INFLATION REDUCTION ACT OF 2022

Mr. KAINE. Madam President, I rise to speak about a very important provision in the Inflation Reduction Act that combines the three pillars of the act: healthcare, energy, and tax reform. That provision is a permanent funding fix for the Black Lung Benefits Program. And I dedicate this floor speech to all my friends who are Virginia coal miners, to their retirees, to their families. And I especially dedicate it to my friends at the United Mine Workers, including a dear friend, President Cecil Roberts.

I came to Virginia in 1984, never having been in Virginia. I grew up in Kansas, and I didn't really know too much about the coal industry. But I married my wife Anne 38 years ago, and part of her family is from Big Stone Gap, VA, in the heart of Appalachia—those counties in Southwestern Virginia—Wise, Lee, Dickenson, Russell, Buchanan, Scott—that have coal mining as the very heart of their economies. And it is not only coal mines, but it is the miners themselves—many of whom drive across State lines to work in West Virginia or Kentucky—and their families. And they have done it for generations.

And long before I got into politics, once I married my wife from Appalachia, I got to know these miners. It is a tough job. It is a scary job. It is a dangerous job. But these miners do it every day because the Nation needs power, because our steel mills need steel to build aircraft carriers and submarines and skyscrapers. And they do this, and many of them have done it for generations.

I also, in coming to know these miners—long before I got into politics—on family visits, realized what a patriotic bunch of people they are. They have a disproportionately high rate of service in the military when they are young, before they undertake this dangerous, dangerous job.

I had been in Virginia for about 5 years, and there was a major strike of these miners, the Pittston strike, in Southwest Virginia, 1989. It actually was from April of 1989 all the way until February of 1990. And it was a strike that was driven because the Pittston Coal Company wanted to take health benefits away from retirees and widows and disabled miners.

And what the mineworkers realized is if they allowed this to happen, then every other mining company in the country would do exactly the same thing. And so they went out on a strike, and they struck for 10 months. And their salaries were down to nothing, but they weren't going to give up until they got these healthcare benefits.

There was a famous moment about 5 months into the strike when the then-president of the UMW, Rich Trumka, who got to be a great friend of ours—sadly, he passed in the last year. At that point, he was the president of the mineworkers. He got asked by the New York Times: Your people are suffering striking. They are earning some benefits through the union, but it is a fraction of their salaries. How long can the mine workers hold out?

And he gave one of the best answers ever: 1 day longer than the Pittston Coal Company. That is how long we can hold out.

That is what they did. In February of 1990, they reached a deal, and the healthcare benefits of these folks were saved.

Getting into politics, first at the local level, but especially when I ran for Lieutenant Governor in 2001, I was kind of the big city mayor, but people down there gave me a chance because they knew I had family ties in Appalachia. I had gotten to know them before I was in politics.

The mine workers were so helpful to me. I tried, over my time in political life, to be helpful to them. I put a union president in my cabinet as a Governor, whom they knew very, very well, who had struck with them in 1989. No Governor had ever done that. I appointed a miner, a UMW member to run my State mining safety agency. That agency had always been run by folks from the management side or sometimes by hard-working, you know, kind of professional scientists and bureaucrats. But there had never been a miner running the mining safety agency until I became Governor.

I worked with mine workers to build a powerplant in Virginia City, in Southwest Virginia, to try to show that coal can be done and used much more cleaner than it had been in the past.

When I came to the Senate in 2013, the economics of mining had changed a lot. Natural gas, being so much cheaper, had hurt mines. Mechanization of mining reduced the job numbers. We mine about the same amount of coal in Virginia today as we did 50 years ago. We just do it with one-tenth of the miners because of mechanization.

The need to bring down our carbon usage to save the planet has definitely been a factor. I am proud to say that my miners and their leaders understand this. They understand the need for an energy transition, and they embrace it. They just ask that, as we do it, we don't leave them behind.

That leads me to this bill. We have made promises to our miners that we will protect their health insurance, that we will protect their pensions, and that we will have a full-funded Black Lung Benefits Program to help the many miners—about one in five in Central Appalachia, whose day in and day out job, inhaling coal dust and silica dust, exposes them to a horrible pulmonary disease, black lung disease. We told them we will have a program for them to take care of their needs should they come down with black lung.

You will remember, Madam President, in 2017, because of bankruptcies of coal companies, that many were setting up shell corporations to evade their responsibilities to their retirees—just like in Pittston, taking health insurance away from retirees, widows, and disabled miners. Many companies have schemed with the Bankruptcy Code to do that. In 2017, the miners healthcare program for these retirees was on death's door. I cosponsored legislation with many colleagues, and we saved their healthcare program.

I will never forget one of the toughest meetings I had in public life was going into a mining contact office in Castlewood, VA, and sitting down in a room of very nervous people who thought their healthcare benefits were going to expire within a matter of weeks. But we made a promise to them. And because of Democrats here—and we did get some Republican votes on this, as well—we saved healthcare for retirees, widows, and disabled miners.

A couple of years later, in 2019, the same features of these companies—artificially, in many instances, going bankrupt—was now not just threatening healthcare but was also threatening pensions. People who had worked their whole lives in these dangerous jobs at risk to their health were going to lose their pensions.

But in 2019, the American Miners Act, which was also bipartisan, passed this body, and we fixed the nationwide pension program for miners. It helped more than 6,000 Virginians. It helped more than 100,000 miners around the country.

That is two.

Well, with the passage of the Inflation Reduction Act, we can go three for three. We can meet all the promises we made to these miners and their families by fixing the Black Lung Benefits Program.

The preceding speaker talked about raising taxes on mines, but he didn't tell the public what this is for. We are raising the excise tax on coal so that we can have a program that will help miners who get black lung disease.

And is this just a horribly confiscatory tax? No. Let me tell you what this tax will be. We will raise the coal excise tax for coal mined underground to $1.10 a ton. For these hard-working miners who are underground, exposing themselves to life-risking pulmonary disease, we will raise the tax to $1.10 a ton. And for coal that is mined on the surface, we will raise it to 55 cents a ton to meet the promise that we made to these hard-working people. This will provide permanent sufficient funding to maintain the solvency of the fund, and our miners can be assured that the program will be—as they are going underground every day and doing that tough job, they can be assured that the program will be there for them should they get black lung disease.

I have been proud to cosponsor all three of these bills—promise made, promise kept.

I want to thank Virginia's coal miners for their friendship, for their patriotism, for their determination, and for never giving up, including never giving up on us. And when we pass the IRA, we will be able to say: Your faith was justified. We got it done.

Madam President, I ask unanimous consent that the previous order be extended for 15 minutes and the majority leader be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

INFLATION REDUCTION ACT OF 2022

Mr. WYDEN. Madam President, public service is about making people's lives better, and here is what is on offer this afternoon to make people's lives better in our country: Reduced healthcare costs for seniors, reduced carbon emissions, reduced energy costs, and reduced cheating by wealthy tax cheats. That is just a part of what is on offer this afternoon.

Let me just briefly touch on each of them.

We all know that medicines are way too expensive in our country. People always come back from trips, and they say: Why is it so much cheaper overseas?

It is because these big pharmaceutical companies are under absolutely no restraints to hold down the prices, and that is what we are beginning to change today.

What we are beginning to change today is to say that for those seniors who count on Medicare, for the first time, the program that they love, Medicare, is going to have the power to negotiate lower drug prices for them. The fact is, the Senate is lifting a curse with this legislation. That is how seniors feel when they hear that Medicare can't even go to bat for them. And, of course, Big Pharma has protected this ban on Medicare negotiating like it was the Holy Grail. Even today, they are warning that when we pass this, they are going to try to tie it up with the courts and the State legislatures and the Agencies. But we are not going to let that happen.

The prediction from some independent authorities on medicine has said that because of the compounding benefits of our bill—with more drugs being negotiated on a regular basis—we are looking at the possibility of a trillion dollars in savings before too long.

If a drug company refuses to negotiate, they are going to face a steep excise tax on the sale of their products until they come to the table. If they are price gouging, if they are raising their prices above the rate of inflation, say, for an older drug, they are going to pay a penalty.

And then we have new significant relief for seniors who, when they get mugged at the pharmacy counter, come home and say they just can't pay all the bills. Our legislation puts a new $2,000 out-of-pocket cap on Medicare Part D so that seniors are no longer forced to choose between paying for medicine and paying for food.

Those are all important benefits. The fact is, that penalty for price gouging is going into in effect in a couple of months, in November, so seniors are going to be able to say: We are seeing real relief from this legislation.

There are other steps that we would have liked to take. I understand that. I pushed for them. The President of the Senate has pushed for them. But let's understand the bottom line here. Every one of the policies I have outlined, on their own, is going to be life-changing for millions of senior citizens, and it is going to lay the groundwork for doing more.

I would also like to move briefly from healthcare to climate because the Inflation Reduction Act includes the biggest effort in history to save our climate and invest in clean energy and jobs. And because we all worked together, those are going to be jobs here in America. They are going to be clean energy jobs in our country because of the black letter text that we wrote into the bill.

The old system was a joke. It picked winners and losers, and anybody who was powerful could probably figure out how to get a tax break. And there were permanent breaks for oil and gas but only temporary incentives for clean energy. The system was broken. It was out of date a long time ago.

We put that old system into the dustbin of history, and we put in place emissions-based credits to turbocharge investment in clean energy, clean transportation, and energy conservation. Our new plan is going to reduce the typical American household's energy cost by $500 per year, and it is going to create 600,000 new jobs from Portland, OR, to Portland, ME.

As the President of the Senate knows, we pay for this bill with a few important changes in our tax law. For example, we just showed a couple of days ago that of 100 companies—these are companies with billions of dollars in profits—they are paying—many of them, more than 100—an effective tax rate of 1.1 percent.

Let me say that again: More than 100 hugely profitable companies that are going to pay under this legislation, and the President of the Senate did very important work on this, they are paying, on average, 1.1 percent in taxes.

Now, it is no surprise that those companies that are paying 1.1 percent think that somehow making them pay a minimum rate—a minimum rate, by the way, which is far less than the rate that a firefighter and a nurse pay—that, oh, my goodness, we won't have jobs, we won't have businesses if they do.

And we make it clear that we are not raising taxes on anybody. Anybody making less than $400,000 is not going to pay any additional taxes under this bill. I know there are some of our colleagues on the other side who have always subscribed to this trickle-down theory of economics and say that, well, if those at the very top—say, those corporations paying 1.1 percent—actually pay some taxes, that means that nurses and firefighters are going to pay more taxes, and nurses and firefighters don't buy that for a second.

We also paid for the legislation in an important way that was proposed by our colleague from Ohio, Senator BROWN, that I was proud to join him on, and that is a 1-percent tax on stock buybacks.

Corporations have spent trillions of dollars on stock buybacks in recent years, a huge windfall for corporate executives and wealthy shareholder. It set a record in 2018, broke it again in 2021 right in the middle of a global pandemic, and I just noticed the profits of some of the biggest oil companies here in the last few weeks, again, they are kind of leading the league in stock buybacks.

Stock buybacks make a lot of wealthy people even wealthier on paper, but they do very little to strengthen the economy, drive innovation, or improve the well-being of American workers.

Our 1 percent tax is not only going to help pay to prevent the worst effects of climate change, it is also going to encourage big corporations to invest in their workers and research and development instead of more handouts to the top.

Finally, I just want to emphasize this question of tougher IRS tax enforcement. We have heard some of our colleagues on the other side say that somehow this is going to target the working person. I see our good friend from Delaware, another member of the committee. That is just not going to happen. And the reason it is not, as my colleagues on the Finance Committee know so well, working people are not the problem here. They pay taxes with every single paycheck. It is right there on their paycheck. Everybody knows what taxes they pay, and should they be engaging in any questionable activities, it would end up showing up on these forms. They are not the problem.

But as we have been told again and again by independent experts, Democrats, Republicans, and Independents, we do have a problem with big, wealthy tax cheats. Big, wealthy tax cheats don't pay taxes with every single paycheck like firefighters and nurses.

And after a decade of Republican budget cuts, we are now in a very difficult position to go after these wealthy tax cheats who rip off the American people for billions of dollars every year.

The current Commissioner who joins many Democratic Commissioners and Republican Commissioners in the past—the current one is a Republican appointee—estimated the number of

taxes owed that are not collected could be as much as a trillion dollars per year.

We believe that the Agency ought to have the resources it needs to go after sophisticated, lawbreaking tax cheats at the top. And I know that my colleagues on the Finance Committee join me in saying: We are going to watchdog the Agency very carefully and make sure the focus is on these wealthy tax cheats and not the typical working person, as my colleagues on the other side of the aisle have talked about.

So there you have it, folks. Here is what is on offer: What is on offer are lower costs for seniors, reduced climate emissions, help for working families, cracking down on wealthy tax cheats. That is what this is all about today. That is why this legislation, I believe, is going to give public service a good name.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Almost everything that is good that he has just talked about came out of the Finance Committee, terrific staff work, terrific leadership. Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

INFLATION REDUCTION ACT OF 2022—Motion to Proceed

Mr. SCHUMER. Madam President, in a moment, I will move to proceed to the Inflation Reduction Act of 2022. The time has come for the Senate to begin debate on this historic piece of legislation.

The Inflation Reduction Act is a groundbreaking bill for the American people—for families struggling to pay the bills, for seniors struggling to pay for medication, for kids struggling with asthma. This bill is for them.

I thank all of my colleagues who have dedicated their blood, sweat, and tears toward shaping this outstanding legislation.

This is one of the most comprehensive and impactful bills Congress has seen in decades. It will reduce inflation, it will lower prescription drug costs, it will fight climate change, it will close tax loopholes, and it will reduce—reduce—the deficit. It will help every citizen in this country and make America a much better place.

The time is now to move forward with a big, bold package for the American people; to fight inflation and make it easier for people to afford everything from trips to the doctor's office to trips to the pharmacy; to hold drug companies accountable and empower Medicare to negotiate the cost of prescription drugs; to help families pay their utilities with the boldest clean energy package in American history; to make sure that nurses and teachers and firefighters and middle-class families don't pay more in taxes than billion-dollar corporations; to reduce pollution, restore our coastlines, protect our forests, and deliver to our children and grandchildren the planet they deserve.

Again, the time is now to move forward with a big, bold package for the American people.

Again, this historic bill—this historic bill—will reduce inflation, lower costs, and fight climate change. It is time to move this Nation forward.

Senate Democrats began this majority by promising to tackle the biggest challenges facing our country. The Inflation Reduction Act will make good on that promise and serve as the capstone to one of the most productive stretches the Senate has seen in a very long time. And in the end, it will be the American people who benefit from the work we do here and now.

MOTION TO PROCEED

So I move to proceed to Calendar No. 464, H.R. 5376.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 464, H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—50

Baldwin, Bennet, Blumenthal, Booker, Brown, Cantwell, Cardin, Carper, Casey, Coons, Cortez Masto, Duckworth, Durbin, Feinstein, Gillibrand, Hassan, Heinrich, Hickenlooper, Hirono, Kaine, Kelly, King, Klobuchar, Leahy, Luján, Manchin, Markey, Menendez, Merkley, Murphy, Murray, Ossoff, Padilla, Peters, Reed, Rosen, Sanders, Schatz, Schumer, Shaheen, Sinema, Smith, Stabenow, Tester, Van Hollen, Warner, Warnock, Warren, Whitehouse, Wyden

NAYS—50

Barrasso, Blackburn, Blunt, Boozman, Braun, Burr, Capito, Cassidy, Collins, Cornyn, Cotton, Cramer, Crapo, Cruz, Daines, Ernst, Fischer, Graham, Grassley, Hagerty, Hawley, Hoeven, Hyde-Smith, Inhofe, Johnson, Kennedy, Lankford, Lee, Lummis, Marshall, McConnell, Moran, Murkowski, Paul, Portman, Risch, Romney, Rounds, Rubio, Sasse, Scott (FL), Scott (SC), Shelby, Sullivan, Thune, Tillis, Toomey, Tuberville, Wicker, Young

(Ms. BALDWIN assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the motion to proceed is agreed to.

The motion was agreed to.

INFLATION REDUCTION ACT OF 2022

The VICE PRESIDENT. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 5194, AS MODIFIED

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. Madam President, I call up amendment No. 5194, as modified, with the changes at the desk, and I ask that it be reported by number.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5194, as modified.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inflation Reduction Act of 2022''.

TITLE I—COMMITTEE ON FINANCE

Subtitle A—Deficit Reduction

SEC. 10001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CORPORATE TAX REFORM

SEC. 10101. CORPORATE ALTERNATIVE MINIMUM TAX.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Paragraph (2) of section 55(b) is amended to read as follows:

''(2) CORPORATIONS.—

''(A) APPLICABLE CORPORATIONS.—In the case of an applicable corporation, the tentative minimum tax for the taxable year shall be the excess of—

''(i) 15 percent of the adjusted financial statement income for the taxable year (as determined under section 56A), over

''(ii) the corporate AMT foreign tax credit for the taxable year.

''(B) OTHER CORPORATIONS.—In the case of any corporation which is not an applicable corporation, the tentative minimum tax for the taxable year shall be zero.''.

(2) APPLICABLE CORPORATION.—Section 59 is amended by adding at the end the following new subsection:

''(k) APPLICABLE CORPORATION.—For purposes of this part—

''(1) APPLICABLE CORPORATION DEFINED.—

''(A) IN GENERAL.—The term 'applicable corporation' means, with respect to any taxable year, any corporation (other than an S corporation, a regulated investment company, or a real estate investment trust) which meets the average annual adjusted financial statement income test of subparagraph (B) for one or more taxable years which—

''(i) are prior to such taxable year, and

''(ii) end after December 31, 2021.

''(B) AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME TEST.—For purposes of this subsection—

''(i) a corporation meets the average annual adjusted financial statement income test for a taxable year if the average annual adjusted financial statement income of such corporation (determined without regard to section 56A(d)) for the 3-taxable-year period ending with such taxable year exceeds $1,000,000,000, and

''(ii) in the case of a corporation described in paragraph (2), such corporation meets the average annual adjusted financial statement income test for a taxable year if—

''(I) the corporation meets the requirements of clause (i) for such taxable year (determined after the application of paragraph (2)), and

''(II) the average annual adjusted financial statement income of such corporation (determined without regard to the application of paragraph (2) and without regard to section 56A(d)) for the 3-taxable-year-period ending with such taxable year is $100,000,000 or more.

''(C) EXCEPTION.—Notwithstanding subparagraph (A), the term 'applicable corporation' shall not include any corporation which otherwise meets the requirements of subparagraph (A) if—

''(i) such corporation—

''(I) has a change in ownership, or

''(II) has a specified number (to be determined by the Secretary and which shall, as appropriate, take into account the facts and circumstances of the taxpayer) of consecutive taxable years, including the most recent taxable year, in which the corporation does not meet the average annual adjusted financial statement income test of subparagraph (B), and

''(ii) the Secretary determines that it would not be appropriate to continue to treat such corporation as an applicable corporation.

The preceding sentence shall not apply to any corporation if, after the Secretary makes the determination described in clause (ii), such corporation meets the average annual adjusted financial statement income test of subparagraph (B) for any taxable year beginning after the first taxable year for which such determination applies.

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—

''(i) IN GENERAL.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 (determined with the modifications described in clause (ii)) shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).

''(ii) MODIFICATIONS.—For purposes of this subparagraph—

''(I) section 52(a) shall be applied by substituting 'component members' for 'members', and

''(II) for purposes of applying section 52(b), the term 'trade or business' shall include any activity treated as a trade or business under paragraph (5) or (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations' in such paragraph (6)).

''(iii) COMPONENT MEMBER.—For purposes of this subparagraph, the term 'component member' has the meaning given such term by section 1563(b), except that the determination shall be made without regard to section 1563(b)(2).

''(E) OTHER SPECIAL RULES.—

''(i) CORPORATIONS IN EXISTENCE FOR LESS THAN 3 YEARS.—If the corporation was in existence for less than 3-taxable years, subparagraph (B) shall be applied on the basis of the period during which such corporation was in existence.

''(ii) SHORT TAXABLE YEARS.—Adjusted financial statement income for any taxable year of less than 12 months shall be annualized by multiplying the adjusted financial statement income for the short period by 12 and dividing the result by the number of months in the short period.

''(iii) TREATMENT OF PREDECESSORS.—Any reference in this subparagraph to a corporation shall include a reference to any predecessor of such corporation.

''(2) SPECIAL RULE FOR FOREIGN-PARENTED MULTINATIONAL GROUPS.—

''(A) IN GENERAL.—If a corporation is a member of a foreign-parented multinational group for any taxable year, then, solely for purposes of determining whether such corporation meets the average annual adjusted financial statement income test under paragraph (1)(B)(ii)(I) for such taxable year, the adjusted financial statement income of such corporation for such taxable year shall include the adjusted financial statement income of all members of such group. Solely for purposes of this subparagraph, adjusted financial statement income shall be determined without regard to paragraphs (2)(D)(i), (3), (4), and (11) of section 56A(c).

''(B) FOREIGN-PARENTED MULTINATIONAL GROUP.—For purposes of subparagraph (A), the term 'foreign-parented multinational group' means, with respect to any taxable year, two or more entities if—

''(i) at least one entity is a domestic corporation and another entity is a foreign corporation,

''(ii) such entities are included in the same applicable financial statement with respect to such year, and

''(iii) either—

''(I) the common parent of such entities is a foreign corporation, or

''(II) if there is no common parent, the entities are treated as having a common parent which is a foreign corporation under subparagraph (D).

''(C) FOREIGN CORPORATIONS ENGAGED IN A TRADE OR BUSINESS WITHIN THE UNITED STATES.—For purposes of this paragraph, if a foreign corporation is engaged in a trade or business within the United States, such trade or business shall be treated as a separate domestic corporation that is wholly owned by the foreign corporation.

''(D) OTHER RULES.—The Secretary shall, applying the principles of this section, prescribe rules for the application of this paragraph, including rules for the determination of—

''(i) the entities (if any) which are to be to be treated under subparagraph (B)(iii)(II) as having a common parent which is a foreign corporation,

''(ii) the entities to be included in a foreign-parented multinational group, and

''(iii) the common parent of a foreign-parented multinational group.

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide regulations or other guidance for the purposes of carrying out this subsection, including regulations or other guidance—

''(A) providing a simplified method for determining whether a corporation meets the requirements of paragraph (1), and

'''(B) addressing the application of this subsection to a corporation that experiences a change in ownership.''.

(3) REDUCTION FOR BASE EROSION AND ANTI-ABUSE TAX.—Section 55(a)(2) is amended by inserting ''plus, in the case of an applicable corporation, the tax imposed by section 59A'' before the period at the end.

(4) CONFORMING AMENDMENTS.—

(A) Section 55(a) is amended by striking ''In the case of a taxpayer other than a corporation, there'' and inserting ''There''.

(B)(i) Section 55(b)(1) is amended—

(I) by striking so much as precedes subparagraph (A) and inserting the following:

''(1) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation—'', and

(II) by adding at the end the following new subparagraph:

''(D) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term 'alternative minimum taxable income' means the taxable income of the taxpayer for the taxable year—

''(i) determined with the adjustments provided in section 56 and section 58, and

''(ii) increased by the amount of the items of tax preference described in section 57.

If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence).''.

(ii) Section 860E(a)(4) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(iii) Section 897(a)(2)(A)(i) is amended by striking ''55(b)(2)'' and inserting ''55(b)(1)(D)''.

(C) Section 11(d) is amended by striking ''the tax imposed by subsection (a)'' and inserting ''the taxes imposed by subsection (a) and section 55''.

(D) Section 12 is amended by adding at the end the following new paragraph:

''(5) For alternative minimum tax, see section 55.''.

(E) Section 882(a)(1) is amended by inserting '', 55,'' after ''section 11''.

(F) Section 6425(c)(1)(A) is amended to read as follows:

''(A) the sum of—

''(i) the tax imposed by section 11 or subchapter L of chapter 1, whichever is applicable, plus

''(ii) the tax imposed by section 55, plus

''(iii) the tax imposed by section 59A, over''.

(G) Section 6655(e)(2) is amended by inserting '', adjusted financial statement income (as defined in section 56A),'' before ''and modified taxable income'' each place it appears in subparagraphs (A)(i) and (B)(i).

(H) Section 6655(g)(1)(A) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following new clause:

''(ii) the tax imposed by section 55,''.

(b) ADJUSTED FINANCIAL STATEMENT INCOME.—

(1) IN GENERAL.—Part VI of subchapter A of chapter 1 is amended by inserting after section 56 the following new section:

''SEC. 56A. ADJUSTED FINANCIAL STATEMENT INCOME.

''(a) IN GENERAL.—For purposes of this part, the term 'adjusted financial statement income' means, with respect to any corporation for any taxable year, the net income or loss of the taxpayer set forth on the taxpayer's applicable financial statement for such taxable year, adjusted as provided in this section.

''(b) APPLICABLE FINANCIAL STATEMENT.—For purposes of this section, the term 'applicable financial statement' means, with respect to any taxable year, an applicable financial statement (as defined in section 451(b)(3) or as specified by the Secretary in regulations or other guidance) which covers such taxable year.

''(c) GENERAL ADJUSTMENTS.—

''(1) STATEMENTS COVERING DIFFERENT TAXABLE YEARS.—Appropriate adjustments shall be made in adjusted financial statement income in any case in which an applicable financial statement covers a period other than the taxable year.

''(2) SPECIAL RULES FOR RELATED ENTITIES.—

''(A) CONSOLIDATED FINANCIAL STATEMENTS.—If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, rules similar to the rules of section 451(b)(5) shall apply.

''(B) CONSOLIDATED RETURNS.—Except as provided in regulations prescribed by the Secretary, if the taxpayer is part of an affiliated group of corporations filing a consolidated return for any taxable year, adjusted financial statement income for such group for such taxable year shall take into account items on the group's applicable financial statement which are properly allocable to members of such group.

''(C) TREATMENT OF DIVIDENDS AND OTHER AMOUNTS.—In the case of any corporation which is not included on a consolidated return with the taxpayer, adjusted financial statement income of the taxpayer with respect to such other corporation shall be determined by only taking into account the dividends received from such other corporation (reduced to the extent provided by the Secretary in regulations or other guidance) and other amounts which are includible in gross income or deductible as a loss under this chapter (other than amounts required to be included under sections 951 and 951A or such other amounts as provided by the Secretary) with respect to such other corporation.

''(D) TREATMENT OF PARTNERSHIPS.—

''(i) IN GENERAL.—Except as provided by the Secretary, if the taxpayer is a partner in a partnership, adjusted financial statement income of the taxpayer with respect to such partnership shall be adjusted to only take into account the taxpayer's distributive share of adjusted financial statement income of such partnership.

''(ii) ADJUSTED FINANCIAL STATEMENT INCOME OF PARTNERSHIPS.—For the purposes of this part, the adjusted financial statement income of a partnership shall be the partnership's net income or loss set forth on such partnership's applicable financial statement (adjusted under rules similar to the rules of this section).

''(3) ADJUSTMENTS TO TAKE INTO ACCOUNT CERTAIN ITEMS OF FOREIGN INCOME.—

''(A) IN GENERAL.—If, for any taxable year, a taxpayer is a United States shareholder of one or more controlled foreign corporations, the adjusted financial statement income of such taxpayer with respect to such controlled foreign corporation (as determined under paragraph (2)(C)) shall be adjusted to also take into account such taxpayer's pro rata share (determined under rules similar to the rules under section 951(a)(2)) of items taken into account in computing the net income or loss set forth on the applicable financial statement (as adjusted under rules similar to those that apply in determining adjusted financial statement income) of each such controlled foreign corporation with respect to which such taxpayer is a United States shareholder.

''(B) NEGATIVE ADJUSTMENTS.—In any case in which the adjustment determined under subparagraph (A) would result in a negative adjustment for such taxable year—

''(i) no adjustment shall be made under this paragraph for such taxable year, and

''(ii) the amount of the adjustment determined under this paragraph for the succeeding taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the negative adjustment for such taxable year.

''(4) EFFECTIVELY CONNECTED INCOME.—In the case of a foreign corporation, to determine adjusted financial statement income, the principles of section 882 shall apply.

''(5) ADJUSTMENTS FOR CERTAIN TAXES.—Adjusted financial statement income shall be appropriately adjusted to disregard any Federal income taxes, or income, war profits, or excess profits taxes (within the meaning of section 901) with respect to a foreign country or possession of the United States, which are taken into account on the taxpayer's applicable financial statement. To the extent provided by the Secretary, the preceding sentence shall not apply to income, war profits, or excess profits taxes (within the meaning of section 901) that are imposed by a foreign country or possession of the United States and taken into account on the taxpayer's applicable financial statement if the taxpayer does not choose to have the benefits of subpart A of part III of subchapter N for the taxable year. The Secretary shall prescribe such regulations or other guidance as may be necessary and appropriate to provide for the proper treatment of current and deferred taxes for purposes of this paragraph, including the time at which such taxes are properly taken into account.

''(6) ADJUSTMENT WITH RESPECT TO DISREGARDED ENTITIES.—Adjusted financial statement income shall be adjusted to take into account any adjusted financial statement income of a disregarded entity owned by the taxpayer.

''(7) SPECIAL RULE FOR COOPERATIVES.—In the case of a cooperative to which section 1381 applies, the adjusted financial statement income (determined without regard to this paragraph) shall be reduced by the amounts referred to in section 1382(b) (relating to patronage dividends and per-unit retain allocations) to the extent such amounts were not otherwise taken into account in determining adjusted financial statement income.

''(8) RULES FOR ALASKA NATIVE CORPORATIONS.—Adjusted financial statement income shall be appropriately adjusted to allow—

''(A) cost recovery and depletion attributable to property the basis of which is determined under section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), and

''(B) deductions for amounts payable made pursuant to section 7(i) or section 7(j) of such Act (43 U.S.C. 1606(i) and 1606(j)) only at such time as the deductions are allowed for tax purposes.

''(9) AMOUNTS ATTRIBUTABLE TO ELECTIONS FOR DIRECT PAYMENT OF CERTAIN CREDITS.—Adjusted financial statement income shall be appropriately adjusted to disregard any amount treated as a payment against the tax imposed by subtitle A pursuant to an election under section 48D(d) or 6417, to the extent such amount was not otherwise taken into account under paragraph (5).

''(10) CONSISTENT TREATMENT OF MORTGAGE SERVICING INCOME OF TAXPAYER OTHER THAN A REGULATED INVESTMENT COMPANY.—

''(A) IN GENERAL.—Adjusted financial statement income shall be adjusted so as not to include any item of income in connection with a mortgage servicing contract any earlier than when such income is included in gross income under any other provision of this chapter.

''(B) RULES FOR AMOUNTS NOT REPRESENTING REASONABLE COMPENSATION.—The Secretary shall provide regulations to prevent the avoidance of taxes imposed by this chapter with respect to amounts not representing reasonable compensation (as determined by the Secretary) with respect to a mortgage servicing contract.

''(11) ADJUSTMENT WITH RESPECT TO DEFINED BENEFIT PENSIONS.—

''(A) IN GENERAL.—Except as otherwise provided in rules prescribed by the Secretary in regulations or other guidance, adjusted financial statement income shall be—

''(i) adjusted to disregard any amount of income, cost, or expense that would otherwise be included on the applicable financial statement in connection with any covered benefit plan,

''(ii) increased by any amount of income in connection with any such covered benefit plan that is included in the gross income of the corporation under any other provision of this chapter, and

''(iii) reduced by deductions allowed under any other provision of this chapter with respect to any such covered benefit plan.

''(B) COVERED BENEFIT PLAN.—For purposes of this paragraph, the term 'covered benefit plan' means—

''(i) a defined benefit plan (other than a multiemployer plan described in section 414(f)) if the trust which is part of such plan is an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

''(ii) any qualified foreign plan (as defined in section 404A(e)), or

''(iii) any other defined benefit plan which provides post-employment benefits other than pension benefits.

''(12) TAX-EXEMPT ENTITIES.—In the case of an organization subject to tax under section 511, adjusted financial statement income shall be appropriately adjusted to only take into account any adjusted financial statement income—

''(A) of an unrelated trade or business (as defined in section 513) of such organization, or

''(B) derived from debt-financed property (as defined in section 514) to the extent that income from such property is treated as unrelated business taxable income.

''(13) DEPRECIATION.—Adjusted financial statement income shall be—

''(A) reduced by depreciation deductions allowed under section 167 with respect to property to which section 168 applies to the extent of the amount allowed as deductions in computing taxable income for the taxable year, and

''(B) appropriately adjusted—

''(i) to disregard any amount of depreciation expense that is taken into account on the taxpayer's applicable financial statement with respect to such property, and

''(ii) to take into account any other item specified by the Secretary in order to provide that such property is accounted for in the same manner as it is accounted for under this chapter.

''(14) QUALIFIED WIRELESS SPECTRUM.—

''(A) IN GENERAL.—Adjusted financial statement income shall be—

''(i) reduced by amortization deductions allowed under section 197 with respect to qualified wireless spectrum to the extent of the amount allowed as deductions in computing taxable income for the taxable year, and

''(ii) appropriately adjusted—

''(I) to disregard any amount of amortization expense that is taken into account on the taxpayer's applicable financial statement with respect to such qualified wireless spectrum, and

''(II) to take into account any other item specified by the Secretary in order to provide that such qualified wireless spectrum is accounted for in the same manner as it is accounted for under this chapter.

''(B) QUALIFIED WIRELESS SPECTRUM.—For purposes of this paragraph, the term 'qualified wireless spectrum' means wireless spectrum which—

''(i) is used in the trade or business of a wireless telecommunications carrier, and

''(ii) was acquired after December 31, 2007, and before the date of enactment of this section.

''(15) SECRETARIAL AUTHORITY TO ADJUST ITEMS.—The Secretary shall issue regulations or other guidance to provide for such adjustments to adjusted financial statement income as the Secretary determines necessary to carry out the purposes of this section, including adjustments—

''(A) to prevent the omission or duplication of any item, and

''(B) to carry out the principles of part II of subchapter C of this chapter (relating to corporate liquidations), part III of subchapter C of this chapter (relating to corporate organizations and reorganizations), and part II of subchapter K of this chapter (relating to partnership contributions and distributions).

''(d) DEDUCTION FOR FINANCIAL STATEMENT NET OPERATING LOSS.—

''(1) IN GENERAL.—Adjusted financial statement income (determined after application of subsection (c) and without regard to this subsection) shall be reduced by an amount equal to the lesser of—

''(A) the aggregate amount of financial statement net operating loss carryovers to the taxable year, or

''(B) 80 percent of adjusted financial statement income computed without regard to the deduction allowable under this subsection.

''(2) FINANCIAL STATEMENT NET OPERATING LOSS CARRYOVER.—A financial statement net operating loss for any taxable year shall be a financial statement net operating loss carryover to each taxable year following the taxable year of the loss. The portion of such loss which shall be carried to subsequent taxable years shall be the amount of such loss remaining (if any) after the application of paragraph (1).

''(3) FINANCIAL STATEMENT NET OPERATING LOSS DEFINED.—For purposes of this subsection, the term 'financial statement net operating loss' means the amount of the net loss (if any) set forth on the corporation's applicable financial statement (determined after application of subsection (c) and without regard to this subsection) for taxable years ending after December 31, 2019.

''(e) REGULATIONS AND OTHER GUIDANCE.—The Secretary shall provide for such regulations and other guidance as necessary to carry out the purposes of this section, including regulations and other guidance relating to the effect of the rules of this section on partnerships with income taken into account by an applicable corporation.''.

(2) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 56 the following new item:

''Sec. 56A. Adjusted financial statement income.''.

(c) CORPORATE AMT FOREIGN TAX CREDIT.—Section 59, as amended by this section, is amended by adding at the end the following new subsection:

''(l) CORPORATE AMT FOREIGN TAX CREDIT.—

''(1) IN GENERAL.—For purposes of this part, if an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N for any taxable year, the corporate AMT foreign tax credit for the taxable year of the applicable corporation is an amount equal to sum of—

''(A) the lesser of—

''(i) the aggregate of the applicable corporation's pro rata share (as determined under section 56A(c)(3)) of the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States which are—

''(I) taken into account on the applicable financial statement of each controlled foreign corporation with respect to which the applicable corporation is a United States shareholder, and

''(II) paid or accrued (for Federal income tax purposes) by each such controlled foreign corporation, or

''(ii) the product of the amount of the adjustment under section 56A(c)(3) and the percentage specified in section 55(b)(2)(A)(i), and

''(B) in the case of an applicable corporation that is a domestic corporation, the amount of income, war profits, and excess profits taxes (within the meaning of section 901) imposed by any foreign country or possession of the United States to the extent such taxes are—

''(i) taken into account on the applicable corporation's applicable financial statement, and

''(ii) paid or accrued (for Federal income tax purposes) by the applicable corporation.

''(2) CARRYOVER OF EXCESS TAX PAID.—For any taxable year for which an applicable corporation chooses to have the benefits of subpart A of part III of subchapter N, the excess of the amount described in paragraph (1)(A)(i) over the amount described in paragraph (1)(A)(ii) shall increase the amount described in paragraph (1)(A)(i) in any of the first 5 succeeding taxable years to the extent not taken into account in a prior taxable year.

''(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide for such regulations or other guidance as is necessary to carry out the purposes of this subsection.''.

(d) TREATMENT OF GENERAL BUSINESS CREDIT.—Section 38(c)(6)(E) is amended to read as follows:

''(E) CORPORATIONS.—In the case of a corporation—

''(i) the first sentence of paragraph (1) shall be applied by substituting '25 percent of the taxpayer's net income tax as exceeds $25,000' for 'the greater of' and all that follows,

''(ii) paragraph (2)(A) shall be applied without regard to clause (ii)(I) thereof, and

''(iii) paragraph (4)(A) shall be applied without regard to clause (ii)(I) thereof.''.

(e) CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—

(1) IN GENERAL.—Section 53(e) is amended to read as follows:

''(e) APPLICATION TO APPLICABLE CORPORATIONS.—In the case of a corporation—

''(1) subsection (b)(1) shall be applied by substituting 'the net minimum tax for all prior taxable years beginning after 2022' for 'the adjusted net minimum tax imposed for all prior taxable years beginning after 1986', and

''(2) the amount determined under subsection (c)(1) shall be increased by the amount of tax imposed under section 59A for the taxable year.''.

(2) CONFORMING AMENDMENTS.—Section 53(d) is amended—

(A) in paragraph (2), by striking '', except that in the case'' and all that follows through ''treated as zero'', and

(B) by striking paragraph (3).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

PART 2—EXCISE TAX ON REPURCHASE OF CORPORATE STOCK

SEC. 10201. EXCISE TAX ON REPURCHASE OF CORPORATE STOCK.

(a) IN GENERAL.—Subtitle D is amended by inserting after chapter 36 the following new chapter:

''CHAPTER 37—REPURCHASE OF CORPORATE STOCK

''Sec. 4501. Repurchase of corporate stock.

''SEC. 4501. REPURCHASE OF CORPORATE STOCK.

''(a) GENERAL RULE.—There is hereby imposed on each covered corporation a tax equal to 1 percent of the fair market value of any stock of the corporation which is repurchased by such corporation during the taxable year.

''(b) COVERED CORPORATION.—For purposes of this section, the term 'covered corporation' means any domestic corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

''(c) REPURCHASE.—For purposes of this section—

''(1) IN GENERAL.—The term 'repurchase' means—

''(A) a redemption within the meaning of section 317(b) with regard to the stock of a covered corporation, and

''(B) any transaction determined by the Secretary to be economically similar to a transaction described in subparagraph (A).

''(2) TREATMENT OF PURCHASES BY SPECIFIED AFFILIATES.—

''(A) IN GENERAL.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation, from a person who is not the covered corporation or a specified affiliate of such covered corporation, shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.

''(B) SPECIFIED AFFILIATE.—For purposes of this section, the term 'specified affiliate' means, with respect to any corporation—

''(i) any corporation more than 50 percent of the stock of which is owned (by vote or by value), directly or indirectly, by such corporation, and

''(ii) any partnership more than 50 percent of the capital interests or profits interests of which is held, directly or indirectly, by such corporation.

''(3) ADJUSTMENT.—The amount taken into account under subsection (a) with respect to any stock repurchased by a covered corporation shall be reduced by the fair market value of any stock issued by the covered corporation during the taxable year, including the fair market value of any stock issued or provided to employees of such covered corporation or employees of a specified affiliate of such covered corporation during the taxable year, whether or not such stock is issued or provided in response to the exercise of an option to purchase such stock.

''(d) SPECIAL RULES FOR ACQUISITION OF STOCK OF CERTAIN FOREIGN CORPORATIONS.—

''(1) IN GENERAL.—In the case of an acquisition of stock of an applicable foreign corporation by a specified affiliate of such corporation (other than a foreign corporation or a foreign partnership (unless such partnership has a domestic entity as a direct or indirect partner)) from a person who is not the applicable foreign corporation or a specified affiliate of such applicable foreign corporation, for purposes of this section—

''(A) such specified affiliate shall be treated as a covered corporation with respect to such acquisition,

''(B) such acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued or provided by such specified affiliate to employees of the specified affiliate.

''(2) SURROGATE FOREIGN CORPORATIONS.—In the case of a repurchase of stock of a covered surrogate foreign corporation by such covered surrogate foreign corporation, or an acquisition of stock of a covered surrogate foreign corporation by a specified affiliate of such corporation, for purposes of this section—

''(A) the expatriated entity with respect to such covered surrogate foreign corporation shall be treated as a covered corporation with respect to such repurchase or acquisition,

''(B) such repurchase or acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

''(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued or provided by such expatriated entity to employees of the expatriated entity.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE FOREIGN CORPORATION.—The term 'applicable foreign corporation' means any foreign corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

''(B) COVERED SURROGATE FOREIGN CORPORATION.—The term 'covered surrogate foreign corporation' means any surrogate foreign corporation (as determined under section 7874(a)(2)(B) by substituting 'September 20, 2021' for 'March 4, 2003' each place it appears) the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)), but only with respect to taxable years which include any portion of the applicable period with respect to such corporation under section 7874(d)(1).

''(C) EXPATRIATED ENTITY.—The term 'expatriated entity' has the meaning given such term by section 7874(a)(2)(A).

''(e) EXCEPTIONS.—Subsection (a) shall not apply—

''(1) to the extent that the repurchase is part of a reorganization (within the meaning of section 368(a)) and no gain or loss is recognized on such repurchase by the shareholder under chapter 1 by reason of such reorganization,

''(2) in any case in which the stock repurchased is, or an amount of stock equal to the value of the stock repurchased is, contributed to an employer-sponsored retirement plan, employee stock ownership plan, or similar plan,

''(3) in any case in which the total value of the stock repurchased during the taxable year does not exceed $1,000,000,

''(4) under regulations prescribed by the Secretary, in cases in which the repurchase is by a dealer in securities in the ordinary course of business,

''(5) to repurchases by a regulated investment company (as defined in section 851) or a real estate investment trust, or

''(6) to the extent that the repurchase is treated as a dividend for purposes of this title.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as are necessary or appropriate to carry out, and to prevent the avoidance of, the purposes of this section, including regulations and other guidance—

''(1) to prevent the abuse of the exceptions provided by subsection (e),

''(2) to address special classes of stock and preferred stock, and

''(3) for the application of the rules under subsection (d).''.

(b) TAX NOT DEDUCTIBLE.—Paragraph (6) of section 275(a) is amended by inserting ''37,'' before ''41''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 36 the following new item:

''CHAPTER 37—REPURCHASE OF CORPORATE STOCK''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases (within the meaning of section 4501(c) of the Internal Revenue Code of 1986, as added by this section) of stock after December 31, 2022.

PART 3—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAXPAYER COMPLIANCE

SEC. 10301. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.

(a) IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022:

(1) INTERNAL REVENUE SERVICE.—

(A) IN GENERAL.—

(i) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,181,500,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(ii) ENFORCEMENT.—For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations (including investigative technology), to provide digital asset monitoring and compliance activities, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $45,637,400,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(iii) OPERATIONS SUPPORT.—For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $25,326,400,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(iv) BUSINESS SYSTEMS MODERNIZATION.—For necessary expenses of the Internal Revenue Service's business systems modernization program, including development of callback technology and other technology to provide a more personalized customer service but not including the operation and maintenance of legacy systems, $4,750,700,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(B) TASK FORCE TO DESIGN AN IRS-RUN FREE ''DIRECT EFILE'' TAX RETURN SYSTEM.—For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return complexity) of developing and running a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and safeguards for taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such a free direct efile system; and (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, $15,000,000, to remain available until September 30, 2023: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(2) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $403,000,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(3) OFFICE OF TAX POLICY.—For necessary expenses of the Office of Tax Policy of the Department of the Treasury to carry out functions related to promulgating regulations under the Internal Revenue Code of 1986, $104,533,803, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(4) UNITED STATES TAX COURT.—For necessary expenses of the United States Tax Court, including contract reporting and other services as authorized by 5 U.S.C. 3109; $153,000,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(5) TREASURY DEPARTMENTAL OFFICES.—For necessary expenses of the Departmental Offices of the Department of the Treasury to provide for oversight and implementation support for actions by the Internal Revenue Service to implement this Act and the amendments made by this Act, $50,000,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

(b) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this section is intended

to increase taxes on any taxpayer or small business with a taxable income below $400,000. Further, nothing in this section is intended to increase taxes on any taxpayer not in the top 1 percent.

Subtitle B—Prescription Drug Pricing Reform

PART 1—LOWERING PRICES THROUGH DRUG PRICE NEGOTIATION

SEC. 11001. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.

(a) PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.—Title XI of the Social Security Act is amended by adding after section 1184 (42 U.S.C. 1320e–3) the following new part:

''PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS

''SEC. 1191. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the 'program'). Under the program, with respect to each price applicability period, the Secretary shall—

''(1) publish a list of selected drugs in accordance with section 1192;

''(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

''(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194;

''(4) carry out the publication and administrative duties and compliance monitoring in accordance with sections 1195 and 1196.

''(b) DEFINITIONS RELATING TO TIMING.—For purposes of this part:

''(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a year (beginning with 2026).

''(2) PRICE APPLICABILITY PERIOD.—The term 'price applicability period' means, with respect to a qualifying single source drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.

''(3) SELECTED DRUG PUBLICATION DATE.—The term 'selected drug publication date' means, with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year.

''(4) NEGOTIATION PERIOD.—The term 'negotiation period' means, with respect to an initial price applicability year with respect to a selected drug, the period—

''(A) beginning on the sooner of—

''(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

''(ii) February 28 following the selected drug publication date with respect to such selected drug; and

''(B) ending on November 1 of the year that begins 2 years prior to the initial price applicability year.

''(c) OTHER DEFINITIONS.—For purposes of this part:

''(1) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).

''(2) MAXIMUM FAIR PRICE ELIGIBLE INDIVIDUAL.—The term 'maximum fair price eligible individual' means, with respect to a selected drug—

''(A) in the case such drug is dispensed to the individual at a pharmacy, by a mail order service, or by another dispenser, an individual who is enrolled in a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title if coverage is provided under such plan for such selected drug; and

''(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier, an individual who is enrolled under part B of title XVIII, including an individual who is enrolled in an MA plan under part C of such title, if payment may be made under part B for such selected drug.

''(3) MAXIMUM FAIR PRICE.—The term 'maximum fair price' means, with respect to a year during a price applicability period and with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price negotiated pursuant to section 1194, and updated pursuant to section 1195(b), as applicable, for such drug and year.

''(4) REFERENCE PRODUCT.—The term 'reference product' has the meaning given such term in section 351(i) of the Public Health Service Act.

''(5) TOTAL EXPENDITURES.—The term 'total expenditures' includes, in the case of expenditures with respect to part D of title XVIII, the total gross covered prescription drug costs (as defined in section 1860D–15(b)(3)). The term 'total expenditures' excludes, in the case of expenditures with respect to part B of such title, expenditures for a drug or biological product that are bundled or packaged into the payment for another service.

''(6) UNIT.—The term 'unit' means, with respect to a drug or biological product, the lowest identifiable amount (such as a capsule or tablet, milligram of molecules, or grams) of the drug or biological product that is dispensed or furnished.

''(d) TIMING FOR INITIAL PRICE APPLICABILITY YEAR 2026.—Notwithstanding the provisions of this part, in the case of initial price applicability year 2026, the following rules shall apply for purposes of implementing the program:

''(1) Subsection (b)(3) shall be applied by substituting 'September 1, 2023' for ', with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year'.

''(2) Subsection (b)(4) shall be applied—

''(A) in subparagraph (A)(ii), by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug'; and

''(B) in subparagraph (B), by substituting 'August 1, 2024' for 'November 1 of the year that begins 2 years prior to the initial price applicability year'.

''(3) Section 1192 shall be applied—

''(A) in subsection (b)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available'; and

''(B) in subsection (d)(1)(A), by substituting 'during the period beginning on June 1, 2022, and ending on May 31, 2023' for 'during the most recent period for which data are available of at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year'.

''(4) Section 1193(a) shall be applied by substituting 'October 1, 2023' for 'February 28 following the selected drug publication date with respect to such selected drug'.

''(5) Section 1194(b)(2) shall be applied—

''(A) in subparagraph (A), by substituting 'October 2, 2023' for 'March 1 of the year of the selected drug publication date, with respect to the selected drug';

''(B) in subparagraph (B), by substituting 'February 1, 2024' for 'the June 1 following the selected drug publication date'; and

''(C) in subparagraph (E), by substituting 'August 1, 2024' for 'the first day of November following the selected drug publication date, with respect to the initial price applicability year '.

''(6) Section 1195(a)(1) shall be applied by substituting 'September 1, 2024' for 'November 30 of the year that is 2 years prior to such initial price applicability year'.

''SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

''(a) IN GENERAL.—Not later than the selected drug publication date with respect to an initial price applicability year, in accordance with subsection (b), the Secretary shall select and publish a list of—

''(1) with respect to the initial price applicability year 2026, 10 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 10) such negotiation-eligible drugs with respect to such year);

''(2) with respect to the initial price applicability year 2027, 15 negotiation-eligible drugs described in subparagraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year);

''(3) with respect to the initial price applicability year 2028, 15 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1) with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year); and

''(4) with respect to the initial price applicability year 2029 or a subsequent year, 20 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1), with respect to such year (or, all (if such number is less than 20) such negotiation-eligible drugs with respect to such year).

Subject to subsection (c)(2) and section 1194(f)(5), each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period).

''(b) SELECTION OF DRUGS.—

''(1) IN GENERAL.—In carrying out subsection (a), subject to paragraph (2), the Secretary shall, with respect to an initial price applicability year, do the following:

''(A) Rank negotiation-eligible drugs described in subsection (d)(1) according to the total expenditures for such drugs under parts B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date (but ending not later than October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available, with the negotiation-eligible drugs with the highest total expenditures being ranked the highest.

''(B) Select from such ranked drugs with respect to such year the negotiation-eligible drugs with the highest such rankings.

''(2) HIGH SPEND PART D DRUGS FOR 2026 AND 2027.—With respect to the initial price applicability year 2026 and with respect to the initial price applicability year 2027, the Secretary shall apply paragraph (1) as if the reference to 'negotiation-eligible drugs described in subsection (d)(1)' were a reference to 'negotiation-eligible drugs described in subsection (d)(1)(A)' and as if the reference to 'total expenditures for such drugs under

parts B and D of title XVIII' were a reference to 'total expenditures for such drugs under part D of title XVIII'.

''(c) SELECTED DRUG.—

''(1) IN GENERAL.—For purposes of this part, in accordance with subsection (e)(2) and subject to paragraph (2), each negotiation-eligible drug included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a 'selected drug' with respect to such year and each subsequent year beginning before the first year that begins at least 9 months after the date on which the Secretary determines at least one drug or biological product—

''(A) is approved or licensed (as applicable)—

''(i) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the listed drug; or

''(ii) under section 351(k) of the Public Health Service Act using such drug as the reference product; and

''(B) is marketed pursuant to such approval or licensure.

''(2) CLARIFICATION.—A negotiation-eligible drug—

''(A) that is included on the list published under subsection (a) with respect to an initial price applicability year; and

''(B) for which the Secretary makes a determination described in paragraph (1) before or during the negotiation period with respect to such initial price applicability year;

shall not be subject to the negotiation process under section 1194 with respect to such negotiation period and shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under subsection (a) with respect to such initial price applicability year.

''(d) NEGOTIATION-ELIGIBLE DRUG.—

''(1) IN GENERAL.—For purposes of this part, subject to paragraph (2), the term 'negotiation-eligible drug' means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs (or, with respect to the initial price applicability year 2026 or 2027, that is described in subparagraph (A)):

''(A) PART D HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent 12-month period for which data are available prior to such selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date).

''(B) PART B HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the 50 qualifying single source drugs with the highest total expenditures under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during such most recent 12-month period, as described in subparagraph (A).

''(2) EXCEPTION FOR SMALL BIOTECH DRUGS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the term 'negotiation-eligible drug' shall not include, with respect to the initial price applicability years 2026, 2027, and 2028, a qualifying single source drug that meets either of the following:

''(i) PART D DRUGS.—The total expenditures for the qualifying single source drug under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part D, as so determined, for all covered part D drugs (as defined in section 1860D–2(e)) during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part D, as so determined, for all covered part D drugs for which the manufacturer of the drug has an agreement in effect under section 1860D–14A during such year.

''(ii) PART B DRUGS.—The total expenditures for the qualifying single source drug under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3)(B), during 2021—

''(I) are equal to or less than 1 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs for which payment may be made under such part B during such year; and

''(II) are equal to at least 80 percent of the total expenditures under such part B, as so determined, for all qualifying single source drugs of the manufacturer for which payment may be made under such part B during such year.

''(B) CLARIFICATIONS RELATING TO MANUFACTURERS.—

''(i) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this paragraph.

''(ii) LIMITATION.—A drug shall not be considered to be a qualifying single source drug described in clause (i) or (ii) of subparagraph (A) if the manufacturer of such drug is acquired after 2021 by another manufacturer that does not meet the definition of a specified manufacturer under section 1860D–14C(g)(4)(B)(ii), effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(C) DRUGS NOT INCLUDED AS SMALL BIOTECH DRUGS.—A new formulation, such as an extended release formulation, of a qualifying single source drug shall not be considered a qualifying single source drug described in subparagraph (A).

''(3) CLARIFICATIONS AND DETERMINATIONS.—

''(A) PREVIOUSLY SELECTED DRUGS AND SMALL BIOTECH DRUGS EXCLUDED.—In applying subparagraphs (A) and (B) of paragraph (1), the Secretary shall not consider or count—

''(i) drugs that are already selected drugs; and

''(ii) for initial price applicability years 2026, 2027, and 2028, qualifying single source drugs described in paragraph (2)(A).

''(B) USE OF DATA.—In determining whether a qualifying single source drug satisfies any of the criteria described in paragraph (1) or (2), the Secretary shall use data that is aggregated across dosage forms and strengths of the drug, including new formulations of the drug, such as an extended release formulation, and not based on the specific formulation or package size or package type of the drug.

''(e) QUALIFYING SINGLE SOURCE DRUG.—

''(1) IN GENERAL.—For purposes of this part, the term 'qualifying single source drug' means, with respect to an initial price applicability year, subject to paragraphs (2) and (3), a covered part D drug (as defined in section 1860D–2(e)) that is described in any of the following or a drug or biological product for which payment may be made under part B of title XVIII that is described in any of the following:

''(A) DRUG PRODUCTS.—A drug—

''(i) that is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and is marketed pursuant to such approval;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 7 years will have elapsed since the date of such approval; and

''(iii) that is not the listed drug for any drug that is approved and marketed under section 505(j) of such Act.

''(B) BIOLOGICAL PRODUCTS.—A biological product—

''(i) that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act;

''(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

''(iii) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

''(2) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

''(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (A) or (B) of paragraph (1) that is the listed drug (as such term is used in section 505(j) of the Federal Food, Drug, and Cosmetic Act) or a product described in clause (ii) of subparagraph (B), with respect to an authorized generic drug, in applying the provisions of this part, such authorized generic drug and such listed drug or such product shall be treated as the same qualifying single source drug.

''(B) AUTHORIZED GENERIC DRUG DEFINED.—For purposes of this paragraph, the term 'authorized generic drug' means—

''(i) in the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

''(ii) in the case of a biological product, a product that—

''(I) has been licensed under section 351(a) of such Act; and

''(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

''(3) EXCLUSIONS.—In this part, the term 'qualifying single source drug' does not include any of the following:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such disease or condition.

''(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary in accordance with subsection (d)(3)(B)—

''(i) with respect to initial price applicability year 2026, is less than, during the period beginning on June 1, 2022, and ending on May 31, 2023, $200,000,000;

''(ii) with respect to initial price applicability year 2027, is less than, during the most recent 12-month period applicable under subparagraphs (A) and (B) of subsection (d)(1) for such year, the dollar amount specified in clause (i) increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the period beginning on June 1, 2023, and ending on September 30, 2024; or

''(iii) with respect to a subsequent initial price applicability year, is less than, during the most recent 12-month period applicable under subparagraphs (A) and (B) of subsection (d)(1) for such year, the dollar

amount specified in this subparagraph for the previous initial price applicability year increased by the annual percentage increase in such consumer price index for the 12-month period ending on September 30 of the year prior to the year of the selected drug publication date with respect to such subsequent initial price applicability year.

''(C) PLASMA-DERIVED PRODUCTS.—A biological product that is derived from human whole blood or plasma.

''SEC. 1193. MANUFACTURER AGREEMENTS.

''(a) IN GENERAL.—For purposes of section 1191(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

''(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and the manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period, agree to) a maximum fair price for such selected drug of the manufacturer in order for the manufacturer to provide access to such price—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(2) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during, subject to paragraph (2), the price applicability period; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during, subject to paragraph (2), the price applicability period;

''(2) the Secretary and the manufacturer shall, in accordance with section 1194, renegotiate (and, by not later than the last date of the period of renegotiation, agree to) the maximum fair price for such drug, in order for the manufacturer to provide access to such maximum fair price (as so renegotiated)—

''(A) to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(2) and are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during any year during the price applicability period (beginning after such renegotiation) with respect to such selected drug; and

''(B) to hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug during any year described in subparagraph (A);

''(3) subject to subsection (d), access to the maximum fair price (including as renegotiated pursuant to paragraph (2)), with respect to such a selected drug, shall be provided by the manufacturer to—

''(A) maximum fair price eligible individuals, who with respect to such drug are described in subparagraph (A) of section 1191(c)(2), at the pharmacy, mail order service, or other dispenser at the point-of-sale of such drug (and shall be provided by the manufacturer to the pharmacy, mail order service, or other dispenser, with respect to such maximum fair price eligible individuals who are dispensed such drugs), as described in paragraph (1)(A) or (2)(A), as applicable; and

''(B) hospitals, physicians, and other providers of services and suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug, as described in paragraph (1)(B) or (2)(B), as applicable;

''(4) the manufacturer submits to the Secretary, in a form and manner specified by the Secretary, for the negotiation period for the price applicability period (and, if applicable, before any period of renegotiation pursuant to section 1194(f)) with respect to such drug—

''(A) information on the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the drug for the applicable year or period; and

''(B) information that the Secretary requires to carry out the negotiation (or renegotiation process) under this part; and

''(5) the manufacturer complies with requirements determined by the Secretary to be necessary for purposes of administering the program and monitoring compliance with the program.

''(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement entered into under this section shall be effective, with respect to a selected drug, until such drug is no longer considered a selected drug under section 1192(c).

''(c) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States for purposes of carrying out this part.

''(d) NONDUPLICATION WITH 340B CEILING PRICE.—Under an agreement entered into under this section, the manufacturer of a selected drug—

''(1) shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(1) of such Act) is lower than the maximum fair price for such selected drug; and

''(2) shall be required to provide access to the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such selected drug at such entity at such ceiling price in a nonduplicated amount to the ceiling price if such maximum fair price is below the ceiling price for such selected drug.

''SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.

''(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug (or selected drugs), with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

''(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

''(2) renegotiate, in accordance with the process specified pursuant to subsection (f), such maximum fair price for such drug for the purpose described in section 1193(a)(2) if such drug is a renegotiation-eligible drug under such subsection.

''(b) NEGOTIATION PROCESS REQUIREMENTS.—

''(1) METHODOLOGY AND PROCESS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), for negotiations under subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

''(2) SPECIFIC ELEMENTS OF NEGOTIATION PROCESS.—As part of the negotiation process under this section, with respect to a selected drug and the negotiation period with respect to the initial price applicability year with respect to such drug, the following shall apply:

''(A) SUBMISSION OF INFORMATION.—Not later than March 1 of the year of the selected drug publication date, with respect to the selected drug, the manufacturer of the drug shall submit to the Secretary, in accordance with section 1193(a)(4), the information described in such section.

''(B) INITIAL OFFER BY SECRETARY.—Not later than the June 1 following the selected drug publication date, the Secretary shall provide the manufacturer of the selected drug with a written initial offer that contains the Secretary's proposal for the maximum fair price of the drug and a concise justification based on the factors described in section 1194(e) that were used in developing such offer.

''(C) RESPONSE TO INITIAL OFFER.—

''(i) IN GENERAL.—Not later than 30 days after the date of receipt of an initial offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

''(ii) COUNTEROFFER REQUIREMENTS.—If a manufacturer proposes a counteroffer, such counteroffer—

''(I) shall be in writing; and

''(II) shall be justified based on the factors described in subsection (e).

''(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (C), the Secretary shall respond in writing to such counteroffer.

''(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall end prior to the first day of November following the selected drug publication date, with respect to the initial price applicability year.

''(F) LIMITATIONS ON OFFER AMOUNT.—In negotiating the maximum fair price of a selected drug, with respect to the initial price applicability year for the selected drug, and, as applicable, in renegotiating the maximum fair price for such drug, with respect to a subsequent year during the price applicability period for such drug, the Secretary shall not offer (or agree to a counteroffer for) a maximum fair price for the selected drug that—

''(i) exceeds the ceiling determined under subsection (c) for the selected drug and year; or

''(ii) as applicable, is less than the floor determined under subsection (d) for the selected drug and year.

''(c) CEILING FOR MAXIMUM FAIR PRICE.—

''(1) GENERAL CEILING.—

''(A) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first initial price applicability year of the price applicability period with respect to such drug, shall not exceed the lower of the amount under subparagraph (B) or the amount under subparagraph (C).

''(B) SUBPARAGRAPH (B) AMOUNT.—An amount equal to the following:

''(i) COVERED PART D DRUG.—In the case of a covered part D drug (as defined in section 1860D–2(e)), the sum of the plan specific enrollment weighted amounts for each prescription drug plan or MA–PD plan (as determined under paragraph (2)).

''(ii) PART B DRUG OR BIOLOGICAL.—In the case of a drug or biological product for which payment may be made under part B of title XVIII, the payment amount under section 1847A(b)(4) for the drug or biological product for the year prior to the year of the selected drug publication date with respect to the initial price applicability year for the drug or biological product.

''(C) SUBPARAGRAPH (C) AMOUNT.—An amount equal to the applicable percent described in paragraph (3), with respect to such drug, of the following:

''(i) INITIAL PRICE APPLICABILITY YEAR 2026.—In the case of a selected drug with respect to which such initial price applicability year is 2026, the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year.

''(ii) INITIAL PRICE APPLICABILITY YEAR 2027 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2027 or a subsequent year, the lower of—

''(I) the average non-Federal average manufacturer price for such drug for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the year of the selected drug publication date with respect to such initial price applicability year; or

''(II) the average non-Federal average manufacturer price for such drug for the year prior to the selected drug publication date with respect to such initial price applicability year.

''(2) PLAN SPECIFIC ENROLLMENT WEIGHTED AMOUNT.—For purposes of paragraph (1)(B)(i), the plan specific enrollment weighted amount for a prescription drug plan or an MA–PD plan with respect to a covered Part D drug is an amount equal to the product of—

''(A) the negotiated price of the drug under such plan under part D of title XVIII, net of all price concessions received by such plan or pharmacy benefit managers on behalf of such plan, for the most recent year for which data is available; and

''(B) a fraction—

''(i) the numerator of which is the total number of individuals enrolled in such plan in such year; and

''(ii) the denominator of which is the total number of individuals enrolled in a prescription drug plan or an MA–PD plan in such year.

''(3) APPLICABLE PERCENT DESCRIBED.—For purposes of this subsection, the applicable percent described in this paragraph is the following:

''(A) SHORT-MONOPOLY DRUGS AND VACCINES.—With respect to a selected drug (other than an extended-monopoly drug and a long-monopoly drug), 75 percent.

''(B) EXTENDED-MONOPOLY DRUGS.—With respect to an extended-monopoly drug, 65 percent.

''(C) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

''(4) EXTENDED-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'extended-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 12 years, but fewer than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSIONS.—The term 'extended-monopoly drug' shall not include any of the following:

''(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year that is before 2030.

''(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall limit the transition of a selected drug described in paragraph (3)(A) to a long-monopoly drug if the selected drug meets the definition of a long-monopoly drug.

''(5) LONG-MONOPOLY DRUG DEFINED.—

''(A) IN GENERAL.—In this part, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which at least 16 years have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

''(B) EXCLUSION.—The term 'long-monopoly drug' shall not include a vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

''(6) AVERAGE NON-FEDERAL AVERAGE MANUFACTURER PRICE.—In this part, the term 'average non-Federal average manufacturer price' means the average of the non-Federal average manufacturer price (as defined in section 8126(h)(5) of title 38, United States Code) for the 4 calendar quarters of the year involved.

''(d) TEMPORARY FLOOR FOR SMALL BIOTECH DRUGS.—In the case of a selected drug that is a qualifying single source drug described in section 1192(d)(2) and with respect to which the first initial price applicability year of the price applicability period with respect to such drug is 2029 or 2030, the maximum fair price negotiated under this section for such drug for such initial price applicability year may not be less than 66 percent of the average non-Federal average manufacturer price for such drug (as defined in subsection (c)(6)) for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such drug for 2021, for the first full year following the market entry for such drug), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year.

''(e) FACTORS.—For purposes of negotiating the maximum fair price of a selected drug under this part with the manufacturer of the drug, the Secretary shall consider the following factors, as applicable to the drug, as the basis for determining the offers and counteroffers under subsection (b) for the drug:

''(1) MANUFACTURER-SPECIFIC DATA.—The following data, with respect to such selected drug, as submitted by the manufacturer:

''(A) Research and development costs of the manufacturer for the drug and the extent to which the manufacturer has recouped research and development costs.

''(B) Current unit costs of production and distribution of the drug.

''(C) Prior Federal financial support for novel therapeutic discovery and development with respect to the drug.

''(D) Data on pending and approved patent applications, exclusivities recognized by the Food and Drug Administration, and applications and approvals under section 505(c) of the Federal Food, Drug, and Cosmetic Act or section 351(a) of the Public Health Service Act for the drug.

''(E) Market data and revenue and sales volume data for the drug in the United States.

''(2) EVIDENCE ABOUT ALTERNATIVE TREATMENTS.—The following evidence, as available, with respect to such selected drug and therapeutic alternatives to such drug:

''(A) The extent to which such drug represents a therapeutic advance as compared to existing therapeutic alternatives and the costs of such existing therapeutic alternatives.

''(B) Prescribing information approved by the Food and Drug Administration for such drug and therapeutic alternatives to such drug.

''(C) Comparative effectiveness of such drug and therapeutic alternatives to such drug, taking into consideration the effects of such drug and therapeutic alternatives to such drug on specific populations, such as individuals with disabilities, the elderly, the terminally ill, children, and other patient populations.

''(D) The extent to which such drug and therapeutic alternatives to such drug address unmet medical needs for a condition for which treatment or diagnosis is not addressed adequately by available therapy.

In using evidence described in subparagraph (C), the Secretary shall not use evidence from comparative clinical effectiveness research in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill.

''(f) RENEGOTIATION PROCESS.—

''(1) IN GENERAL.—In the case of a renegotiation-eligible drug (as defined in paragraph (2)) that is selected under paragraph (3), the Secretary shall provide for a process of renegotiation (for years (beginning with 2028) during the price applicability period, with respect to such drug) of the maximum fair price for such drug consistent with paragraph (4).

''(2) RENEGOTIATION-ELIGIBLE DRUG DEFINED.—In this section, the term 'renegotiation-eligible drug' means a selected drug that is any of the following:

''(A) ADDITION OF NEW INDICATION.—A selected drug for which a new indication is added to the drug.

''(B) CHANGE OF STATUS TO AN EXTENDED-MONOPOLY DRUG.—A selected drug that—

''(i) is not an extended-monopoly or a long-monopoly drug; and

''(ii) for which there is a change in status to that of an extended-monopoly drug.

''(C) CHANGE OF STATUS TO A LONG-MONOPOLY DRUG.—A selected drug that—

''(i) is not a long-monopoly drug; and

''(ii) for which there is a change in status to that of a long-monopoly drug.

''(D) MATERIAL CHANGES.—A selected drug for which the Secretary determines there has been a material change of any of the factors described in paragraph (1) or (2) of subsection (e).

''(3) SELECTION OF DRUGS FOR RENEGOTIATION.—For each year (beginning with 2028), the Secretary shall select among renegotiation-eligible drugs for renegotiation as follows:

''(A) ALL EXTENDED-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(B).

''(B) ALL LONG-MONOPOLY NEGOTIATION-ELIGIBLE DRUGS.—The Secretary shall select all renegotiation-eligible drugs described in paragraph (2)(C).

''(C) REMAINING DRUGS.—Among the remaining renegotiation-eligible drugs described in subparagraphs (A) and (D) of paragraph (2), the Secretary shall select renegotiation-eligible drugs for which the Secretary expects renegotiation is likely to result in a significant change in the maximum fair price otherwise negotiated.

''(4) RENEGOTIATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall specify the process for renegotiation of maximum fair prices with the manufacturer of a renegotiation-eligible drug selected for renegotiation under this subsection.

''(B) CONSISTENT WITH NEGOTIATION PROCESS.—The process specified under subparagraph (A) shall, to the extent practicable, be consistent with the methodology and process established under subsection (b) and in accordance with subsections (c), (d), and (e), and for purposes of applying subsections (c)(1)(A) and (d), the reference to the first initial price applicability year of the price applicability period with respect to such drug shall be treated as the first initial price applicability year of such period for which the maximum fair price established pursuant to such renegotiation applies, including for applying subsection (c)(3)(B) in the case of renegotiation-eligible drugs described in paragraph (3)(A) of this subsection and subsection (c)(3)(C) in the case of renegotiation-eligible drugs described in paragraph (3)(B) of this subsection.

''(5) CLARIFICATION.—A renegotiation-eligible drug for which the Secretary makes a determination described in section 1192(c)(1) before or during the period of renegotiation shall not be subject to the renegotiation process under this section.

''(g) CLARIFICATION.—The maximum fair price for a selected drug described in subparagraph (A) or (B) of paragraph (1) shall take effect no later than the first day of the first calendar quarter that begins after the date described in subparagraph (A) or (B), as applicable.

''SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.

''(a) IN GENERAL.—With respect to an initial price applicability year and a selected drug with respect to such year—

''(1) not later than November 30 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish the maximum fair price for such drug negotiated with the manufacturer of such drug under this part; and

''(2) not later than March 1 of the year prior to such initial price applicability year, the Secretary shall publish, subject to section 1193(c), the explanation for the maximum fair price with respect to the factors as applied under section 1194(e) for such drug described in paragraph (1).

''(b) UPDATES.—

''(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each year subsequent to the first initial price applicability year of the price applicability period with respect to such drug, with respect to which an agreement for such drug is in effect under section 1193, not later than November 30 of the year that is 2 years prior to such subsequent year, the Secretary shall publish the maximum fair price applicable to such drug and year, which shall be—

''(A) subject to subparagraph (B), the amount equal to the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with the July immediately preceding such November 30; or

''(B) in the case the maximum fair price for such drug was renegotiated, for the first year for which such price as so renegotiated applies, such renegotiated maximum fair price.

''(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price by not later than 30 days after the date such maximum price is so determined.

''SEC. 1196. ADMINISTRATIVE DUTIES AND COMPLIANCE MONITORING.

''(a) ADMINISTRATIVE DUTIES.—For purposes of section 1191(a)(4), the administrative duties described in this section are the following:

''(1) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

''(A) any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of maximum fair price eligible individuals; and

''(B) any other discounts.

''(2) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of such drug.

''(3) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—

''(A) maximum fair price eligible individuals who are enrolled in a prescription drug plan under part D of title XVIII or an MA–PD plan under part C of such title; and

''(B) maximum fair price eligible individuals who are enrolled under part B of such title, including who are enrolled in an MA plan under part C of such title.

''(4) The establishment of a negotiation process and renegotiation process in accordance with section 1194.

''(5) The establishment of a process for manufacturers to submit information described in section 1194(b)(2)(A).

''(6) The sharing with the Secretary of the Treasury of such information as is necessary to determine the tax imposed by section 5000D of the Internal Revenue Code of 1986, including the application of such tax to a manufacturer, producer, or importer or the determination of any date described in section 5000D(c)(1) of such Code. For purposes of the preceding sentence, such information shall include—

''(A) the date on which the Secretary receives notification of any termination of an agreement under the Medicare coverage gap discount program under section 1860D-14A and the date on which any subsequent agreement under such program is entered into;

''(B) the date on which the Secretary receives notification of any termination of an agreement under the manufacturer discount program under section 1860D-14C and the date on which any subsequent agreement under such program is entered into; and

''(C) the date on which the Secretary receives notification of any termination of a rebate agreement described in section 1927(b) and the date on which any subsequent rebate agreement described in such section is entered into.

''(7) The establishment of procedures for purposes of applying section 1192(d)(2)(B).

''(b) COMPLIANCE MONITORING.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193 and establish a mechanism through which violations of such terms shall be reported.

''SEC. 1197. CIVIL MONETARY PENALTIES.

''(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that does not provide access to a price that is equal to or less than the maximum fair price for such drug for such year—

''(1) to a maximum fair price eligible individual who with respect to such drug is described in subparagraph (A) of section 1191(c)(2) and who is dispensed such drug during such year (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs); or

''(2) to a hospital, physician, or other provider of services or supplier with respect to maximum fair price eligible individuals who with respect to such drug is described in subparagraph (B) of such section and is furnished or administered such drug by such hospital, physician, or provider or supplier during such year;

shall be subject to a civil monetary penalty equal to ten times the amount equal to the product of the number of units of such drug so furnished, dispensed, or administered during such year and the difference between the price for such drug made available for such year by such manufacturer with respect to such individual or hospital, physician, provider of services, or supplier and the maximum fair price for such drug for such year.

''(b) VIOLATIONS OF CERTAIN TERMS OF AGREEMENT.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a year during the price applicability period with respect to such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(5), including the requirement to submit information pursuant to section 1193(a)(4), shall be subject to a civil monetary penalty equal to $1,000,000 for each day of such violation.

''(c) FALSE INFORMATION.—Any manufacturer that knowingly provides false information pursuant to section 1196(a)(7) shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

''(d) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''SEC. 1198. LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.

''There shall be no administrative or judicial review of any of the following:

''(1) The determination of a unit, with respect to a drug or biological product, pursuant to section 1191(c)(6).

''(2) The selection of drugs under section 1192(b), the determination of negotiation-eligible drugs under section 1192(d), and the determination of qualifying single source drugs under section 1192(e).

''(3) The determination of a maximum fair price under subsection (b) or (f) of section 1194.

''(4) The determination of renegotiation-eligible drugs under section 1194(f)(2) and the selection of renegotiation-eligible drugs under section 1194(f)(3).''.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.—

(1) UNDER MEDICARE.—

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847A(b)(1)(B) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended by inserting ''or in the case of such a drug or biological product that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(3)) applicable for such drug and a year during such period'' after ''paragraph (4)''.

(B) APPLICATION UNDER MA OF COST-SHARING FOR PART B DRUGS BASED OFF OF NEGOTIATED PRICE.—Section 1852(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)(iv)) is amended—

(i) by redesignating subclause (VII) as subclause (VIII); and

(ii) by inserting after subclause (VI) the following subclause:

''(VII) A drug or biological product that is a selected drug (as referred to in section 1192(c)).''.

(C) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(i) of the Social Security Act (42 U.S.C. 1395w–111(i)) is amended—

(i) in paragraph (1), by striking ''and'' at the end;

(ii) in paragraph (2), by striking ''or institute a price structure for the reimbursement of covered part D drugs.'' and inserting '', except as provided under section 1860D–4(b)(3)(I); and''; and

(iii) by adding at the end the following new paragraph:

''(3) may not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of title XI.''.

(D) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

(i) in subparagraph (B), by inserting '', subject to subparagraph (D),'' after ''negotiated prices''; and

(ii) by adding at the end the following new subparagraph:

''(D) APPLICATION OF MAXIMUM FAIR PRICE FOR SELECTED DRUGS.—In applying this section, in the case of a covered part D drug that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), the negotiated prices used for payment (as described in this subsection) shall be no greater than the maximum fair price (as defined in section 1191(c)(3)) for such drug and for each year during such period plus any dispensing fees for such drug.''.

(E) COVERAGE OF SELECTED DRUGS.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

''(I) REQUIRED INCLUSION OF SELECTED DRUGS.—

''(i) IN GENERAL.—For 2026 and each subsequent year, the PDP sponsor offering a prescription drug plan shall include each covered part D drug that is a selected drug under section 1192 for which a maximum fair price (as defined in section 1191(c)(3)) is in effect with respect to the year.

''(ii) CLARIFICATION.—Nothing in clause (i) shall be construed as prohibiting a PDP sponsor from removing such a selected drug from a formulary if such removal would be permitted under section 423.120(b)(5)(iv) of title 42, Code of Federal Regulations (or any successor regulation).''.

(F) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—

(i) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary for purposes of carrying out section 1194.''.

(ii) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PROVISION OF INFORMATION RELATED TO MAXIMUM FAIR PRICES.—Section 1860D–12(b)(8).''.

(G) CONDITIONS FOR COVERAGE.—

(i) MEDICARE PART D.—Section 1860D–43(c) of the Social Security Act (42 U.S.C. 1395w–153(c)) is amended—

(I) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(II) by striking ''AGREEMENTS.—Subsection'' and inserting the following: ''AGREEMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), subsection''; and

(III) by adding at the end the following new paragraph:

''(2) EXCEPTION.—Paragraph (1)(A) shall not apply to a covered part D drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.''.

(ii) MEDICAID AND MEDICARE PART B.—Section 1927(a)(3) of the Social Security Act (42 U.S.C. 1396r–8(a)(3)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to a single source drug or innovator multiple source drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.''.

(H) DISCLOSURE OF INFORMATION UNDER MEDICARE PART D.—

(i) CONTRACT REQUIREMENTS.—Section 1860D–12(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1395w–112(b)(3)(D)(i)) is amended by inserting '', or carrying out part E of title XI'' after ''appropriate)''.

(ii) SUBSIDIES.—Section 1860D–15(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–115(f)(2)(A)(i)) is amended by inserting ''or part E of title XI'' after ''this section''.

(2) DRUG PRICE NEGOTIATION PROGRAM PRICES INCLUDED IN BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended—

(A) in clause (i)(VI), by striking ''any prices charged'' and inserting ''subject to clause (ii)(V), any prices charged''; and

(B) in clause (ii)—

(i) in subclause (III), by striking ''; and'' at the end;

(ii) in subclause (IV), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(V) in the case of a rebate period and a covered outpatient drug that is a selected drug (as referred to in section 1192(c)) during such rebate period, shall be inclusive of the maximum fair price (as defined in section 1191(c)(3)) for such drug with respect to such period.''.

(3) MAXIMUM FAIR PRICES EXCLUDED FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)) is amended—

(A) in subclause (IV) by striking ''; and'' at the end;

(B) in subclause (V) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) any reduction in price paid during the rebate period to the manufacturer for a drug by reason of application of part E of title XI.''.

(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.

SEC. 11002. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.

(a) IN GENERAL.—Part E of title XI of the Social Security Act, as added by section 11001, is amended—

(1) in section 1192—

(A) in subsection (a), in the flush matter following paragraph (4), by inserting ''and subsection (b)(3)'' after ''the previous sentence'';

(B) in subsection (b)—

(i) in paragraph (1), by adding at the end the following new subparagraph:

''(C) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from the rankings under subparagraph (A) before making the selections under subparagraph (B).''; and

(ii) by adding at the end the following new paragraph:

''(3) INCLUSION OF DELAYED BIOLOGICAL PRODUCTS.—Pursuant to subparagraphs (B)(ii)(I) and (C)(i) of subsection (f)(2), the Secretary shall select and include on the list published under subsection (a) the biological products described in such subparagraphs. Such biological products shall count towards the required number of drugs to be selected under subsection (a)(1).''; and

(C) by adding at the end the following new subsection:

''(f) SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.—

''(1) APPLICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a biological product that would (but for this subsection) be an extended-monopoly drug (as defined in section 1194(c)(4)) included as a selected drug on the list published under subsection (a) with respect to an initial price applicability year, the rules described in paragraph (2) shall apply if the Secretary determines that there is a high likelihood (as described in paragraph (3)) that a biosimilar biological product (for which such biological product will be the reference product) will be licensed and marketed under section 351(k) of the Public Health Service Act before the date that is 2 years after the selected drug publication date with respect to such initial price applicability year.

''(B) REQUEST REQUIRED.—

''(i) IN GENERAL.—The Secretary shall not provide for a delay under—

''(I) paragraph (2)(A) unless a request is made for such a delay by a manufacturer of a biosimilar biological product prior to the selected drug publication date for the list published under subsection (a) with respect

to the initial price applicability year for which the biological product may have been included as a selected drug on such list but for subparagraph (2)(A); or

''(II) paragraph (2)(B)(iii) unless a request is made for such a delay by such a manufacturer prior to the selected drug publication date for the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product described in subsection (a) would have been included as a selected drug on such list but for paragraph (2)(A).

''(ii) INFORMATION AND DOCUMENTS.—

''(I) IN GENERAL.—A request made under clause (i) shall be submitted to the Secretary by such manufacturer at a time and in a form and manner specified by the Secretary, and contain—

''(aa) information and documents necessary for the Secretary to make determinations under this subsection, as specified by the Secretary and including, to the extent available, items described in subclause (III); and

''(bb) all agreements related to the biosimilar biological product filed with the Federal Trade Commission or the Assistant Attorney General pursuant to subsections (a) and (c) of section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(II) ADDITIONAL INFORMATION AND DOCUMENTS.—After the Secretary has reviewed the request and materials submitted under subclause (I), the manufacturer shall submit any additional information and documents requested by the Secretary necessary to make determinations under this subsection.

''(III) ITEMS DESCRIBED.—The items described in this clause are the following:

''(aa) The manufacturing schedule for such biosimilar biological product submitted to the Food and Drug Administration during its review of the application under such section 351(k).

''(bb) Disclosures (in filings by the manufacturer of such biosimilar biological product with the Securities and Exchange Commission required under section 12(b), 12(g), 13(a), or 15(d) of the Securities Exchange Act of 1934 about capital investment, revenue expectations, and actions taken by the manufacturer that are typical of the normal course of business in the year (or the 2 years, as applicable) before marketing of a biosimilar biological product) that pertain to the marketing of such biosimilar biological product, or comparable documentation that is distributed to the shareholders of privately held companies.

''(C) AGGREGATION RULE.—

''(i) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or in a partnership, shall be treated as one manufacturer for purposes of paragraph (2)(D)(iv).

''(ii) PARTNERSHIP DEFINED.—In clause (i), the term 'partnership' means a syndicate, group, pool, joint venture, or other organization through or by means of which any business, financial operation, or venture is carried on by the manufacturer of the biological product and the manufacturer of the biosimilar biological product.

''(2) RULES DESCRIBED.—The rules described in this paragraph are the following:

''(A) DELAYED SELECTION AND NEGOTIATION FOR 1 YEAR.—If a determination of high likelihood is made under paragraph (3), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until such list is published with respect to the initial price applicability year that is 1 year after the initial price applicability year for which the biological product would have been included as a selected drug on such list.

''(B) IF NOT LICENSED AND MARKETED DURING THE INITIAL DELAY.—

''(i) IN GENERAL.—If, during the time period between the selected drug publication date on which the biological product would have been included on the list as a selected drug pursuant to subsection (a) but for subparagraph (A) and the selected drug publication date with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list, the Secretary determines that the biosimilar biological product for which the manufacturer submitted the request under paragraph (1)(B)(i)(II) (and for which the Secretary previously made a high likelihood determination under paragraph (3)) has not been licensed and marketed under section 351(k) of the Public Health Service Act, the Secretary shall, at the request of such manufacturer—

''(I) reevaluate whether there is a high likelihood (as described in paragraph (3)) that such biosimilar biological product will be licensed and marketed under such section 351(k) before the date that is 2 years after the selected drug publication date for which such biological product would have been included as a selected drug on such list published but for subparagraph (A); and

''(II) evaluate whether, on the basis of clear and convincing evidence, the manufacturer of such biosimilar biological product has made a significant amount of progress (as determined by the Secretary) towards both such licensure and the marketing of such biosimilar biological product (based on information from items described in subclauses (I)(bb) and (II) of paragraph (1)(B)(ii)) since the receipt by the Secretary of the request made by such manufacturer under paragraph (1)(B)(i)(I).

''(ii) SELECTION AND NEGOTIATION.—If the Secretary determines that there is not a high likelihood that such biosimilar biological product will be licensed and marketed as described in clause (i)(I) or there has not been a significant amount of progress as described in clause (i)(II)—

''(I) the Secretary shall include the biological product as a selected drug on the list published under subsection (a) with respect to the initial price applicability year that is 1 year after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for subparagraph (A); and

''(II) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the year for which such manufacturer would have provided access to a maximum fair price for such biological product but for subparagraph (A).

''(iii) SECOND 1-YEAR DELAY.—If the Secretary determines that there is a high likelihood that such biosimilar biological product will be licensed and marketed (as described in clause (i)(I)) and a significant amount of progress has been made by the manufacturer of such biosimilar biological product towards such licensure and marketing (as described in clause (i)(II)), the Secretary shall delay the inclusion of the biological product as a selected drug on the list published under subsection (a) until the selected drug publication date of such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection.

''(C) IF NOT LICENSED AND MARKETED DURING THE YEAR TWO DELAY.—If, during the time period between the selected drug publication date of the list for which the biological product would have been included as a selected drug but for subparagraph (B)(iii) and the selected drug publication date with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list but for this subsection, the Secretary determines that such biosimilar biological product has not been licensed and marketed—

''(i) the Secretary shall include such biological product as a selected drug on such list with respect to the initial price applicability year that is 2 years after the initial price applicability year for which such biological product would have been included as a selected drug on such list; and

''(ii) the manufacturer of such biological product shall pay a rebate under paragraph (4) with respect to the years for which such manufacturer would have provided access to a maximum fair price for such biological product but for this subsection.

''(D) LIMITATIONS ON DELAYS.—

''(i) LIMITED TO 2 YEARS.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) for more than 2 years.

''(ii) EXCLUSION OF BIOLOGICAL PRODUCTS THAT TRANSITIONED TO A LONG-MONOPOLY DRUG DURING THE DELAY.—In the case of a biological product for which the inclusion on the list published pursuant to subsection (a) was delayed by 1 year under subparagraph (A) and for which there would have been a change in status to a long-monopoly drug (as defined in section 1194(c)(5)) if such biological product had been a selected drug, in no case may the Secretary provide for a second 1-year delay under subparagraph (B)(iii).

''(iii) EXCLUSION OF BIOLOGICAL PRODUCTS IF MORE THAN 1 YEAR SINCE LICENSURE.—In no case shall the Secretary delay the inclusion of a biological product on the list published under subsection (a) if more than 1 year has elapsed since the biosimilar biological product has been licensed under section 351(k) of the Public Health Service Act and marketing has not commenced for such biosimilar biological product.

''(iv) CERTAIN MANUFACTURERS OF BIOSIMILAR BIOLOGICAL PRODUCTS EXCLUDED.—In no case shall the Secretary delay the inclusion of a biological product as a selected drug on the list published under subsection (a) if Secretary determined that the manufacturer of the biosimilar biological product described in paragraph (1)(A)—

''(I) is the same as the manufacturer of the reference product described in such paragraph or is treated as being the same pursuant to paragraph (1)(C); or

''(II) has, based on information from items described in paragraph (1)(B)(ii)(I)(bb), entered into any agreement described in such paragraph with the manufacturer of the reference product described in paragraph (1)(A) that—

''(aa) requires or incentivizes the manufacturer of the biosimilar biological product to submit a request described in paragraph (1)(B); or

''(bb) restricts the quantity (either directly or indirectly) of the biosimilar biological product that may be sold in the United States over a specified period of time.

''(3) HIGH LIKELIHOOD.—For purposes of this subsection, there is a high likelihood described in paragraph (1) or paragraph (2), as applicable, if the Secretary finds that—

''(A) an application for licensure under section 351(k) of the Public Health Service Act for the biosimilar biological product has been accepted for review or approved by the Food and Drug Administration; and

''(B) information from items described in sub clauses (I)(bb) and (III) of paragraph

(1)(B)(ii) submitted to the Secretary by the manufacturer requesting a delay under such paragraph provides clear and convincing evidence that such biosimilar biological product will, within the time period specified under paragraph (1)(A) or (2)(B)(i)(I), be marketed.

''(4) REBATE.—

''(A) IN GENERAL.—For purposes of subparagraphs (B)(ii)(II) and (C)(ii) of paragraph (2), in the case of a biological product for which the inclusion on the list under subsection (a) was delayed under this subsection and for which the Secretary has negotiated and entered into an agreement under section 1193 with respect to such biological product, the manufacturer shall be required to pay a rebate to the Secretary at such time and in such manner as determined by the Secretary.

''(B) AMOUNT.—Subject to subparagraph (C), the amount of the rebate under subparagraph (A) with respect to a biological product shall be equal to the estimated amount—

''(i) in the case of a biological product that is a covered part D drug (as defined in section 1860D–2(e)), that is the sum of the products of—

''(I) 75 percent of the amount by which—

''(aa) the average manufacturer price, as reported by the manufacturer of such covered part D drug under section 1927 (or, if not reported by such manufacturer under section 1927, as reported by such manufacturer to the Secretary pursuant to the agreement under section 1193(a)) for such biological product, with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased as described in section 1195(b)(1)(A); and

''(II) the number of units dispensed under part D of title XVIII for such covered part D drug during each such calendar quarter of such price applicability period; and

''(ii) in the case of a biological product for which payment may be made under part B of title XVIII, that is the sum of the products of—

''(I) 80 percent of the amount by which—

''(aa) the payment amount for such biological product under section 1847A(b), with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds

''(bb) in the initial price applicability year that would have applied but for a delay under—

''(AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or

''(BB) paragraph (2)(B)(iii), such maximum fair price, increased as described in section 1195(b)(1)(A); and

''(II) the number of units (excluding units that are packaged into the payment amount for an item or service and are not separately payable under such part B) of the billing and payment code of such biological product administered or furnished under such part B during each such calendar quarter of such price applicability period.

''(C) SPECIAL RULE FOR DELAYED BIOLOGICAL PRODUCTS THAT ARE LONG-MONOPOLY DRUGS.—

''(i) IN GENERAL.—In the case of a biological product with respect to which a rebate is required to be paid under this paragraph, if such biological product qualifies as a long-monopoly drug (as defined in section 1194(c)(5)) at the time of its inclusion on the list published under subsection (a), in determining the amount of the rebate for such biological product under subparagraph (B), the amount described in clause (ii) shall be substituted for the maximum fair price described in clause (i)(I) or (ii)(I) of such subparagraph (B), as applicable.

''(ii) AMOUNT DESCRIBED.—The amount described in this clause is an amount equal to 65 percent of the average non-Federal average manufacturer price for the biological product for 2021 (or, in the case that there is not an average non-Federal average manufacturer price available for such biological product for 2021, for the first full year following the market entry for such biological product), increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry), as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year that would have applied but for this subsection.

''(D) REBATE DEPOSITS.—Amounts paid as rebates under this paragraph shall be deposited into—

''(i) in the case payment is made for such biological product under part B of title XVIII, the Federal Supplementary Medical Insurance Trust Fund established under section 1841; and

''(ii) in the case such biological product is a covered part D drug (as defined in section 1860D–2(e)), the Medicare Prescription Drug Account under section 1860D–16 in such Trust Fund.

''(5) DEFINITIONS OF BIOSIMILAR BIOLOGICAL PRODUCT.—In this subsection, the term 'biosimilar biological product' has the meaning given such term in section 1847A(c)(6).'';

(2) in section 1193(a)(4)—

(A) in the matter preceding subparagraph (A), by inserting '', and for section 1192(f),'' after ''section 1194(f))'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by adding at the end the following new subparagraph:

''(C) information that the Secretary requires to carry out section 1192(f), including rebates under paragraph (4) of such section; and'';

(3) in section 1196(a)(7), by striking ''section 1192(d)(2)(B)'' and inserting ''subsections (d)(2)(B) and (f)(1)(C) of section 1192'';

(4) in section 1197—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection:

''(b) VIOLATIONS RELATING TO PROVIDING REBATES.—Any manufacturer that fails to comply with the rebate requirements under section 1192(f)(4) shall be subject to a civil monetary penalty equal to 10 times the amount of the rebate the manufacturer failed to pay under such section.''; and

(5) in section 1198(b)(2), by inserting ''the application of section 1192(f),'' after ''section 1192(e)''.

(b) CONFORMING AMENDMENTS FOR DISCLOSURE OF CERTAIN INFORMATION.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by striking ''or to carry out section 1847B'' and inserting ''or to carry out section 1847B or section 1192(f), including rebates under paragraph (4) of such section''.

(c) IMPLEMENTATION FOR 2026 THROUGH 2028.—The Secretary of Health and Human Services shall implement this section, including the amendments made by this section, for 2026, 2027, and 2028 by program instruction or other forms of program guidance.

SEC. 11003. EXCISE TAX IMPOSED ON DRUG MANUFACTURERS DURING NONCOMPLIANCE PERIODS.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 50A—DESIGNATED DRUGS

''Sec. 5000D. Designated drugs during noncompliance periods.

''SEC. 5000D. DESIGNATED DRUGS DURING NONCOMPLIANCE PERIODS.

''(a) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any designated drug during a day described in subsection (b) a tax in an amount such that the applicable percentage is equal to the ratio of—

''(1) such tax, divided by

''(2) the sum of such tax and the price for which so sold.

''(b) NONCOMPLIANCE PERIODS.—A day is described in this subsection with respect to a designated drug if it is a day during one of the following periods:

''(1) The period beginning on the March 1st (or, in the case of initial price applicability year 2026, the October 2nd) immediately following the date on which such drug is included on the list published under section 1192(a) of the Social Security Act and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug has in place an agreement described in section 1193(a) of such Act with respect to such drug, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(2) The period beginning on the November 2nd immediately following the March 1st described in paragraph (1) (or, in the case of initial price applicability year 2026, the August 2nd immediately following the October 2nd described in such paragraph) and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug and the Secretary of Health and Human Services have agreed to a maximum fair price under an agreement described in section 1193(a) of the Social Security Act, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(3) In the case of any designated drug which is a selected drug (as defined in section 1192(c) of the Social Security Act) that the Secretary for Health and Human Services has selected for renegotiation under section 1194(f) of such Act, the period beginning on the November 2nd of the year that begins 2 years prior to the first initial price applicability year of the price applicability period for which the maximum fair price established pursuant to such renegotiation applies and ending on the earlier of—

''(A) the first date on which the manufacturer of such designated drug has agreed to a renegotiated maximum fair price under such agreement, or

''(B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

''(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under an agreement described in section 1193(a) of the Social Security Act, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

''(c) SUSPENSION OF TAX.—

''(1) IN GENERAL.—A day shall not be taken into account as a day during a period described in subsection (b) if such day is also a day during the period—

''(A) beginning on the first date on which—

''(i) the notice of terminations of all applicable agreements of the manufacturer have been received by the Secretary of Health and Human Services, and

''(ii) none of the drugs of the manufacturer of the designated drug are covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act, and

''(B) ending on the last day of February following the earlier of—

''(i) the first day after the date described in subparagraph (A) on which the manufacturer enters into any subsequent applicable agreement, or

''(ii) the first date any drug of the manufacturer of the designated drug is covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act.

''(2) APPLICABLE AGREEMENT.—For purposes of this subsection, the term 'applicable agreement' means the following:

''(A) An agreement under—

''(i) the Medicare coverage gap discount program under section 1860D-14A of the Social Security Act, or

''(ii) the manufacturer discount program under section 1860D-14C of such Act.

''(B) A rebate agreement described in section 1927(b) of such Act.

''(d) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of sales of a designated drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

''(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

''(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

''(4) in the case of sales of such drug during any subsequent day, 95 percent.

''(e) DEFINITIONS.—For purposes of this section—

''(1) DESIGNATED DRUG.—The term 'designated drug' means any negotiation-eligible drug (as defined in section 1192(d) of the Social Security Act) included on the list published under section 1192(a) of such Act which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

''(2) UNITED STATES.—The term 'United States' has the meaning given such term by section 4612(a)(4).

''(3) OTHER TERMS.—The terms 'initial price applicability year', 'price applicability period', and 'maximum fair price' have the meaning given such terms in section 1191 of the Social Security Act.

''(f) SPECIAL RULES.—

''(1) COORDINATION WITH RULES FOR POSSESSIONS OF THE UNITED STATES.—Rules similar to the rules of paragraphs (2) and (4) of section 4132(c) shall apply for purposes of this section.

''(2) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).

''(g) EXPORTS.—Rules similar to the rules of section 4662(e) (other than section 4662(e)(2)(A)(ii)(II)) shall apply for purposes of this chapter.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may be necessary to carry out this section.''.

(b) NO DEDUCTION FOR EXCISE TAX PAYMENTS.—Section 275(a)(6) of the Internal Revenue Code of 1986 is amended by inserting ''50A,'' after ''46,''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 50A—DESIGNATED DRUGS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 11004. FUNDING.

In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this part.

PART 2—PRESCRIPTION DRUG INFLATION REBATES

SEC. 11101. MEDICARE PART B REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following subsection:

''(i) REBATE BY MANUFACTURERS FOR SINGLE SOURCE DRUGS AND BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after January 1, 2023, the Secretary shall, for each part B rebatable drug, report to each manufacturer of such part B rebatable drug the following for such calendar quarter:

''(i) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such drug and calendar quarter.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such drug and calendar quarter.

''(iii) The rebate amount specified under such paragraph for such part B rebatable drug and calendar quarter.

''(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after January 1, 2023, the manufacturer of a part B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

''(C) TRANSITION RULE FOR REPORTING.—The Secretary may, for each part B rebatable drug, delay the timeframe for reporting the information described in subparagraph (A) for calendar quarters beginning in 2023 and 2024 until not later than September 30, 2025.

''(2) PART B REBATABLE DRUG DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'part B rebatable drug' means a single source drug or biological (as defined in subparagraph (D) of subsection (c)(6)), including a biosimilar biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subsection (b)(8)(B)(iii)), for which payment is made under this part, except such term shall not include such a drug or biological—

''(i) if, as determined by the Secretary, the average total allowed charges for such drug or biological under this part for a year per individual that uses such a drug or biological are less than, subject to subparagraph (B), $100; or

''(ii) that is a vaccine described in subparagraph (A) or (B) of section 1861(s)(10).

''(B) INCREASE.—The dollar amount applied under subparagraph (A)(i)—

''(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year; and

''(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for the previous year (without application of subparagraph (C)), increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(C) ROUNDING.—Any dollar amount determined under subparagraph (B) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a part B rebatable drug assigned to a billing and payment code for a calendar quarter is, subject to subparagraphs (B) and (G) and paragraph (4), the estimated amount equal to the product of—

''(i) the total number of units determined under subparagraph (B) for the billing and payment code of such drug; and

''(ii) the amount (if any) by which—

''(I) the amount equal to—

''(aa) in the case of a part B rebatable drug described in paragraph (1)(B) of subsection (b), 106 percent of the amount determined under paragraph (4) of such section for such drug during the calendar quarter; or

''(bb) in the case of a part B rebatable drug described in paragraph (1)(C) of such subsection, the payment amount under such paragraph for such drug during the calendar quarter; exceeds

''(II) the inflation-adjusted payment amount determined under subparagraph (C) for such part B rebatable drug during the calendar quarter.

''(B) TOTAL NUMBER OF UNITS.—For purposes of subparagraph (A)(i), the total number of units for the billing and payment code with respect to a part B rebatable drug furnished during a calendar quarter described in subparagraph (A) is equal to—

''(i) the number of units for the billing and payment code of such drug furnished during such calendar quarter, minus

''(ii) the number of units for such billing and payment code of such drug furnished during such calendar quarter—

''(I) with respect to which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act or a rebate under section 1927; or

''(II) that are packaged into the payment amount for an item or service and are not separately payable.

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a part B rebatable drug for a calendar quarter is—

''(i) the payment amount for the billing and payment code for such drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the calendar quarter exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning July 1, 2021.

''(E) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(F) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a calendar quarter described in subparagraph (C), the greater of the benchmark period CPI–U and the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

''(G) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part B rebatable drug and a calendar quarter—

''(i) in the case of a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the calendar quarter; or

''(ii) in the case of a biosimilar biological product, when the Secretary determines there is a severe supply chain disruption during the calendar quarter, such as that caused by a natural disaster or other unique or unexpected event.

''(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) TIMELINE FOR PROVISION OF REBATES FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, paragraph (1)(B) shall be applied as if the reference to 'January 1, 2023' under such paragraph were a reference to 'the later of the 6th full calendar quarter after the day on which the drug was first marketed or January 1, 2023'.

''(C) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (3)(E) as if the reference to 'January 2021' under such paragraph were a reference to 'the July of the year preceding such last year'.

''(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug furnished on or after April 1, 2023, if the payment amount described in paragraph (3)(A)(ii)(I) (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)), the payment amount described in subsection (b)(1)(B) for such drug) for a calendar quarter exceeds the inflation adjusted payment for such quarter—

''(A) in computing the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished, the computation of such coinsurance shall be equal to 20 percent of the inflation-adjusted payment amount determined under paragraph (3)(C) for such part B rebatable drug; and

''(B) the amount of such coinsurance for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subparagraphs (B) or (C) of subsection (b)(1).

''(6) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(7) CIVIL MONEY PENALTY.—If a manufacturer of a part B rebatable drug has failed to comply with the requirements under paragraph (1)(B) for such drug for a calendar quarter, the manufacturer shall be subject to, in accordance with a process established by the Secretary pursuant to regulations, a civil money penalty in an amount equal to at least 125 percent of the amount specified in paragraph (3) for such drug for such calendar quarter. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(8) LIMITATION ON ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

''(A) The determination of units under this subsection.

''(B) The determination of whether a drug is a part B rebatable drug under this subsection.

''(C) The calculation of the rebate amount under this subsection.

''(D) The computation of coinsurance under paragraph (5) of this subsection.

''(E) The computation of amounts paid under section 1833(a)(1)(EE).''.

(b) AMOUNTS PAYABLE; COST-SHARING.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (G), by inserting '', subject to subsection (i)(9),'' after ''the amounts paid'';

(B) in subparagraph (S), by striking ''with respect to'' and inserting ''subject to subparagraph (EE), with respect to'';

(C) by striking ''and (DD)'' and inserting ''(DD)''; and

(D) by inserting before the semicolon at the end the following: '', and (EE) with respect to a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) furnished on or after April 1, 2023, for which the payment amount for a calendar quarter under paragraph (3)(A)(ii)(I) of such section (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B)) for such drug for such quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(II) of such section for such quarter, the amounts paid shall be equal to the percent of the payment amount under paragraph (3)(A)(ii)(I) of such section or section 1847A(b)(1)(B), as applicable, that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(i)(5)(B)'';

(2) in subsection (i), by adding at the end the following new paragraph:

''(9) In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i)) for which payment under this subsection is not packaged into a payment for a service furnished on or after April 1, 2023, under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''; and

(3) in subsection (t)(8), by adding at the end the following new subparagraph:

''(F) PART B REBATABLE DRUGS.—In the case of a part B rebatable drug (as defined in paragraph (2) of section 1847A(i), except if such drug does not have a copayment amount as a result of application of subparagraph (E)) for which payment under this part is not packaged into a payment for a covered OPD service (or group of services) furnished on or after April 1, 2023, and the payment for such drug under this subsection is the same as the amount for a calendar quarter under paragraph (3)(A)(ii)(I) of section 1847A(i), under the system under this subsection, in lieu of calculation of the copayment amount and the amount of payment otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(i)(5) and subsection (a) apply under such section and subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''subsection (i) or'' before ''section 1927''.

(2) EXCLUDING PART B DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''or section 1847A(i)'' after ''this section''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)) is amended by inserting ''and the rebate'' after ''the payment amount''.

(4) EXCLUDING PART B DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3), is amended—

(A) in subclause (V), by striking ''and'' at the end;

(B) in subclause (VI), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclause:

''(VII) rebates paid by manufacturers under section 1847A(i); and''.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and

$7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.

SEC. 11102. MEDICARE PART D REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1395w–114a) the following new section:

"SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable period (as defined in subsection (g)(7)), subject to paragraph (3), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such period:

''(A) The amount (if any) of the excess annual manufacturer price increase described in subsection (b)(1)(A)(ii) for each dosage form and strength with respect to such drug and period.

''(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and period.

''(2) MANUFACTURER REQUIREMENTS.—For each applicable period, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1) for such period, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such dosage form and strength with respect to such drug for such period.

''(3) TRANSITION RULE FOR REPORTING.—The Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in subparagraphs (A) and (B) of such paragraph for the applicable periods beginning October 1, 2022, and October 1, 2023, until not later than December 31, 2025.

''(b) REBATE AMOUNT.—

''(1) IN GENERAL.—

''(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable period is, subject to subparagraph (C), paragraph (5)(B), and paragraph (6), the estimated amount equal to the product of—

''(i) subject to subparagraph (B) of this paragraph, the total number of units of such dosage form and strength for each rebatable covered part D drug dispensed under this part during the applicable period; and

''(ii) the amount (if any) by which—

''(I) the annual manufacturer price (as determined in paragraph (2)) paid for such dosage form and strength with respect to such part D rebatable drug for the period; exceeds

''(II) the inflation-adjusted payment amount determined under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the period.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), beginning with plan year 2026, the Secretary shall exclude from the total number of units for a dosage form and strength with respect to a part D rebatable drug, with respect to an applicable period, units of each dosage form and strength of such part D rebatable drug for which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act.

''(C) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part D rebatable drug and an applicable period—

''(i) in the case of a part D rebatable drug that is described as currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the applicable period;

''(ii) in the case of a generic part D rebatable drug (described in subsection (g)(1)(C)(ii)) or a biosimilar (defined as a biological product licensed under section 351(k) of the Public Health Service Act), when the Secretary determines there is a severe supply chain disruption during the applicable period, such as that caused by a natural disaster or other unique or unexpected event; and

''(iii) in the case of a generic Part D rebatable drug (as so described), if the Secretary determines that without such reduction or waiver, the drug is likely to be described as in shortage on such shortage list during a subsequent applicable period.

''(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

''(B) the ratio of—

''(i) the total number of units of such dosage form and strength reported under section 1927 with respect to each such calendar quarter of such period; to

''(ii) the total number of units of such dosage form and strength reported under section 1927 with respect to such period, as determined by the Secretary.

''(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug for an applicable period, subject to paragraph (5), is—

''(A) the benchmark period manufacturer price determined under paragraph (4) for such dosage form and strength with respect to such drug and period; increased by

''(B) the percentage by which the applicable period CPI–U (as defined in subsection (g)(5)) for the period exceeds the benchmark period CPI–U (as defined in subsection (g)(4)).

''(4) DETERMINATION OF BENCHMARK PERIOD MANUFACTURER PRICE.—The benchmark period manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

''(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of the payment amount benchmark period (as defined in subsection (g)(3)); and

''(B) the ratio of—

''(i) the total number of units reported under section 1927 of such dosage form and strength with respect to each such calendar quarter of such payment amount benchmark period; to

''(ii) the total number of units reported under section 1927 of such dosage form and strength with respect to such payment amount benchmark period.

''(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

''(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug first approved or licensed by the Food and Drug Administration after October 1, 2021, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the first calendar year beginning after the day on which the drug was first marketed and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the first year beginning after the date on which the drug was first marketed'.

''(B) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable period, consistent with the formula applied under subsection (c)(2)(C) of section 1927 for determining a rebate obligation for a rebate period under such section.

''(ii) LINE EXTENSION DEFINED.—In this subparagraph, the term 'line extension' means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release formulation, but does not include an abuse-deterrent formulation of the drug (as determined by the Secretary), regardless of whether such abuse-deterrent formulation is an extended release formulation.

''(C) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), for each applicable period (as defined under subsection (g)(7)) beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term 'payment amount benchmark period' were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such selected drug and subparagraph (B) of paragraph (3) shall be applied as if the term 'benchmark period CPI–U' were defined under subsection (g)(4) as if the reference to 'January 2021' under such subsection were a reference to 'January of the last year beginning during such price applicability period with respect to such drug'.

''(6) RECONCILIATION IN CASE OF REVISED INFORMATION.—The Secretary shall provide for a method and process under which, in the case where a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan submits revisions to the number of units of a rebatable covered part D drug dispensed, the Secretary determines, pursuant to such revisions, adjustments, if any, to the calculation of the amount specified in this subsection for a dosage form and strength with respect to such part D rebatable drug and an applicable period and reconciles any overpayments or underpayments in amounts paid as rebates under this subsection. Any identified underpayment shall be rectified by the manufacturer not later than 30 days after the date of receipt from the Secretary of information on such underpayment.

''(c) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(d) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by—

''(1) manufacturers under section 1927(b)(3);

''(2) States under section 1927(b)(2)(A); and

''(3) PDP sponsors of prescription drug plans and MA organization offering MA–PD plans under this part.

''(e) CIVIL MONEY PENALTY.—If a manufacturer of a part D rebatable drug has failed to comply with the requirement under subsection (a)(2) with respect to such drug for an applicable period, the manufacturer shall be subject to a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such period. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) LIMITATION ON ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

''(1) The determination of units under this section.

''(2) The determination of whether a drug is a part D rebatable drug under this section.

''(3) The calculation of the rebate amount under this section.

''(g) DEFINITIONS.—In this section:

''(1) PART D REBATABLE DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'part D rebatable drug' means, with respect to an applicable period, a drug or biological described in subparagraph (C) that is a covered part D drug (as such term is defined under section 1860D–2(e)).

''(B) EXCLUSION.—

''(i) IN GENERAL.—Such term shall, with respect to an applicable period, not include a drug or biological if the average annual total cost under this part for such period per individual who uses such a drug or biological, as determined by the Secretary, is less than, subject to clause (ii), $100, as determined by the Secretary using the most recent data available or, if data is not available, as estimated by the Secretary.

''(ii) INCREASE.—The dollar amount applied under clause (i)—

''(I) for the applicable period beginning October 1, 2023, shall be the dollar amount specified under such clause for the applicable period beginning October 1, 2022, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of 2023; and

''(II) for a subsequent applicable period, shall be the dollar amount specified in this clause for the previous applicable period, increased by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period beginning with October of the previous period.

Any dollar amount specified under this clause that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(C) DRUG OR BIOLOGICAL DESCRIBED.—A drug or biological described in this subparagraph is a drug or biological that, as of the first day of the applicable period involved, is—

''(i) a drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act;

''(ii) a drug approved under an abbreviated new drug application under section 505(j) of the Federal Food, Drug, and Cosmetic Act, in the case where—

''(I) the reference listed drug approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, including any 'authorized generic drug' (as that term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act), is not being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(II) there is no other drug approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act that is rated as therapeutically equivalent (under the Food and Drug Administration's most recent publication of 'Approved Drug Products with Therapeutic Equivalence Evaluations') and that is being marketed, as identified in the Food and Drug Administration's National Drug Code Directory;

''(III) the manufacturer is not a 'first applicant' during the '180-day exclusivity period', as those terms are defined in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act; and

''(IV) the manufacturer is not a 'first approved applicant' for a competitive generic therapy, as that term is defined in section 505(j)(5)(B)(v) of the Federal Food, Drug, and Cosmetic Act; or

''(iii) a biological licensed under section 351 of the Public Health Service Act.

''(2) UNIT.—The term 'unit' means, with respect to a part D rebatable drug, the lowest dispensable amount (such as a capsule or tablet, milligram of molecules, or grams) of the part D rebatable drug, as reported under section 1927.

''(3) PAYMENT AMOUNT BENCHMARK PERIOD.—The term 'payment amount benchmark period' means the period beginning January 1, 2021, and ending in the month immediately prior to October 1, 2021.

''(4) BENCHMARK PERIOD CPI–U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for January 2021.

''(5) APPLICABLE PERIOD CPI–U.—The term 'applicable period CPI–U' means, with respect to an applicable period, the consumer price index for all urban consumers (United States city average) for the first month of such applicable period.

''(6) AVERAGE MANUFACTURER PRICE.—The term 'average manufacturer price' has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a manufacturer for a rebate period under section 1927.

''(7) APPLICABLE PERIOD.—The term 'applicable period' means a 12-month period beginning with October 1 of a year (beginning with October 1, 2022).

''(h) IMPLEMENTATION FOR 2022, 2023, AND 2024.—The Secretary shall implement this section for 2022, 2023, and 2024 by program instruction or other forms of program guidance.''.

(b) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 11101(c)(1), is amended by striking ''subsection (i) or section 1927'' and inserting ''subsection (i), section 1927, or section 1860D–14B''.

(2) EXCLUDING PART D DRUG INFLATION REBATE FROM BEST PRICE.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)), as amended by section 11101(c)(2), is amended by striking ''or section 1847A(i)'' and inserting '', section 1847A(i), or section 1860D–14B''.

(3) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by sections 11002(b) and 11101(c)(3), is amended by striking ''or section 1192(f), including rebates under paragraph (4) of such section'' and inserting '', section 1192(f), including rebates under paragraph (4) of such section, or section 1860D–14B''.

(4) EXCLUDING PART D DRUG INFLATION REBATES FROM AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 11001(b)(3) and section 11101(c)(4), is amended by adding at the end the following new subclause:

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subclause:

''(VIII) rebates paid by manufacturers under section 1860D–14B.''.

(c) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $80,000,000 for fiscal year 2022, including $12,500,000 to carry out the provisions of, including the amendments made by, this section in fiscal year 2022, and $7,500,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2023 through 2031, to remain available until expended.

PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

SEC. 11201. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2025 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2025 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''through 2024''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2019 through 2024''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2024'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2025,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2024''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and moving the margin of each such redesignated item 2 ems to the right;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2024, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2024 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2023 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for each of years 2021 through 2024''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2025, is equal to $2,000; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)—

(i) in clause (i), by striking ''and for amounts'' and inserting ''and, for a year preceding 2025, for amounts''; and

(ii) in clause (iii)—

(I) by redesignating subclauses (I) through (IV) as items (aa) through (dd) and indenting appropriately;

(II) by striking ''if such costs are borne or paid'' and inserting ''if such costs—

''(I) are borne or paid—''; and

(III) in item (dd), by striking the period at the end and inserting ''; or''; and

(IV) by adding at the end the following new subclause:

''(II) for 2025 and subsequent years, are reimbursed through insurance, a group health plan, or certain other third party payment arrangements, but not including the coverage provided by a prescription drug plan or an MA–PD plan that is basic prescription drug coverage (as defined in subsection (a)(3)) or any payments by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of years 2011 through 2024, in applying''.

(b) REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2025, 80 percent'';

(B) in subparagraph (A), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) for 2025 and each subsequent year, the sum of—

''(i) with respect to applicable drugs (as defined in section 1860D–14C(g)(2)), an amount equal to 20 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B); and

''(ii) with respect to covered part D drugs that are not applicable drugs (as so defined), an amount equal to 40 percent of such allowable reinsurance costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B).'';

(2) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

(B) by adding at the end the following new subparagraph:

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14C(g)(6)) of an applicable drug (as defined in section 1860D–14C(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14C.''; and

(3) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''(or, with respect to 2025 and subsequent years, in the case of an applicable drug, as defined in section 1860D–14C(g)(2), by a manufacturer)'' after ''by the individual or under the plan''.

(c) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 through 42 U.S.C. 1395w–153), as amended by section 11102, is amended by inserting after section 1860D–14B the following new sections:

''SEC. 1860D–14C. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c).

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide, in accordance with this section, discounted prices for applicable drugs of the manufacturer that are dispensed to applicable beneficiaries on or after January 1, 2025.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting—

''(i) the application of a coinsurance of 25 percent of the negotiated price, as applied under paragraph (2)(A) of section 1860D–2(b), for costs described in such paragraph; or

''(ii) the application of the copayment amount described in paragraph (4)(A) of such section, with respect to costs described in such paragraph.

''(C) TIMING OF AGREEMENT.—

''(i) SPECIAL RULE FOR 2025.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2025, and ending on December 31, 2025, the manufacturer shall enter into such agreement not later than March 1, 2024.

''(ii) 2026 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2026 or a subsequent plan year, the manufacturer shall enter into such agreement not later than a calendar quarter or semi-annual deadline established by the Secretary.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary, as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary shall provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 31 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 31 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect at the start of a calendar quarter or another date specified by the Secretary.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(C) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as specified by the Secretary; and

''(D) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, prescription drug plans and MA–PD plans, and the Secretary.

''(2) MONITORING COMPLIANCE.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(e) CIVIL MONEY PENALTY.—

''(1) IN GENERAL.—A manufacturer that fails to provide discounted prices for applicable drugs of the manufacturer dispensed to applicable beneficiaries in accordance with an agreement in effect under this section shall be subject to a civil money penalty for each such failure in an amount the Secretary determines is equal to the sum of—

''(A) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(B) 25 percent of such amount.

''(2) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that exceed the annual deductible specified in section 1860D–2(b)(1).

''(2) APPLICABLE DRUG.—The term 'applicable drug', with respect to an applicable beneficiary—

''(A) means a covered part D drug—

''(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act; and

''(ii)(I) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(II) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(III) is provided through an exception or appeal; and

''(B) does not include a selected drug (as referred to under section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)) with respect to such drug.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means, subject to subparagraphs (B) and (C), with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—

''(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, 90 percent of the negotiated price of such drug; and

''(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 80 percent of the negotiated price of such drug.

''(B) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary who is a subsidy eligible individual (as defined in section 1860D–14(a)(3)), the term 'discounted price' means the specified LIS percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (II), the term 'specified manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer had a coverage gap discount agreement under section 1860D–14A;

''(bb) the total expenditures for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year and covered under this part during such year represented less than 1.0 percent of the total expenditures under this part for all covered Part D drugs during such year; and

''(cc) the total expenditures for all of the specified drugs of the manufacturer that are single source drugs and biological products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for all drugs or biological products for which payment may be made under such part during such year.

''(II) SPECIFIED DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified drug' means, with respect to a specified manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED LIS PERCENT.—In this subparagraph, the 'specified LIS percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary described in clause (i) who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(C) PHASE-IN FOR SPECIFIED SMALL MANUFACTURERS.—

''(i) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary, the term 'discounted price' means the specified small manufacturer percent (as defined in clause (iii)) of the negotiated price of the applicable drug of the manufacturer.

''(ii) SPECIFIED SMALL MANUFACTURER.—

''(I) IN GENERAL.—In this subparagraph, subject to subclause (III), the term 'specified small manufacturer' means a manufacturer of an applicable drug for which, in 2021—

''(aa) the manufacturer is a specified manufacturer (as defined in subparagraph (B)(ii)); and

''(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are covered by the agreement or agreements under section 1860D–14A of such manufacturer for such year and covered under this part during such year are equal to or more than 80 percent of the total expenditures under this part for all specified small manufacturer drugs of the manufacturer that are covered by such agreement or agreements for such year and covered under this part during such year.

''(II) SPECIFIED SMALL MANUFACTURER DRUGS.—

''(aa) IN GENERAL.—For purposes of this clause, the term 'specified small manufacturer drugs' means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or processed by the manufacturer.

''(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

''(III) LIMITATION.—The term 'specified small manufacturer' shall not include a manufacturer described in subclause (I) if such manufacturer is acquired after 2021 by another manufacturer that is not a specified small manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

''(iii) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term 'specified small manufacturer percent' means, with respect to a year—

''(I) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent; and

''(ee) for 2029 and each subsequent year, 90 percent; and

''(II) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

''(aa) for 2025, 99 percent;

''(bb) for 2026, 98 percent;

''(cc) for 2027, 95 percent;

''(dd) for 2028, 92 percent;

''(ee) for 2029, 90 percent;

''(ff) for 2030, 85 percent; and

''(gg) for 2031 and each subsequent year, 80 percent.

''(D) TOTAL EXPENDITURES.—For purposes of this paragraph, the term 'total expenditures' includes, in the case of expenditures with respect to part D, the total gross covered prescription drug costs as defined in section 1860D–15(b)(3). The term 'total expenditures' excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

''(E) SPECIAL CASE FOR CERTAIN CLAIMS.—

''(i) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

''(ii) CLAIMS SPANNING OUT-OF-POCKET THRESHOLD.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price—

''(I) in accordance with subparagraph (A)(i) on the portion of the negotiated price of the applicable drug that falls below such threshold; and

''(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term for purposes of section 1860D–2(d)(1)(B), and, with respect to an applicable drug, such negotiated price shall include any dispensing fee and, if applicable, any vaccine administration fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).

''SEC. 1860D–14D. SELECTED DRUG SUBSIDY PROGRAM.

''With respect to covered part D drugs that would be applicable drugs (as defined in section 1860D–14C(g)(2)) but for the application of subparagraph (B) of such section, the Secretary shall provide a process whereby, in the case of an applicable beneficiary (as defined in section 1860D–14C(g)(1)) who, with respect to a year, is enrolled in a prescription drug plan or is enrolled in an MA–PD plan, has not incurred costs that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(i), and is dispensed such a drug, the Secretary (periodically and on a timely basis) provides the PDP sponsor or the MA organization offering the plan, a subsidy with respect to such drug that is equal to 10 percent of the negotiated price (as defined in section 1860D–14C(g)(6)) of such drug.''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395w–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2025, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply on and after January 1, 2025, with respect to applicable drugs dispensed prior to such date.''.

(3) SELECTED DRUG SUBSIDY PAYMENTS FROM MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(b)(1) of the Social Security Act (42 U.S.C. 1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) payments under section 1860D–14D (relating to selected drug subsidy payments).''.

(d) MEDICARE PART D PREMIUM STABILIZATION.—

(1) 2024 THROUGH 2029.—Section 1860D–13 of the Social Security Act (42 U.S.C. 1395w–113) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A), by inserting ''or (8) (as applicable)'' after ''paragraph (2)'';

(ii) in paragraph (2), in the matter preceding subparagraph (A), by striking ''The base'' and inserting ''Subject to paragraph (8), the base'';

(iii) in paragraph (7)—

(I) in subparagraph (B)(ii), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

(II) in subparagraph (E)(i), by inserting ''or (8) (as applicable)'' after ''paragraph (2)''; and

(iv) by adding at the end the following new paragraph:

''(8) PREMIUM STABILIZATION.—

''(A) IN GENERAL.—The base beneficiary premium under this paragraph for a prescription drug plan for a month in 2024 through 2029 shall be computed as follows:

''(i) 2024.—The base beneficiary premium for a month in 2024 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under paragraph (2) for a month in 2023 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2024 that would have applied if this paragraph had not been enacted.

''(ii) 2025.—The base beneficiary premium for a month in 2025 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (i) for a month in 2024 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2025 that would have applied if this paragraph had not been enacted.

''(iii) 2026.—The base beneficiary premium for a month in 2026 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (ii) for a month in 2025 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2026 that would have applied if this paragraph had not been enacted.

''(iv) 2027.—The base beneficiary premium for a month in 2027 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iii) for a month in 2026 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2027 that would have applied if this paragraph had not been enacted.

''(v) 2028.—The base beneficiary premium for a month in 2028 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (iv) for a month in 2027 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2028 that would have applied if this paragraph had not been enacted.

''(vi) 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of—

''(I) the base beneficiary premium computed under clause (v) for a month in 2028 increased by 6 percent; or

''(II) the base beneficiary premium computed under paragraph (2) for a month in 2029 that would have applied if this paragraph had not been enacted.

''(B) CLARIFICATION REGARDING 2030 AND SUBSEQUENT YEARS.—The base beneficiary premium for a month in 2030 or a subsequent year shall be computed under paragraph (2) without regard to this paragraph.''; and

(B) in subsection (b)(3)(A)(ii), by striking ''subsection (a)(2)'' and inserting ''paragraph (2) or (8) of subsection (a) (as applicable)''.

(2) ADJUSTMENT TO BENEFICIARY PREMIUM PERCENTAGE FOR 2030 AND SUBSEQUENT YEARS.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)), as amended by paragraph (1), is amended—

(A) in paragraph (3)(A), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

(B) by adding at the end the following new paragraph:

''(9) PERCENT SPECIFIED.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of paragraph (3)(A), the percent specified under this paragraph for 2030 and each subsequent year is the percent that the Secretary determines is necessary to ensure that the base beneficiary premium computed under paragraph (2) for a month in 2030 is equal to the lesser of—

''(i) the base beneficiary premium computed under paragraph (8)(A)(vi) for a month in 2029 increased by 6 percent; or

''(ii) the base beneficiary premium computed under paragraph (2) for a month in 2030 that would have applied if this paragraph had not been enacted.

''(B) FLOOR.—The percent specified under subparagraph (A) may not be less than 20 percent.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 1854(b)(2)(B) of the Social Security Act 42 U.S.C. 1395w–24(b)(2)(B)) is amended by striking ''section 1860D–13(a)(2)'' and inserting ''paragraph (2) or (8) (as applicable) of section 1860D–13(a)''.

(B) Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by inserting ''(or, for 2030 and each subsequent year, the percent specified under section 1860D–13(a)(9))'' after ''25.5 percent''.

(C) Section 1860D–13(a)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)) is amended—

(i) in subclause (I), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''; and

(ii) in subclause (II), by inserting ''(or, for 2030 and each subsequent year, the percent specified under paragraph (9))'' after ''25.5 percent''.

(D) Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is amended—

(i) in the matter preceding paragraph (1), by inserting ''(or, for each of 2024 through 2029, the percent applicable as a result of the application of section 1860D–13(a)(8), or, for 2030 and each subsequent year, 100 percent minus the percent specified under section 1860D–13(a)(9))'' after ''74.5 percent''; and

(ii) in paragraph (1)(B), by striking ''paragraph (2) of section 1860D–13(a)'' and inserting ''paragraph (2) or (8) of section 1860D–13(a) (as applicable)''.

(e) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or, for a year preceding 2025, an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or, for a year preceding 2025, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2025, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2024, the elimination''; and

(B) in paragraph (2)(E), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2025, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14C.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2025'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) participate in—

''(A) for 2011 through 2024, the Medicare coverage gap discount program under section 1860D–14A; and

''(B) for 2025 and each subsequent year, the manufacturer discount program under section 1860D–14C;'';

(ii) by striking paragraph (2) and inserting the following:

''(2) have entered into and have in effect—

''(A) for 2011 through 2024, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

''(B) for 2025 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and''; and

(iii) in paragraph (3), by striking ''such section'' and inserting ''section 1860D–14A''; and

(B) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1)(A), (2)(A), and (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2025, and paragraphs (1)(B) and (2)(B) of such subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2025.''.

(8) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(A) in subsection (c)(1)(C)(i)(VI), by inserting before the period at the end the following: ''or under the manufacturer discount program under section 1860D–14C''; and

(B) in subsection (k)(1)(B)(i)(V), by inserting before the period at the end the following: ''or under section 1860D–14C''.

(f) IMPLEMENTATION FOR 2024 THROUGH 2026.—The Secretary shall implement this section, including the amendments made by this section, for 2024, 2025, and 2026 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $341,000,000 for fiscal year 2022, including $20,000,000 and $65,000,000 to carry out the provisions of, including the amendments made by, this section in fiscal years 2022 and 2023, respectively, and $32,000,000 to carry out the provisions of, including the amendments made by, this section in each of fiscal years 2024 through 2031, to remain available until expended.

SEC. 11202. MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

(B) by adding at the end the following new subparagraph:

''(E) MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee of such plan, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D–14(a)), the option to elect with respect to a plan year to pay cost-sharing under the plan in monthly amounts that are capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year for which an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month for which the enrollee has made an election pursuant to clause (i), an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional out-of-pocket costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph—

''(aa) the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B); and

''(bb) the PDP sponsor or MA organization may preclude the enrollee from making an election pursuant to clause (i) in a subsequent plan year.

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''subparagraph (E)'' and inserting ''subparagraph (E) or subparagraph (F)''; and

(B) by adding at the end the following new subparagraph:

''(F) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST-SHARING.—The maximum monthly cap on cost-sharing payments shall apply to coverage with respect to an enrollee who has made an election pursuant to clause (i) of subsection (b)(2)(E) under the option provided under such subsection.''.

(c) IMPLEMENTATION FOR 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2025 by program instruction or other forms of program guidance.

(d) FUNDING.—In addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $10,000,000 for fiscal year 2023, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

PART 4—CONTINUED DELAY OF IMPLEMENTATION OF PRESCRIPTION DRUG REBATE RULE

SEC. 11301. EXTENSION OF MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIMINATING THE ANTI-KICKBACK STATUTE SAFE HARBOR PROTECTION FOR PRESCRIPTION DRUG REBATES.

The Secretary of Health and Human Services shall not, prior to January 1, 2032, implement, administer, or enforce the provisions of the final rule published by the Office of the Inspector General of the Department of Health and Human Services on November 30, 2020, and titled ''Fraud and Abuse; Removal of Safe Harbor Protection for Rebates Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection for Certain Point-of-Sale Reductions in Price on Prescription Pharmaceuticals and Certain Pharmacy Benefit Manager Service Fees'' (85 Fed. Reg. 76666).

PART 5—MISCELLANEOUS

SEC. 11401. COVERAGE OF ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES UNDER MEDICARE PART D.

(a) ENSURING TREATMENT OF COST-SHARING AND DEDUCTIBLE IS CONSISTENT WITH TREATMENT OF VACCINES UNDER MEDICARE PART B.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by sections 11201 and 11202, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and paragraph (8)'' after ''and (E)'';

(ii) in subparagraph (C)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)''; and

(iii) in subparagraph (D)(i), in the matter preceding subclause (I), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (8)'';

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking ''and (4)'' and inserting ''(4), and (8)'';

(D) in paragraph (4)(A)(i), by striking ''The coverage'' and inserting ''Subject to paragraph (8), the coverage''; and

(E) by adding at the end the following new paragraph:

''(8) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES CONSISTENT WITH TREATMENT OF VACCINES UNDER PART B.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in subparagraph (B))—

''(i) the deductible under paragraph (1) shall not apply; and

''(ii) there shall be no coinsurance or other cost-sharing under this part with respect to such vaccine.

''(B) ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For purposes of this paragraph, the term 'adult vaccine recommended by the Advisory Committee on Immunization Practices' means a covered part D drug that is a vaccine licensed under section 351 of the Public Health Service Act for use by adult populations and administered in accordance with recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(5) TREATMENT OF COST-SHARING FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—The coverage is in accordance with subsection (b)(8).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by section 11201, is amended—

(1) in paragraph (1)(D), in each of clauses (ii) and (iii), by striking ''In the case'' and inserting ''Subject to paragraph (6), in the case'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''A reduction'' and inserting ''Subject to section 1860D–2(b)(8), a reduction'';

(B) in subparagraph (D), by striking ''The substitution'' and inserting ''Subject to paragraph (6), the substitution''; and

(C) in subparagraph (E), by striking ''subsection (c)'' and inserting ''paragraph (6) of this subsection and subsection (c)''; and

(3) by adding at the end the following new paragraph:

''(6) NO APPLICATION OF COST-SHARING OR DEDUCTIBLE FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES.—For plan years beginning on or after January 1, 2023, with respect to an adult vaccine recommended by the Advisory Committee on Immunization Practices (as defined in section 1860D–2(b)(8)(B))—

''(A) the deductible under section 1860D–2(b)(1) shall not apply; and

''(B) there shall be no cost-sharing under this section with respect to such vaccine.''.

(c) TEMPORARY RETROSPECTIVE SUBSIDY.—

(1) IN GENERAL.—Section 1860D–15 of the Social Security Act (42 U.S.C. 1395w–115) is amended by adding at the end the following new subsection:

''(h) TEMPORARY RETROSPECTIVE SUBSIDY FOR REDUCTION IN COST-SHARING AND DEDUCTIBLE FOR ADULT VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES DURING 2023.—

''(1) IN GENERAL.—In addition to amounts otherwise payable under this section to a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan, for plan year 2023, the Secretary shall provide the PDP sponsor or MA organization offering the plan subsidies in an amount equal to the aggregate reduction in cost-sharing and deductible by reason of the application of section 1860D–2(b)(8) for individuals under the plan during the year.

''(2) TIMING.—The Secretary shall provide a subsidy under paragraph (1), as applicable, not later than 18 months following the end of the applicable plan year.''.

(2) TREATMENT AS INCURRED COSTS.—Section 1860D–2(b)(4)(C)(iii)(I) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(iii)(I)), as amended by section 11201(a)(3)(C), is amended—

(A) in item (cc), by striking ''or'' at the end; and

(B) by adding at the end the following new item:

''(dd) under section 1860D–15(h); or''.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting

coverage under part D of title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(e) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary shall implement this section, including the amendments made by this section, for 2023, 2024, and 2025, by program instruction or other forms of program guidance.

SEC. 11402. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

(4) by adding at the end the following new subparagraph:

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after July 1, 2024, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

SEC. 11403. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR CERTAIN BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margin of each such redesignated clause 2 ems to the right;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

(3) by adding at the end the following new subparagraph:

''(B) TEMPORARY PAYMENT INCREASE.—

''(i) IN GENERAL.—In the case of a qualifying biosimilar biological product that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product with respect to such period is the sum determined under subparagraph (A), except that clause (ii) of such subparagraph shall be applied by substituting '8 percent' for '6 percent'.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a qualifying biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of September 30, 2022, the 5-year period beginning on October 1, 2022; and

''(II) in the case of such a product for which payment is first made under this paragraph during a calendar quarter during the period beginning October 1, 2022, and ending December 31, 2027, the 5-year period beginning on the first day of such calendar quarter during which such payment is first made.

''(iii) QUALIFYING BIOSIMILAR BIOLOGICAL PRODUCT DEFINED.—For purposes of this subparagraph, the term 'qualifying biosimilar biological product' means a biosimilar biological product described in paragraph (1)(C) with respect to which—

''(I) in the case of a product described in clause (ii)(I), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product; and

''(II) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the reference biological product.''.

SEC. 11404. EXPANDING ELIGIBILITY FOR LOW-INCOME SUBSIDIES UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by sections 11201 and 11401, is amended—

(1) in the subsection heading, by striking ''INDIVIDUALS'' and all that follows through ''LINE'' and inserting ''CERTAIN INDIVIDUALS'';

(2) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''INDIVIDUALS WITH CERTAIN LOW INCOMES''; and

(B) in the matter preceding subparagraph (A)—

(i) by inserting ''(or, with respect to a plan year beginning on or after January 1, 2024, 150 percent)'' after ''135 percent''; and

(ii) by inserting ''(or, with respect to a plan year beginning on or after January 1, 2024, paragraph (3)(E))'' after ''the resources requirement described in paragraph (3)(D)''; and

(3) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''OTHER LOW-INCOME INDIVIDUALS''; and

(B) in the matter preceding subparagraph (A), by striking ''In the case of a subsidy'' and inserting ''With respect to a plan year beginning before January 1, 2024, in the case of a subsidy''.

SEC. 11405. IMPROVING ACCESS TO ADULT VACCINES UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—

(A) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by inserting ''(13)(B),'' after ''(5),''.

(B) MEDICALLY NEEDY.—Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting '', (13)(B),'' after ''(5)''.

(2) NO COST SHARING FOR VACCINATIONS.—

(A) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(i) in subsection (a)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''; and

(ii) in subsection (b)(2)—

(I) in subparagraph (G), by inserting a comma after ''State plan'';

(II) in subparagraph (H), by striking ''; or'' and inserting a comma;

(III) in subparagraph (I), by striking ''; and'' and inserting '', or''; and

(IV) by adding at the end the following new subparagraph:

''(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines; and''.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

''(xiv) Vaccines described in section 1905(a)(13)(B) and the administration of such vaccines.''.

(3) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking ''and (5)'' and inserting ''(5)'';

(B) by striking ''services and vaccines described in subparagraphs (A) and (B) of subsection (a)(13), and prohibits cost-sharing for such services and vaccines'' and inserting ''services described in subsection (a)(13)(A), and prohibits cost-sharing for such services'';

(C) by striking ''medical assistance for such services and vaccines'' and inserting ''medical assistance for such services''; and

(D) by inserting '', and (6) during the first 8 fiscal quarters beginning on or after the effective date of this clause, in the case of a State which, as of the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', provides medical assistance for vaccines described in subsection (a)(13)(B) and their administration and prohibits cost-sharing for such vaccines, the Federal medical assistance percentage, as determined under this subsection and subsection (y), shall be increased by 1 percentage point with respect to medical assistance for such vaccines and their administration'' before the first period.

(b) CHIP.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

''(12) REQUIRED COVERAGE OF APPROVED, RECOMMENDED ADULT VACCINES AND THEIR ADMINISTRATION.—Regardless of the type of coverage elected by a State under subsection (a), if the State child health plan or a waiver of such plan provides child health assistance or pregnancy-related assistance (as defined in section 2112) to an individual who is 19 years of age or older, such assistance shall include coverage of vaccines described in section 1905(a)(13)(B) and their administration.''.

(2) NO COST-SHARING FOR VACCINATIONS.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting ''vaccines described in subsection (c)(12) (and the administration of such vaccines),'' after ''in vitro diagnostic products described in subsection (c)(10) (and administration of such products),''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the 1st day of the 1st fiscal quarter that begins on or after the date that is 1 year after the date of enactment of this Act and shall apply to expenditures made under a State plan or waiver of such plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w–6) or under a State child health plan or waiver of such plan under title XXI of such Act (42 U.S.C. 1397aa through 1397mm) on or after such effective date.

SEC. 11406. APPROPRIATE COST-SHARING FOR COVERED INSULIN PRODUCTS UNDER MEDICARE PART D.

(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102), as amended by sections 11201, 11202, and 11401, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)'';

(ii) in subparagraph (C)(i), in the matter preceding subclause (I), by striking ''and (8)'' and inserting '', (8), and (9)''; and

(iii) in subparagraph (D)(i), in the matter preceding subclause (I), by striking ''and (8)'' and inserting '', (8), and (9)'';

(C) in paragraph (3)(A), in the matter preceding clause (i), by striking ''and (8)'' and inserting ''(8), and (9)'';

(D) in paragraph (4)(A)(i), by striking ''paragraph (8)'' and inserting ''paragraphs (8) and (9)''; and

(E) by adding at the end the following new paragraph:

''(9) TREATMENT OF COST-SHARING FOR COVERED INSULIN PRODUCTS.—

''(A) NO APPLICATION OF DEDUCTIBLE.—For plan year 2023 and subsequent plan years, the deductible under paragraph (1) shall not apply with respect to any covered insulin product.

''(B) APPLICATION OF COST-SHARING.—

''(i) PLAN YEARS 2023 AND 2024.—For plan years 2023 and 2024, the coverage provides benefits for any covered insulin product, regardless of whether an individual has reached the initial coverage limit under paragraph (3) or the out-of-pocket threshold under paragraph (4), with cost-sharing for a month's supply that does not exceed the applicable copayment amount.

''(ii) PLAN YEAR 2025 AND SUBSEQUENT PLAN YEARS.—For a plan year beginning on or after January 1, 2025, the coverage provides benefits for any covered insulin product, prior to an individual reaching the out-of-pocket threshold under paragraph (4), with cost-sharing for a month's supply that does not exceed the applicable copayment amount.

''(C) COVERED INSULIN PRODUCT.—In this paragraph, the term 'covered insulin product' means an insulin product that is a covered part D drug covered under the prescription drug plan or MA–PD plan that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any covered insulin product that has been deemed to be licensed under section 351 of the Public Health Service Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and marketed pursuant to such section.

''(D) APPLICABLE COPAYMENT AMOUNT.—In this paragraph, the term 'applicable copayment amount' means, with respect to a covered insulin product under a prescription drug plan or an MA–PD plan dispensed—

''(i) during plan years 2023, 2024, and 2025, $35; and

''(ii) during plan year 2026 and each subsequent plan year, the lesser of—

''(I) $35;

''(II) an amount equal to 25 percent of the maximum fair price established for the covered insulin product in accordance with part E of title XI; or

''(III) an amount equal to 25 percent of the negotiated price of the covered insulin product under the prescription drug plan or MA–PD plan.

''(E) SPECIAL RULE FOR FIRST 3 MONTHS OF 2023.—With respect to a month's supply of a covered insulin product dispensed during the period beginning on January 1, 2023, and ending on March 31, 2023, a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan shall reimburse an enrollee within 30 days for any cost-sharing paid by such enrollee that exceeds the cost-sharing applied by the prescription drug plan or MA–PD plan under subparagraph (B)(i) at the point-of-sale for such month's supply.''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(6) TREATMENT OF COST-SHARING FOR COVERED INSULIN PRODUCTS.—The coverage is provided in accordance with subsection (b)(9).''.

(b) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)), as amended by sections 11201, 11401, and 11404, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(iii), by adding at the end the following new sentence: ''For plan year 2023 and subsequent plan years, the copayment amount applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(B) in subparagraph (E), by inserting the following before the period at the end: ''or under section 1860D–2(b)(9) in the case of a covered insulin product (as defined in subparagraph (C) of such section)''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''section 1860D–2(b)(8)'' and inserting ''paragraphs (8) and (9) of section 1860D–2(b)'';

(B) in subparagraph (D), by adding at the end the following new sentence: ''For plan year 2023, the amount of the coinsurance applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''; and

(C) in subparagraph (E), by adding at the end the following new sentence: ''For plan year 2023, the amount of the copayment or coinsurance applicable under the preceding sentence to a month's supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.''.

(c) TEMPORARY RETROSPECTIVE SUBSIDY.—Section 1860D–15(h) of the Social Security Act (42 U.S.C. 1395w–115(h)), as added by section 11401(c), is amended—

(1) in the subsection heading, by inserting ''AND INSULIN'' after ''PRACTICES''; and

(2) in paragraph (1), by striking ''section 1860D–2(b)(8)'' and inserting ''paragraph (8) or (9) of section 1860D–2(b)''.

(d) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary shall implement this section for plan years 2023, 2024, and 2025 by program instruction or other forms of program guidance.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $1,500,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

SEC. 11407. LIMITATION ON MONTHLY COINSURANCE AND ADJUSTMENTS TO SUPPLIER PAYMENT UNDER MEDICARE PART B FOR INSULIN FURNISHED THROUGH DURABLE MEDICAL EQUIPMENT.

(a) WAIVER OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(1) by striking ''and (12)'' and inserting ''(12)''; and

(2) by inserting before the period the following: '', and (13) such deductible shall not apply with respect to insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n).''.

(b) COINSURANCE.—

(1) IN GENERAL.—Section 1833(a)(1)(S) of the Social Security Act (42 U.S.C. 1395l(a)(1)(S)) is amended—

(A) by inserting ''(i) except as provided in clause (ii),'' after ''(S)''; and

(B) by inserting after ''or 1847B),'' the following: ''and (ii) with respect to insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), the amounts paid shall be, subject to the fourth sentence of this subsection, 80 percent of the payment amount established under section 1847A (or section 1847B, if applicable) for such insulin,''.

(2) ADJUSTMENT TO SUPPLIER PAYMENTS; LIMITATION ON MONTHLY COINSURANCE.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended, in the flush matter at the end, by adding at the end the following new sentence: ''The Secretary shall make such adjustments as may be necessary to the amounts paid as specified under paragraph (1)(S)(ii) for insulin furnished on or after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), such that the amount of coinsurance payable by an individual enrolled under this part for a month's supply of such insulin does not exceed $35.''.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement this section for 2023 by program instruction or other forms of program guidance.

SEC. 11408. SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR INSULIN.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR CERTAIN INSULIN PRODUCTS.—

''(i) IN GENERAL.—A plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for selected insulin products.

''(ii) SELECTED INSULIN PRODUCTS.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'selected insulin products' means any dosage form (such as vial, pump, or inhaler dosage forms) of any different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin.

''(II) INSULIN.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2022.

Subtitle C—Affordable Care Act Subsidies

SEC. 12001. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) IN GENERAL.—Clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(b) EXTENSION THROUGH 2025 OF RULE TO ALLOW CREDIT TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—Section 36B(c)(1)(E) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''in 2021 or 2022'' and inserting ''after December 31, 2020, and before January 1, 2026'', and

(2) by striking ''2021 AND 2022'' in the heading and inserting ''2021 THROUGH 2025''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

Subtitle D—Energy Security

SEC. 13001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CLEAN ELECTRICITY AND REDUCING CARBON EMISSIONS

SEC. 13101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2022'' each place it appears and inserting ''January 1, 2025'':

(1) Paragraph (2)(A).

(2) Paragraph (3)(A).

(3) Paragraph (6).

(4) Paragraph (7).

(5) Paragraph (9).

(6) Paragraph (11)(B).

(b) BASE CREDIT AMOUNT.—Section 45 is amended—

(1) in subsection (a)(1), by striking ''1.5 cents'' and inserting ''0.3 cents'', and

(2) in subsection (b)(2), by striking ''1.5 cent'' and inserting ''0.3 cent''.

(c) APPLICATION OF EXTENSION TO GEOTHERMAL AND SOLAR.—Section 45(d)(4) is amended by striking ''and which'' and all that follows through ''January 1, 2022'' and inserting ''and the construction of which begins before January 1, 2025''.

(d) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(e) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2025''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5) is amended by inserting ''which is placed in service before January 1, 2022'' after ''using wind to produce electricity''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E) is amended by inserting ''placed in service before January 1, 2022, and'' before ''treated as energy property''.

(3) QUALIFIED OFFSHORE WIND FACILITIES UNDER ENERGY CREDIT.—Section 48(a)(5)(F)(i) is amended by striking ''offshore wind facility'' and all that follows and inserting the following: ''offshore wind facility, subparagraph (E) shall not apply.''.

(f) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45(b) is amended by adding at the end the following new paragraphs:

''(6) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (5) and without regard to this paragraph) shall be equal to such amount multiplied by 5.

''(B) QUALIFIED FACILITY REQUIREMENTS.—A qualified facility meets the requirements of this subparagraph if it is one of the following:

''(i) A facility with a maximum net output of less than 1 megawatt (as measured in alternating current).

''(ii) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7)(A) and (8).

''(iii) A facility which satisfies the requirements of paragraphs (7)(A) and (8).

''(7) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (6)(A) for a taxable year, the requirement under clause (ii) is applied to such taxable year in which the alteration or repair of the qualified facility occurs.''

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

''(i) IN GENERAL.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of any qualified facility or with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

''(I) makes payment to such laborer or mechanic in an amount equal to the sum of—

''(aa) an amount equal to the difference between—

''(AA) the amount of wages paid to such laborer or mechanic during such period, and

''(BB) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

''(bb) interest on the amount determined under item (aa) at the underpayment rate established under section 6621 (determined by substituting '6 percentage points' for '3 percentage points' in subsection (a)(2) of such section) for the period described in such item, and

''(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $5,000, multiplied by

''(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

''(ii) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply with respect to the assessment or collection of any penalty imposed by this paragraph.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in clause (i) is due to intentional disregard of the requirements under subparagraph (A), such clause shall be applied—

''(I) in subclause (I), by substituting 'three times the sum' for 'the sum', and

''(II) in subclause (II), by substituting '$10,000' for '5,000' in item (aa) thereof.

''(iv) LIMITATION ON PERIOD FOR PAYMENT.—Pursuant to rules issued by the Secretary, in the case of a final determination by the Secretary with respect to any failure by the taxpayer to satisfy the requirement under subparagraph (A), subparagraph (B)(i) shall not apply unless the payments described in subclauses (I) and (II) of such subparagraph are made by the taxpayer on or before the date which is 180 days after the date of such determination.

''(8) APPRENTICESHIP REQUIREMENTS.—The requirements described in this paragraph with respect to the construction of any qualified facility are as follows:

''(A) LABOR HOURS.—

''(i) PERCENTAGE OF TOTAL LABOR HOURS.—Taxpayers shall ensure that, with respect to the construction of any qualified facility, not less than the applicable percentage of the total labor hours of the construction, alteration, or repair work (including such work performed by any contractor or subcontractor) with respect to such facility shall, subject to subparagraph (B), be performed by qualified apprentices.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be—

''(I) in the case of a qualified facility the construction of which begins before January 1, 2023, 10 percent,

''(II) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and

''(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

''(B) APPRENTICE TO JOURNEYWORKER RATIO.—The requirement under subparagraph (A)(i) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

''(C) PARTICIPATION.—Each taxpayer, contractor, or subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work with respect to the construction of a qualified facility shall employ 1 or more qualified apprentices to perform such work.

''(D) EXCEPTION.—

''(i) IN GENERAL.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—

''(I) satisfies the requirements described in clause (ii), or

''(II) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) with respect to the construction, alteration, or repair work on any qualified facility to which subclause (I) does not apply, makes

payment to the Secretary of a penalty in an amount equal to the product of—

''(aa) $50, multiplied by

''(bb) the total labor hours for which the requirement described in such subparagraph was not satisfied with respect to the construction, alteration, or repair work on such qualified facility.

''(ii) GOOD FAITH EFFORT.—For purposes of clause (i), a taxpayer shall be deemed to have satisfied the requirements under this paragraph with respect to a qualified facility if such taxpayer has requested qualified apprentices from a registered apprenticeship program, as defined in section 3131(e)(3)(B), and—

''(I) such request has been denied, provided that such denial is not the result of a refusal by the taxpayer or any contractors or subcontractors engaged in the performance of construction, alteration, or repair work with respect to such qualified facility to comply with the established standards and requirements of the registered apprenticeship program, or

''(II) the registered apprenticeship program fails to respond to such request within 5 business days after the date on which such registered apprenticeship program received such request.

''(iii) INTENTIONAL DISREGARD.—If the Secretary determines that any failure described in subclause (i)(II) is due to intentional disregard of the requirements under subparagraphs (A) and (C), subclause (i)(II) shall be applied by substituting '$500' for '$50' in item (aa) thereof.

''(E) DEFINITIONS.—For purposes of this paragraph—

''(i) LABOR HOURS.—The term 'labor hours'—

''(I) means the total number of hours devoted to the performance of construction, alteration, or repair work by any individual employed by the taxpayer or by any contractor or subcontractor, and

''(II) excludes any hours worked by—

''(aa) foremen,

''(bb) superintendents,

''(cc) owners, or

''(dd) persons employed in a bona fide executive, administrative, or professional capacity (within the meaning of those terms in part 541 of title 29, Code of Federal Regulations).

''(ii) QUALIFIED APPRENTICE.—The term 'qualified apprentice' means an individual who is employed by the taxpayer or by any contractor or subcontractor and who is participating in a registered apprenticeship program, as defined in section 3131(e)(3)(B).

''(9) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(g) DOMESTIC CONTENT, PHASEOUT, AND ENERGY COMMUNITIES.—Section 45(b), as amended by subsection (f), is amended—

(1) by redesignating paragraph (9) as paragraph (12), and

(2) by inserting after paragraph (8) the following:

''(9) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (8)) shall be increased by an amount equal to 10 percent of the amount so determined.

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this clause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be 40 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

''(10) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (9)(B), or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent, and

''(ii) if construction of such facility began in calendar year 2024, 90 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.

''(11) SPECIAL RULE FOR QUALIFIED FACILITY LOCATED IN ENERGY COMMUNITY.—

''(A) IN GENERAL.—In the case of a qualified facility which is located in an energy community, the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.

''(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term 'energy community' means—

''(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(ii)(III) of section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39))),

''(ii) a metropolitan statistical area or non-metropolitan statistical area which—

''(I) has (or, at any time during the period beginning after December 31, 2009, had) 0.17 percent or greater direct employment or 25 percent or greater local tax revenues related to the extraction, processing, transport, or storage of coal, oil, or natural gas (as determined by the Secretary), and

''(II) has an unemployment rate at or above the national average unemployment rate for the previous year (as determined by the Secretary), or

''(iii) a census tract—

''(I) in which—

''(aa) after December 31, 1999, a coal mine has closed, or

''(bb) after December 31, 2009, a coal-fired electric generating unit has been retired, or

''(II) which is directly adjoining to any census tract described in subclause (I).''.

(h) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of 15 percent or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of proceeds of an issue of any obligations the interest on which is exempt from tax under section 103 and which is used to provide financing for the qualified facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the qualified facility for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(i) ROUNDING ADJUSTMENT.—

(1) IN GENERAL.—Section 45(b)(2) is amended by striking the second sentence and inserting the following: ''If the 0.3 cent amount as increased under the preceding sentence is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. In any other case, if an amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) CONFORMING AMENDMENT.—Section 45(b)(4)(A) is amended by striking ''last sentence'' and inserting ''last two sentences''.

(j) HYDROPOWER.—

(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION AND MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45(b)(4)(A), as amended by the preceding provisions of this section, is amended by striking ''(7), (9), or (11)'' and inserting ''or (7)''.

(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

(A) in subsection (c)(10)(A)—

(i) in clause (iii), by striking ''or'',

(ii) in clause (iv), by striking the period at the end and inserting '', or'' and

(iii) by adding at the end the following:

''(v) pressurized water used in a pipeline (or similar man-made water conveyance) which is operated—

''(I) for the distribution of water for agricultural, municipal, or industrial consumption, and

''(II) not primarily for the generation of electricity.'', and

(B) in subsection (d)(11)(A), by striking ''150'' and inserting ''25''.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to facilities placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by subsection (h) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(3) DOMESTIC CONTENT, PHASEOUT, ENERGY COMMUNITIES, AND HYDROPOWER.—The amendments made by subsections (g) and (j) shall apply to facilities placed in service after December 31, 2022.

SEC. 13102. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2024'' each place it appears and inserting ''January 1, 2025'':

(1) Subsection (a)(2)(A)(i)(II).

(2) Subsection (a)(3)(A)(ii).

(3) Subsection (c)(1)(D).

(4) Subsection (c)(2)(D).

(5) Subsection (c)(3)(A)(iv).

(6) Subsection (c)(4)(C).

(7) Subsection (c)(5)(D).

(b) FURTHER EXTENSION FOR CERTAIN ENERGY PROPERTY.—Section 48(a)(3)(A)(vii) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2035''.

(c) PHASEOUT OF CREDIT.—Section 48(a) is amended by striking paragraphs (6) and (7) and inserting the following new paragraph:

''(6) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any qualified fuel cell property, qualified small wind property, or energy property described in clause (i) or clause (ii) of paragraph (3)(A) the construction of which begins after December 31, 2019, and which is placed in service before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to 26 percent.''.

(d) BASE ENERGY PERCENTAGE AMOUNT; PHASEOUT OF CERTAIN ENERGY PROPERTY.—

(1) BASE ENERGY PERCENTAGE AMOUNT.—Section 48(a) is amended—

(A) in paragraph (2)(A)—

(i) in clause (i), by striking ''30 percent'' and inserting ''6 percent'', and

(ii) in clause (ii), by striking ''10 percent'' and inserting ''2 percent'', and

(B) in paragraph (5)(A)(ii), by striking ''30 percent'' and inserting ''6 percent''.

(2) PHASEOUT OF CERTAIN ENERGY PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any energy property described in clause (vii) of paragraph (3)(A), the energy percentage determined under paragraph (2) shall be equal to—

''(A) in the case of any property the construction of which begins before January 1, 2033, and which is placed in service after December 31, 2021, 6 percent,

''(B) in the case of any property the construction of which begins after December 31, 2032, and before January 1, 2034, 5.2 percent, and

''(C) in the case of any property the construction of which begins after December 31, 2033, and before January 1, 2035, 4.4 percent.''.

(e) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 48(a)(2)(A)(i)(II) is amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(f) ENERGY STORAGE TECHNOLOGIES; QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF OTHER PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vii), and by adding at the end the following new clauses:

''(ix) energy storage technology,

''(x) qualified biogas property, or

''(xi) microgrid controllers,''.

(2) APPLICATION OF 6 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclauses (IV) and (V) and adding at the end the following new subclauses:

''(VI) energy storage technology,

''(VII) qualified biogas property,

''(VIII) microgrid controllers, and

''(IX) energy property described in clauses (v) and (vii) of paragraph (3)(A), and''.

(3) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

''(6) ENERGY STORAGE TECHNOLOGY.—

''(A) IN GENERAL.—The term 'energy storage technology' means—

''(i) property (other than property primarily used in the transportation of goods or individuals and not for the production of electricity) which receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, which stores energy), and has a nameplate capacity of not less than 5 kilowatt hours, and

''(ii) thermal energy storage property.

''(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any property which either—

''(i) was placed in service before the date of enactment of this section and would be described in subparagraph (A)(i), except that such property has a capacity of less than 5 kilowatt hours and is modified in a manner that such property (after such modification) has a nameplate capacity of not less than 5 kilowatt hours, or

''(ii) is described in subparagraph (A)(i) and is modified in a manner that such property (after such modification) has an increase in nameplate capacity of not less than 5 kilowatt hours,

such property shall be treated as described in subparagraph (A)(i) except that the basis of any existing property prior to such modification shall not be taken into account for purposes of this section. In the case of any property to which this subparagraph applies, subparagraph (D) shall be applied by substituting 'modification' for 'construction'.

''(C) THERMAL ENERGY STORAGE PROPERTY.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term 'thermal energy storage property' means property comprising a system which—

''(I) is directly connected to a heating, ventilation, or air conditioning system,

''(II) removes heat from, or adds heat to, a storage medium for subsequent use, and

''(III) provides energy for the heating or cooling of the interior of a residential or commercial building.

''(ii) EXCLUSION.—The term 'thermal energy storage property' shall not include—

''(I) a swimming pool,

''(II) combined heat and power system property, or

''(III) a building or its structural components.

''(D) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which begins after December 31, 2024.

''(7) QUALIFIED BIOGAS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

''(i) converts biomass (as defined in section 45K(c)(3), as in effect on the date of enactment of this paragraph) into a gas which—

''(I) consists of not less than 52 percent methane by volume, or

''(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

''(ii) captures such gas for sale or productive use, and not for disposal via combustion.

''(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is part of such system which cleans or conditions such gas.

''(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which begins after December 31, 2024.

''(8) MICROGRID CONTROLLER.—

''(A) IN GENERAL.—The term 'microgrid controller' means equipment which is—

''(i) part of a qualified microgrid, and

''(ii) designed and used to monitor and control the energy resources and loads on such microgrid.

''(B) QUALIFIED MICROGRID.—The term 'qualified microgrid' means an electrical system which—

''(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,

''(ii) is capable of operating—

''(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

''(II) independently (and disconnected) from such grid, and

''(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 824o)).

''(C) TERMINATION.—The term 'microgrid controller' shall not include any property the construction of which begins after December 31, 2024.''.

(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

''(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.''.

(5) PUBLIC UTILITY PROPERTY.—Paragraph (2) of section 50(d) is amended—

(A) by adding after the first sentence the following new sentence: ''At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—'', and

(B) by adding the following new subparagraphs:

''(A) no election under this paragraph shall be permitted if the making of such election is prohibited by a State or political subdivision thereof, by any agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision that regulates public utilities as described in section 7701(a)(33)(A),

''(B) an election under this paragraph shall be made separately with respect to each energy storage technology by the due date (including extensions) of the Federal tax return for the taxable year in which the energy storage technology is placed in service by the taxpayer, and once made, may be revoked only with the consent of the Secretary, and

''(C) an election shall not apply with respect to any energy storage technology if such energy storage technology has a maximum capacity equal to or less than 500 kilowatt hours.''.

(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatt in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not include any assembly which contains rotating parts.''.

(h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting '', or electrochromic glass which uses electricity to change its light transmittance properties in order to heat or cool a structure,'' after ''sunlight''.

(i) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(C) paragraph (1) shall not apply for purposes of determining eligible basis under section 42.''.

(j) INTERCONNECTION PROPERTY.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(8) INTERCONNECTION PROPERTY.—

''(A) IN GENERAL.—For purposes of determining the credit under subsection (a), energy property shall include amounts paid or incurred by the taxpayer for qualified interconnection property in connection with the installation of energy property (as defined in paragraph (3)) which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), to provide for the transmission or distribution of the electricity produced or stored by such property, and which are properly chargeable to the capital account of the taxpayer.

''(B) QUALIFIED INTERCONNECTION PROPERTY.—The term 'qualified interconnection property' means, with respect to an energy project which is not a microgrid controller, any tangible property—

''(i) which is part of an addition, modification, or upgrade to a transmission or distribution system which is required at or beyond the point at which the energy project interconnects to such transmission or distribution system in order to accommodate such interconnection,

''(ii) either—

''(I) which is constructed, reconstructed, or erected by the taxpayer, or

''(II) for which the cost with respect to the construction, reconstruction, or erection of such property is paid or incurred by such taxpayer, and

''(iii) the original use of which, pursuant to an interconnection agreement, commences with a utility.

''(C) INTERCONNECTION AGREEMENT.—The term 'interconnection agreement' means an agreement with a utility for the purposes of interconnecting the energy property owned by such taxpayer to the transmission or distribution system of such utility.

''(D) UTILITY.—For purposes of this paragraph, the term 'utility' means the owner or operator of an electrical transmission or distribution system which is subject to the regulatory authority of a State or political subdivision thereof, any agency or instrumentality of the United States, a public service or public utility commission or other similar body of any State or political subdivision thereof, or the governing or ratemaking body of an electric cooperative.

''(E) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be reduced under rules similar to the rules of section 50(c).''.

(k) ENERGY PROJECTS, WAGE REQUIREMENTS, AND APPRENTICESHIP REQUIREMENTS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

''(A) IN GENERAL.—

''(i) RULE.—In the case of any energy project which satisfies the requirements of subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) and without regard to this clause) shall be equal to such amount multiplied by 5.

''(ii) ENERGY PROJECT DEFINED.—For purposes of this subsection, the term 'energy project' means a project consisting of one or more energy properties that are part of a single project.

''(B) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project with a maximum net output of less than 1 megawatt of electrical (as measured in alternating current) or thermal energy.

''(ii) A project the construction of which begins before the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (10)(A) and (11).

''(iii) A project which satisfies the requirements of paragraphs (10)(A) and (11).

''(10) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such energy project, and

''(ii) for the 5-year period beginning on the date such project is originally placed in service, the alteration or repair of such project, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. Subject to subparagraph (C), for purposes of any determination under paragraph (9)(A)(i) for the taxable year in which the energy project is placed in service, the taxpayer shall be deemed to satisfy the requirement under clause (ii) at the time such project is placed in service.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(C) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under this subsection by reason of this paragraph with respect to any project which does not satisfy the requirements under subparagraph (A) (after application of subparagraph (B)) for the period described in clause (ii) of subparagraph (A) (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

''(11) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.''.

(l) DOMESTIC CONTENT; PHASEOUT FOR ELECTIVE PAYMENT.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

''(12) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any energy project which satisfies the requirement under subparagraph (B), for purposes of applying paragraph (2) with respect to such property, the energy percentage shall be increased by the applicable credit rate increase.

''(B) REQUIREMENT.—Rules similar to the rules of section 45(b)(9)(B) shall apply.

''(C) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be—

''(i) in the case of an energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of an energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.

''(13) PHASEOUT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45(b)(10) shall apply.''.

(m) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Section 48(a)(4) is amended to read as follows:

''(4) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(n) TREATMENT OF CERTAIN CONTRACTS INVOLVING ENERGY STORAGE.—Section 7701(e) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''or'' at the end of subclause (II), by striking ''and'' at the end of subclause (III) and inserting ''or'', and by adding at the end the following new subclause:

''(IV) the operation of a storage facility, and'', and

(B) by adding at the end the following new subparagraph:

''(F) STORAGE FACILITY.—For purposes of subparagraph (A), the term 'storage facility' means a facility which uses energy storage technology within the meaning of section 48(c)(6).'', and

(2) in paragraph (4), by striking ''or water treatment works facility'' and inserting ''water treatment works facility, or storage facility''.

(o) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(14) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—

''(A) IN GENERAL.—In the case of any energy project that is placed in service within an energy community (as defined in section

45(b)(11)(B), as applied by substituting 'energy project' for 'qualified facility' each place it appears), for purposes of applying paragraph (2) with respect to energy property which is part of such project, the energy percentage shall be increased by the applicable credit rate increase.

''(B) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be equal to—

''(i) in the case of any energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

''(ii) in the case of any energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.''.

(p) REGULATIONS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(15) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(q) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to property placed in service after December 31, 2021.

(2) OTHER PROPERTY.—The amendments made by subsections (f), (g), (h), (i), (j), (l), (n), and (o) shall apply to property placed in service after December 31, 2022.

(3) SPECIAL RULE FOR PROPERTY FINANCED BY TAX-EXEMPT BONDS.—The amendments made by subsection (m) shall apply to property the construction of which begins after the date of enactment of this Act.

SEC. 13103. INCREASE IN ENERGY CREDIT FOR SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.

(a) IN GENERAL.—Section 48 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR CERTAIN SOLAR AND WIND FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any qualified solar and wind facility with respect to which the Secretary makes an allocation of environmental justice solar and wind capacity limitation under paragraph (4)—

''(A) the energy percentage otherwise determined under paragraph (2) or (5) of subsection (a) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified solar and wind facility' means any facility—

''(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) or (vi) of subsection (a)(3)(A),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this section, the term 'eligible property' means energy property which—

''(A) is part of a facility described in section 45(d)(1) for which an election was made under subsection (a)(5), or

''(B) is described in clause (i) or (vi) of subsection (a)(3)(A),

including energy storage technology (as described in subsection (a)(3)(A)(ix)) installed in connection with such energy property.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar and wind capacity limitation to qualified solar and wind facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice solar and wind capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each of calendar years 2023 and 2024, and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2024 except as provided in section 48E(h)(4)(D)(ii).

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice solar and wind capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13104. EXTENSION AND MODIFICATION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(d) is amended to read as follows:

''(d) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility or direct air capture facility—

''(1) the construction of which begins before January 1, 2033, and either—

''(A) construction of carbon capture equipment begins before such date, or

''(B) the original planning and design for such facility includes installation of carbon capture equipment, and

''(2) which—

''(A) in the case of a direct air capture facility, captures not less than 1,000 metric tons of qualified carbon oxide during the taxable year,

''(B) in the case of an electricity generating facility—

''(i) captures not less than 18,750 metric tons of qualified carbon oxide during the taxable year, and

''(ii) with respect to any carbon capture equipment for the applicable electric generating unit at such facility, has a capture design capacity of not less than 75 percent of

the baseline carbon oxide production of such unit, or

''(C) in the case of any other facility, captures not less than 12,500 metric tons of qualified carbon oxide during the taxable year.''.

(2) DEFINITIONS.—

(A) IN GENERAL.—Section 45Q(e) is amended—

(i) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively, and

(ii) by inserting after ''For purposes of this section—'' the following new paragraphs:

''(1) APPLICABLE ELECTRIC GENERATING UNIT.—The term 'applicable electric generating unit' means the principal electric generating unit for which the carbon capture equipment is originally planned and designed.

''(2) BASELINE CARBON OXIDE PRODUCTION.—

''(A) IN GENERAL.—The term 'baseline carbon oxide production' means either of the following:

''(i) In the case of an applicable electric generating unit which was originally placed in service more than 1 year prior to the date on which construction of the carbon capture equipment begins, the average annual carbon oxide production, by mass, from such unit during—

''(I) in the case of an applicable electric generating unit which was originally placed in service more than 1 year prior to the date on which construction of the carbon capture equipment begins and on or after the date which is 3 years prior to the date on which construction of such equipment begins, the period beginning on the date such unit was placed in service and ending on the date on which construction of such equipment began, and

''(II) in the case of an applicable electric generating unit which was originally placed in service more than 3 years prior to the date on which construction of the carbon capture equipment begins, the 3 years with the highest annual carbon oxide production during the 12-year period preceding the date on which construction of such equipment began.

''(ii) In the case of an applicable electric generating unit which—

''(I) as of the date on which construction of the carbon capture equipment begins, is not yet placed in service, or

''(II) was placed in service during the 1-year period prior to the date on which construction of the carbon capture equipment begins,

the designed annual carbon oxide production, by mass, as determined based on an assumed capacity factor of 60 percent.

''(B) CAPACITY FACTOR.—The term 'capacity factor' means the ratio (expressed as a percentage) of the actual electric output from the applicable electric generating unit to the potential electric output from such unit.''.

(B) CONFORMING AMENDMENT.—Section 142(o)(1)(B) is amended by striking ''section 45Q(e)(1)'' and inserting ''section 45Q(e)(3)''.

(b) MODIFIED APPLICABLE DOLLAR AMOUNT.—Section 45Q(b)(1)(A) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$17'', and

(B) in subclause (II), by striking ''the dollar amount'' and all that follows through ''such period'' and inserting ''$12'', and

(2) in clause (ii)—

(A) in subclause (I), by striking ''$50'' and inserting ''$17'', and

(B) in subclause (II), by striking ''$35'' and inserting ''$12''.

(c) DETERMINATION OF APPLICABLE DOLLAR AMOUNT.—

(1) IN GENERAL.—Section 45Q(b)(1), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating subparagraph (B) as subparagraph (D), and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—In the case of any qualified facility described in subsection (d)(2)(A) which is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined with respect to such qualified facility under subparagraph (A), except that such subparagraph shall be applied—

''(i) by substituting '$36' for '$17' each place it appears, and

''(ii) by substituting '$26' for '$12' each place it appears.

''(C) APPLICABLE DOLLAR AMOUNT FOR ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility which is placed in service before January 1, 2023, if any additional carbon capture equipment is installed at such facility and such equipment is placed in service after December 31, 2022, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise determined under this paragraph, except that subparagraph (B) shall be applied—

''(i) by substituting 'before January 1, 2023' for 'after December 31, 2022', and

''(ii) by substituting 'the additional carbon capture equipment installed at such qualified facility' for 'such qualified facility'.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 45Q(b)(1)(A) is amended by striking ''The applicable dollar amount'' and inserting ''Except as provided in subparagraph (B) or (C), the applicable dollar amount''.

(B) Section 45Q(b)(1)(D), as redesignated by paragraph (1)(A), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A), (B), or (C)''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:

''(h) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—

''(1) IN GENERAL.—In the case of any qualified facility or any carbon capture equipment which satisfy the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—The requirements described in this paragraph are that—

''(A) with respect to any qualified facility the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), as well as any carbon capture equipment placed in service at such facility—

''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such facility and equipment, and

''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such facility and equipment,

''(B) with respect to any carbon capture equipment the construction of which begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and which is installed at a qualified facility the construction of which began prior to such date—

''(i) subject to subparagraph (B) of paragraph (3), the taxpayer satisfies the requirements under subparagraph (A) of such paragraph with respect to such equipment, and

''(ii) the taxpayer satisfies the requirements under paragraph (4) with respect to the construction of such equipment, or

''(C) the construction of carbon capture equipment begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is installed at a qualified facility the construction of which begins prior to such date.

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified facility and any carbon capture equipment placed in service at such facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility or equipment, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in paragraph (3)(A) or (4)(A) of subsection (a), the alteration or repair of such facility or such equipment,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility and equipment are located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(f) is amended—

(1) by striking the second paragraph (3), as added at the end of such section by section 80402(e) of the Infrastructure Investment and Jobs Act (Public Law 117-58), and

(2) by adding at the end the following new paragraph:

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(f) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(g) is amended by inserting ''the earlier of January 1, 2023, and'' before ''the end of the calendar year''.

(g) ELECTION.—Section 45Q(f), as amended by subsection (e), is amended by adding at the end the following new paragraph:

''(9) ELECTION.—For purposes of paragraphs (3) and (4) of subsection (a), a person described in paragraph (3)(A)(ii) may elect, at such time and in such manner as the Secretary may prescribe, to have the 12–year period begin on the first day of the first taxable year in which a credit under this section is claimed with respect to carbon capture

equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018 (after application of paragraph (6), where applicable) if—

''(A) no taxpayer claimed a credit under this section with respect to such carbon capture equipment for any prior taxable year,

''(B) the qualified facility at which such carbon capture equipment is placed in service is located in an area affected by a federally-declared disaster (as defined by section 165(i)(5)(A)) after the carbon capture equipment is originally placed in service, and

''(C) such federally-declared disaster results in a cessation of the operation of the qualified facility or the carbon capture equipment after such equipment is originally placed in service.''.

(h) REGULATIONS FOR BASELINE CARBON OXIDE PRODUCTION.—Subsection (i) of section 45Q, as redesignated by subsection (d), is amended—

(1) in paragraph (1), by striking ''and'',

(2) in paragraph (2), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(3) for purposes of subsection (d)(2)(B)(ii), adjust the baseline carbon oxide production with respect to any applicable electric generating unit at any electricity generating facility if, after the date on which the carbon capture equipment is placed in service, modifications which are chargeable to capital account are made to such unit which result in a significant increase or decrease in carbon oxide production.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the amendments made by this section shall apply to facilities or equipment placed in service after December 31, 2022.

(2) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—The amendments made by subsection (a) shall apply to facilities or equipment the construction of which begins after the date of enactment of this Act.

(3) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—The amendments made by subsection (f) shall take effect on the date of enactment of this Act.

(4) ELECTION.—The amendments made by subsection (g) shall apply to carbon oxide captured and disposed of after December 31, 2021.

SEC. 13105. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45U. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

''(1) the product of—

''(A) 0.3 cents, multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified nuclear power facility, and

''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

''(2) the reduction amount for such taxable year.

''(b) DEFINITIONS.—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

''(C) which is placed in service before the date of the enactment of this section.

''(2) REDUCTION AMOUNT.—

''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

''(i) the amount determined under subsection (a)(1), or

''(ii) the amount equal to 16 percent of the excess of—

''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

''(II) the amount equal to the product of—

''(aa) 2.5 cents, multiplied by

''(bb) the amount determined under subsection (a)(1)(B).

''(B) TREATMENT OF CERTAIN RECEIPTS.—

''(i) IN GENERAL.—Subject to clause (iii), the amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program. For purposes of determining the amount received during such taxable year, the taxpayer shall take into account any reductions required under such program.

''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments with respect to a qualified nuclear power facility as a result of any Federal, State or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

''(iii) EXCLUSION.—For purposes of clause (i), any amount received by the taxpayer from a zero-emission credit program shall be excluded from the amount determined under subparagraph (A)(ii)(I) if the full amount of the credit calculated pursuant to subsection (a) (determined without regard to this subparagraph) is used to reduce payments from such zero-emission credit program.

''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

''(c) OTHER RULES.—

''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2023' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

''(d) WAGE REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (32), by striking ''plus'' at the end,

(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(34) the zero-emission nuclear power production credit determined under section 45U(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45U. Zero-emission nuclear power production credit.''.

(c) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2023, in taxable years beginning after such date.

PART 2—CLEAN FUELS

SEC. 13201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

(g) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the

last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—

''(1) IN GENERAL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which—

''(A) meets the requirements of—

''(i) ASTM International Standard D7566, or

''(ii) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

''(C) is not derived from palm fatty acid distillates or petroleum, and

''(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(2) DEFINITIONS.—In this subsection—

''(A) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(i) monoglycerides, diglycerides, and triglycerides,

''(ii) free fatty acids, and

''(iii) fatty acid esters.

''(B) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

''(1) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(2) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer or importer of such fuel—

''(1) is registered with the Secretary under section 4101, and

''(2) provides—

''(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(i) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

''(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

''(B) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2024.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(3) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e) is amended—

(i) in the heading, by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL'',

(ii) in paragraph (1), by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit'', and

(iii) in paragraph (6)—

(I) in subparagraph (C), by striking ''and'' at the end,

(II) in subparagraph (D), by striking the period at the end and inserting '', and'', and

(III) by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2024.''.

(C) Section 4101(a)(1) is amended by inserting ''every person producing or importing sustainable aviation fuel (as defined in section 40B),'' before ''and every person producing second generation biofuel''.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Sustainable aviation fuel credit.''.

(e) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 13204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

''(2) the applicable amount (as determined under subsection (b)) with respect to such hydrogen.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2022' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless—

''(i) such hydrogen is produced—

''(I) in the United States (as defined in section 638(1)) or a possession of the United States (as defined in section 638(2)),

''(II) in the ordinary course of a trade or business of the taxpayer, and

''(III) for sale or use, and

''(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

''(C) PROVISIONAL EMISSIONS RATE.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term 'qualified clean hydrogen production facility' means a facility—

''(A) owned by the taxpayer,

''(B) which produces qualified clean hydrogen, and

''(C) the construction of which begins before January 1, 2033.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

''(ii) which meets the requirements of paragraph (3)(A) with respect to alteration or repair of such facility which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance for determining lifecycle greenhouse gas emissions.''.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(3) MODIFICATION OF EXISTING FACILITIES.—Section 45V(d), as added and amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

''(4) MODIFICATION OF EXISTING FACILITIES.—For purposes of subsection (a)(1), in the case of any facility which—

''(A) was originally placed in service before January 1, 2023, and, prior to the modification described in subparagraph (B), did not produce qualified clean hydrogen, and

''(B) after the date such facility was originally placed in service—

''(i) is modified to produce qualified clean hydrogen, and

''(ii) amounts paid or incurred with respect to such modification are properly chargeable to capital account of the taxpayer,

such facility shall be deemed to have been originally placed in service as of the date that the property required to complete the modification described in subparagraph (B) is placed in service.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

(iii) by adding at the end the following new paragraph:

''(36) the clean hydrogen production credit determined under section 45V(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45V. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (4) of this subsection shall apply to hydrogen produced after December 31, 2022.

(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by paragraph (2) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) shall apply to modifications made after December 31, 2022.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if—

''(A) such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45V(c)(3)) to produce qualified clean hydrogen (as defined in section 45V(c)(2)), and

''(B) such use and production is verified (in such form or manner as the Secretary may prescribe) by an unrelated third party.''.

(2) SIMILAR RULE FOR ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.—Subsection (c)(2) of section 45U, as added by section 13105 of this Act, is amended by striking ''and (5)'' and inserting ''(5), and (13)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced after December 31, 2022.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating paragraph (15) as paragraph (16), and

(B) by inserting after paragraph (14) the following new paragraph:

''(15) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45V(b)(2), 1.2 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.5 percent,

''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent, and

''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—

''(i) which is placed in service after December 31, 2022,

''(ii) with respect to which—

''(I) no credit has been allowed under section 45V or 45Q, and

''(II) the taxpayer makes an irrevocable election to have this paragraph apply, and

''(iii) for which an unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process which results in lifecycle greenhouse gas emissions which are consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii).

''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45V(c)(2).

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance which recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.

(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(i) of section 48(a), as added by section 13102, is amended by inserting ''and paragraph (15)'' after ''paragraphs (1) through (8)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2022.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2022.

PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 13301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) ENERGY PROPERTY.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.

''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

''(A) $250 in the case of any exterior door, and

''(B) $500 in the aggregate with respect to all exterior doors.

''(5) HEAT PUMP AND HEAT PUMP WATER HEATERS; BIOMASS STOVES AND BOILERS.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B).''.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements,

''(B) in the case of an exterior door, applicable Energy Star requirements, and

''(C) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by inserting '', including air sealing material or system,'' after ''material or system''.

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following:

''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

''(i) An electric or natural gas heat pump water heater.

''(ii) An electric or natural gas heat pump.

''(iii) A central air conditioner.

''(iv) A natural gas, propane, or oil water heater.

''(v) A natural gas, propane, or oil furnace or hot water boiler.

''(B) A biomass stove or boiler which—

''(i) uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(C) Any oil furnace or hot water boiler which—

''(i) is placed in service after December 31, 2022, and before January 1, 2027, and—

''(I) meets or exceeds 2021 Energy Star efficiency criteria, and

''(II) is rated by the manufacturer for use with fuel blends at least 20 percent of the volume of which consists of an eligible fuel, or

''(ii) is placed in service after December 31, 2026, and—

''(I) achieves an annual fuel utilization efficiency rate of not less than 90, and

''(II) is rated by the manufacturer for use with fuel blends at least 50 percent of the volume of which consists of an eligible fuel.

''(D) Any improvement to, or replacement of, a panelboard, sub-panelboard, branch circuits, or feeders which—

''(i) is installed in a manner consistent with the National Electric Code,

''(ii) has a load capacity of not less than 200 amps,

''(iii) is installed in conjunction with—

''(I) any qualified energy efficiency improvements, or

''(II) any qualified energy property described in subparagraphs (A) through (C) for which a credit is allowed under this section for expenditures with respect to such property, and

''(iv) enables the installation and use of any property described in subclause (I) or (II) of clause (iii).

''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means—

''(A) biodiesel and renewable diesel (within the meaning of section 40A), and

''(B) second generation biofuel (within the meaning of section 40).''.

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a), as amended by subsection (b), is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

''(6) HOME ENERGY AUDITS.—

''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

(A) in subparagraph (P), by striking ''and'' at the end,

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (Q) the following:

''(R) an omission of information or documentation required under section 25C(b)(6)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2024, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking ''and'' at the end,

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (R) the following:

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) ENERGY EFFICIENT HOME IMPROVEMENT CREDIT.—

(1) IN GENERAL.—The heading for section 25C is amended by striking ''**NONBUSINESS ENERGY PROPERTY**'' and inserting ''**ENERGY EFFICIENT HOME IMPROVEMENT CREDIT**''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Energy efficient home improvement credit.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made by subsection (g) shall apply to property placed in service after December 31, 2024.

SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2034''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (2), by striking ''before January 1, 2023, 26 percent, and'' and inserting ''before January 1, 2022, 26 percent,'', and

(B) by striking paragraph (3) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2033, 30 percent,

''(4) in the case of property placed in service after December 31, 2032, and before January 1, 2034, 26 percent, and

''(5) in the case of property placed in service after December 31, 2033, and before January 1, 2035, 22 percent.''.

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—

(1) ALLOWANCE OF CREDIT.—Paragraph (6) of section 25D(a) is amended to read as follows:

''(6) the qualified battery storage technology expenditures,''.

(2) DEFINITION OF QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Paragraph (6) of section 25D(d) is amended to read as follows:

''(6) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 25D(d)(3) is amended by inserting '', without regard to subparagraph (D) thereof'' after ''section 48(c)(1)''.

(2) The heading for section 25D is amended by striking ''**ENERGY EFFICIENT PROPERTY**'' and inserting ''**CLEAN ENERGY CREDIT**''.

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25D and inserting the following:

''Sec. 25D. Residential clean energy credit.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Subsection (b) of section 179D is amended to read as follows:

''(b) MAXIMUM AMOUNT OF DEDUCTION.—

''(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(A) the product of—

''(i) the applicable dollar value, and

''(ii) the square footage of the building, over

''(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(3) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (2) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROPERTY REQUIREMENTS.—In the case of any energy efficient commercial building property, energy efficient building retrofit property, or property installed pursuant to a qualified retrofit plan, such property shall meet the requirements of this subparagraph if—

''(i) installation of such property begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or

''(ii) installation of such property satisfies the requirements of paragraphs (4)(A) and (5).

''(4) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(2) MODIFICATION OF EFFICIENCY STANDARD.—Section 179D(c)(1)(D) is amended by striking ''50 percent'' and inserting ''25 percent''.

(3) REFERENCE STANDARD.—Section 179D(c)(2) is amended by striking ''the most recent'' and inserting the following: ''the more recent of—

''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) the most recent''.

(4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—

(A) by inserting ''for which the Department of Energy has issued a final determination and'' before ''which has been affirmed'',

(B) by striking ''2 years'' and inserting ''4 years'', and

(C) by striking ''that construction of such property begins'' and inserting ''such property is placed in service''.

(5) ELIMINATION OF PARTIAL ALLOWANCE.—

(A) IN GENERAL.—Section 179D(d) is amended—

(i) by striking paragraph (1), and

(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Section 179D(c)(1)(D) is amended—

(I) by striking ''subsection (d)(6)'' and inserting ''subsection (d)(5)'', and

(II) by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (3)(B)(iii)'' and inserting ''paragraph (2)(B)(iii)''.

(iv) Section 179D is amended by striking subsection (f).

(v) Section 179D(h) is amended by striking ''or (d)(1)(A)''.

(6) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Paragraph (3) of section 179D(d), as redesignated by paragraph (5)(A), is amended to read as follows:

''(3) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

''(A) IN GENERAL.—In the case of energy efficient commercial building property installed on or in property owned by a specified tax-exempt entity, the Secretary shall promulgate regulations or guidance to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

''(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,

''(ii) an Indian tribal government (as defined in section 30D(g)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

''(iii) any organization exempt from tax imposed by this chapter.''.

(7) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:

''(f) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—

''(1) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(A) the excess described in subsection (b) (determined by substituting 'energy use intensity' for 'total annual energy and power costs' in paragraph (2) thereof), or

''(B) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(2) QUALIFIED RETROFIT PLAN.—For purposes of this subsection, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—

''(A) as of any date during the 1-year period ending on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date,

''(B) certify the status of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C) of paragraph (3), and

''(C) as of any date that is more than 1 year after the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.

''(3) ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—For purposes of this subsection, the term 'energy efficient building retrofit property' means property—

''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(B) which is installed on or in any qualified building,

''(C) which is installed as part of—

''(i) the interior lighting systems,

''(ii) the heating, cooling, ventilation, and hot water systems, or

''(iii) the building envelope, and

''(D) which is certified in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).

''(4) QUALIFIED BUILDING.—For purposes of this subsection, the term 'qualified building' means any building which—

''(A) is located in the United States, and

''(B) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

''(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.

''(6) BASELINE ENERGY USE INTENSITY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline energy use intensity' means the energy use intensity certified under paragraph (2)(A), as adjusted to take into account weather.

''(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.

''(7) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ENERGY USE INTENSITY.—The term 'energy use intensity' means the annualized, measured site energy use intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.

''(B) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.

''(8) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

''(A) IN GENERAL.—In the case of any building with respect to which an election is made under paragraph (1), the term 'energy efficient commercial building property' shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.

''(B) CERTAIN RULES NOT APPLICABLE.—

''(i) IN GENERAL.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.

''(ii) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(3) shall apply for purposes of this subsection.''.

(8) INFLATION ADJUSTMENT.—Section 179D(g) is amended—

(A) by striking ''2020'' and inserting ''2022'',

(B) by striking ''or subsection (d)(1)(A)'', and

(C) by striking ''2019'' and inserting ''2021''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—

(1) by striking ''For purposes of computing the earnings and profits of a corporation'' and inserting the following:

''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service (or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made).''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section solely for purposes of applying such subsection, shall apply to property placed in service after December 31, 2022 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $1,000.''.

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

''(c) ENERGY SAVING REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable).

''(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).

''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets—

''(i)(I) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, or

''(II) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and

''(ii) the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

''(B) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit is acquired.

''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) PREVAILING WAGE REQUIREMENT.—

''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(B) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—

''(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1) (and which does not meet the requirements of subparagraph (B) of such subsection), and

''(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other

guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: ''This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.

PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.

''(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.''.

(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking ''and'' at the end,

(B) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(G) the final assembly of which occurs within North America.'',

(2) by adding at the end the following:

''(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.''.

(c) DEFINITION OF NEW CLEAN VEHICLE.—

(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking ''QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR'' and inserting ''CLEAN'',

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''qualified plug-in electric drive motor'' and inserting ''clean'',

(ii) in subparagraph (C), by inserting ''qualified'' before ''manufacturer'',

(iii) in subparagraph (F)—

(I) in clause (i), by striking ''4'' and inserting ''7'', and

(II) in clause (ii), by striking ''and'' at the end,

(iv) in subparagraph (G), by striking the period at the end and inserting '', and'', and

(v) by adding at the end the following:

''(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

''(i) the name and taxpayer identification number of the taxpayer,

''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

''(iii) the battery capacity of the vehicle,

''(iv) verification that original use of the vehicle commences with the taxpayer, and

''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.'',

(C) in paragraph (3)—

(i) in the heading, by striking ''MANUFACTURER'' and inserting ''QUALIFIED MANUFACTURER'',

(ii) by striking ''The term 'manufacturer' has the meaning given such term in'' and inserting ''The term 'qualified manufacturer' means any manufacturer (within the meaning of the'', and

(iii) by inserting '') which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require'' before the period at the end, and

(D) by adding at the end the following:

''(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle'', and

(B) in subsection (b)(1), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle''.

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

''(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

''(1) CRITICAL MINERALS REQUIREMENT.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

''(i) extracted or processed—

''(I) in the United States, or

''(II) in any country with which the United States has a free trade agreement in effect, or

''(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

''(2) BATTERY COMPONENTS.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

''(3) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

''(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.

''(9) VIN REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(i) the lesser of—

''(I) the modified adjusted gross income of the taxpayer for such taxable year, or

''(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(ii) the threshold amount.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

''(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

''(i) VANS.—In the case of a van, $80,000.

''(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

''(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

''(iv) OTHER.—In the case of any other vehicle, $55,000.

''(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(10) RECAPTURE.—In the case of any taxpayer who has made an election described in paragraph (1) with respect to a new clean vehicle and received a payment described in paragraph (2)(C) from an eligible entity, if the credit under subsection (a) would otherwise (but for this subsection) not be allowable to such taxpayer pursuant to the application of subsection (f)(10), the tax imposed on such taxpayer under this chapter for the taxable year in which such vehicle was placed in service shall be increased by the amount of the payment received by such taxpayer.''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

''(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking ''**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**'' and inserting ''**CLEAN VEHICLE CREDIT**''.

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle'', and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking ''qualified plug-in electric drive motor'' and inserting ''clean''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking ''and'' at the end,

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (S) the following:

''(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.''.

(5) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''30D(f)(6)''.

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to

section 30D and inserting after the item relating to section 30C the following item:

''Sec. 30D. Clean vehicle credit.''.

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) $4,000, or

''(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(A) the lesser of—

''(i) the modified adjusted gross income of the taxpayer for such taxable year, or

''(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(B) the threshold amount.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

''(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.''.

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking ''and'' at the end,

(2) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(3) by inserting after subparagraph (T) the following:

''(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned clean vehicles.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.

''(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

''(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

''(B) the incremental cost of such vehicle.

''(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

''(3) COMPARABLE VEHICLE.—For purposes of this subsection, the term 'comparable vehicle' means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

''(4) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

''(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

''(B) in the case of a vehicle not described in subparagraph (A), $40,000.

''(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this section, the term 'qualified commercial clean vehicle' means any vehicle which—

''(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

''(2) either—

''(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

''(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

''(3) either—

''(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

''(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(4) is of a character subject to the allowance for depreciation.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Rules similar to the rules under subsection (f) of section 30D (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(2) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

''(3) NO DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

''(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

''(g) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the qualified commercial clean vehicle credit determined under section 45W.''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (U) the following:

''(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45W. Qualified commercial clean vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting ''(6 percent in the case of property of a character subject to depreciation)'' after ''30 percent''.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''with respect to all'' and inserting ''with respect to any single item of'', and

(ii) by striking ''at a location'', and

(B) in paragraph (1), by striking ''$30,000 in the case of a property'' and inserting ''$100,000 in the case of any such item of property''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

''(B) has 2 or 3 wheels, and

''(C) is propelled by electricity.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

''(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

''(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle

refueling property unless such property is placed in service in an eligible census tract.

''(B) ELIGIBLE CENSUS TRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

''(I) is described in section 45D(e), or

''(II) is not an urban area.

''(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract which—

''(A) is described in clause (iii) of section 45(b)(11)(B), and

''(B) prior to the date of enactment of this subsection, had no project which received a certification and allocation of credits under subsection (d).

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

''(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

''(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting '', any portion of the qualified investment of which is certified by the Secretary under subsection (e) as eligible for a credit under this section'' after ''means a project'',

(2) in clause (i)—

(A) by striking ''a manufacturing facility for the production of'' and inserting ''an industrial or manufacturing facility for the production or recycling of'',

(B) in clause (I), by inserting ''water,'' after ''sun,'',

(C) in clause (II), by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components'',

(D) in clause (III), by striking ''grids to support the transmission of intermittent sources of renewable energy, including storage of such energy'' and inserting ''grid modernization equipment or components'',

(E) in subclause (IV), by striking ''and sequester carbon dioxide emissions'' and inserting '', remove, use, or sequester carbon oxide emissions'',

(F) by striking subclause (V) and inserting the following:

''(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

''(aa) renewable, or

''(bb) low-carbon and low-emission,'',

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

''(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

''(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

''(aa) technologies, components, or materials for such vehicles, and

''(bb) associated charging or refueling infrastructure,

''(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or'', and

(J) in subclause (IX), as so redesignated, by striking ''and'' at the end, and

(3) by striking clause (ii) and inserting the following:

''(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

''(I) low- or zero-carbon process heat systems,

''(II) carbon capture, transport, utilization and storage systems,

''(III) energy efficiency and reduction in waste from industrial processes, or

''(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

''(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).''.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

''(A) which is necessary for—

''(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

''(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

''(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,''.

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48E, 45Q, or 45V''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each eligible component which is—

''(A) produced by the taxpayer, and

''(B) during the taxable year, sold by such taxpayer to an unrelated person.

''(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

''(3) UNRELATED PERSON.—

''(A) IN GENERAL.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

''(B) ELECTION.—

''(i) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

''(ii) REQUIREMENT.—As a condition of, and prior to, any election described in clause (i), the Secretary may require such information

or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

''(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

''(i) 4 cents, multiplied by

''(ii) the capacity of such cell (expressed on a per direct current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a polymeric backsheet, 40 cents per square meter,

''(E) in the case of a solar module, an amount equal to the product of—

''(i) 7 cents, multiplied by

''(ii) the capacity of such module (expressed on a per direct current watt basis),

''(F) in the case of a wind energy component—

''(i) if such component is a related offshore wind vessel, an amount equal to 10 percent of the sales price of such vessel, and

''(ii) if such component is not described in clause (i), an amount equal to the product of—

''(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

''(II) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed,

''(G) in the case of a torque tube, 87 cents per kilogram,

''(H) in the case of a structural fastener, $2.28 per kilogram,

''(I) in the case of an inverter, an amount equal to the product of—

''(i) the applicable amount with respect to such inverter (as determined under paragraph (2)(B)), multiplied by

''(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

''(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

''(K) in the case of a battery cell, an amount equal to the product of—

''(i) $35, multiplied by

''(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

''(L) in the case of a battery module, an amount equal to the product of—

''(i) $10 (or, in the case of a battery module which does not use battery cells, $45), multiplied by

''(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

''(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

''(2) APPLICABLE AMOUNTS.—

''(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(F)(ii), the applicable amount with respect to any wind energy component shall be—

''(i) in the case of a blade, 2 cents,

''(ii) in the case of a nacelle, 5 cents,

''(iii) in the case of a tower, 3 cents, and

''(iv) in the case of an offshore wind foundation—

''(I) which uses a fixed platform, 2 cents, or

''(II) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

''(i) in the case of a central inverter, 0.25 cents,

''(ii) in the case of a utility inverter, 1.5 cents,

''(iii) in the case of a commercial inverter, 2 cents,

''(iv) in the case of a residential inverter, 6.5 cents, and

''(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component,

''(ii) any wind energy component,

''(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

''(iv) any qualifying battery component, and

''(v) any applicable critical mineral.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale applications,

''(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

''(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

''(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

''(II) has a rated output of not greater than 150 kilowatts.

''(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

''(i) is suitable to connect with one solar module,

''(ii) has a rated output of—

''(I) 120 or 240 volt single-phase power, or

''(II) 208 or 480 volt three-phase power, and

''(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

''(i) is suitable for a residence,

''(ii) has a rated output of 120 or 240 volt single-phase power, and

''(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale systems,

''(ii) has a rated output of not less than 600 volt three-phase power, and

''(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

''(3) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(v) Torque tubes or structural fasteners.

''(vi) Polymeric backsheets.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—

''(I) produced by a single manufacturer either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

''(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

''(vii) SOLAR TRACKER COMPONENTS.—

''(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—

''(aa) is part of a solar tracker,

''(bb) is of any cross-sectional shape,

''(cc) may be assembled from individually manufactured segments,

''(dd) spans longitudinally between foundation posts,

''(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

''(ff) is rotated by means of a drive system.

''(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

''(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

''(bb) to connect torque tubes to drive assemblies, or

''(cc) to connect segments of torque tubes to one another.

''(4) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(v) Related offshore wind vessels.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

''(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(5) QUALIFYING BATTERY COMPONENT.—

''(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

''(i) Electrode active materials.

''(ii) Battery cells.

''(iii) Battery modules.

''(B) ASSOCIATED DEFINITIONS.—

''(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

''(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

''(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

''(II) with an energy density of not less than 100 watt-hours per liter, and

''(III) capable of storing at least 12 watt-hours of energy.

''(iii) BATTERY MODULE.—The term 'battery module' means a module—

''(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

''(bb) with no battery cells, and

''(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

''(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

''(A) ALUMINUM.—Aluminum which is—

''(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

''(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

''(B) ANTIMONY.—Antimony which is—

''(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

''(ii) purified to a minimum purity of 99.65 percent antimony by mass.

''(C) BARITE.—Barite which is barium sulfate purified to a minimum purity of 80 percent barite by mass.

''(D) BERYLLIUM.—Beryllium which is—

''(i) converted to copper-beryllium master alloy, or

''(ii) purified to a minimum purity of 99 percent beryllium by mass.

''(E) CERIUM.—Cerium which is—

''(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent cerium by mass.

''(F) CESIUM.—Cesium which is—

''(i) converted to cesium formate or cesium carbonate, or

''(ii) purified to a minimum purity of 99 percent cesium by mass.

''(G) CHROMIUM.—Chromium which is—

''(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

''(ii) purified to a minimum purity of 99 percent chromium by mass.

''(H) COBALT.—Cobalt which is—

''(i) converted to cobalt sulfate, or

''(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

''(I) DYSPROSIUM.—Dysprosium which is—

''(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

''(ii) purified to a minimum purity of 99 percent dysprosium by mass.

''(J) EUROPIUM.—Europium which is—

''(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent by mass.

''(K) FLUORSPAR.—Fluorspar which is—

''(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

''(ii) purified to a minimum purity of 99 percent fluorspar by mass.

''(L) GADOLINIUM.—Gadolinium which is—

''(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent gadolinium by mass.

''(M) GERMANIUM.—Germanium which is—

''(i) converted to germanium tetrachloride, or

''(ii) purified to a minimum purity of 99.99 percent germanium by mass.

''(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

''(O) INDIUM.—Indium which is—

''(i) converted to—

''(I) indium tin oxide, or

''(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent indium by mass.

''(P) LITHIUM.—Lithium which is—

''(i) converted to lithium carbonate or lithium hydroxide, or

''(ii) purified to a minimum purity of 99.9 percent lithium by mass.

''(Q) MANGANESE.—Manganese which is—

''(i) converted to manganese sulphate, or

''(ii) purified to a minimum purity of 99.7 percent manganese by mass.

''(R) NEODYMIUM.—Neodymium which is—

''(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99 percent neodymium-praseodymium oxide by mass,

''(ii) converted to neodymium oxide which is purified to a minimum purity of 99.5 percent neodymium oxide by mass

''(iii) purified to a minimum purity of 99.9 percent neodymium by mass.

''(S) NICKEL.—Nickel which is—

''(i) converted to nickel sulphate, or

''(ii) purified to a minimum purity of 99 percent nickel by mass.

''(T) NIOBIUM.—Niobium which is—

''(i) converted to ferronibium, or

''(ii) purified to a minimum purity of 99 percent niobium by mass.

''(U) TELLURIUM.—Tellurium which is—

''(i) converted to cadmium telluride, or

''(ii) purified to a minimum purity of 99 percent tellurium by mass.

''(V) TIN.—Tin which is purified to low alpha emitting tin which—

''(i) has a purity of greater than 99.99 percent by mass, and

''(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

''(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

''(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

''(Y) YTTRIUM.—Yttrium which is—

''(i) converted to yttrium oxide which is purified to a minimum purity of 99.999 percent yttrium oxide by mass, or

''(ii) purified to a minimum purity of 99.9 percent yttrium by mass.

''(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

''(i) Arsenic.
''(ii) Bismuth.
''(iii) Erbium.
''(iv) Gallium.
''(v) Hafnium.
''(vi) Holmium.
''(vii) Iridium.
''(viii) Lanthanum.
''(ix) Lutetium.
''(x) Magnesium.
''(xi) Palladium.
''(xii) Platinum.
''(xiii) Praseodymium.
''(xiv) Rhodium.
''(xv) Rubidium.
''(xvi) Ruthenium.
''(xvii) Samarium.
''(xviii) Scandium.
''(xix) Tantalum.
''(xx) Terbium.
''(xxi) Thulium.
''(xxii) Titanium.
''(xxiii) Ytterbium.
''(xxiv) Zinc.
''(xxv) Zirconium.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the advanced manufacturing production credit determined under section 45X(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45X. Advanced manufacturing production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

PART 6—SUPERFUND

SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) or (ii) of subparagraph (B) and does not satisfy the requirements described in clause (iii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (9) and (10) of subsection (g), or

''(iii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) which was placed in service before January 1, 2025, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit which is placed in service after December 31, 2024.

''(ii) Any additions of capacity which are placed in service after December 31, 2024.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 45U, 48, 48A, or 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of CO_2e per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2024, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent.

If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

''(B) 2032.

''(e) DEFINITIONS.—For purposes of this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(B) is measured at the source of capture and verified at the point of disposal or utilization, and

''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(f) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption, sales, or storage shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)—

''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph.

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.

''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall

be increased by an amount equal to 10 percent of the amount so determined (as determined without application of paragraph (7)).

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(12) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (11)(B), or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent,

''(ii) if construction of such facility began in calendar year 2024, 90 percent,

''(iii) if construction of such facility began in calendar year 2025, 85 percent, and

''(iv) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(39) the clean electricity production credit determined under section 45Y(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Y. Clean electricity production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2024.

SEC. 13702. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1, as amended by section 107(a) of the CHIPS Act of 2022, is amended by inserting after section 48D the following new section:

''SEC. 48E. CLEAN ELECTRICITY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any energy storage technology.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) ENERGY STORAGE TECHNOLOGY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

''(I) with a capacity of less than 1 megawatt,

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a zero-emission nuclear power production credit determined under section 45U,

''(v) a clean electricity production credit determined under section 45Y,

''(vi) an energy credit determined under section 48, or

''(vii) a qualifying advanced coal project credit under section 48A,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45Y.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE TECHNOLOGY.—

''(1) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to energy storage technology for any taxable year is the basis of any energy storage technology placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE TECHNOLOGY.—For purposes of this section, the term 'energy storage technology' has the meaning given such term in section 48(c)(6) (except that subparagraph (D) of such section shall not apply).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45Y(g)(12) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45Y(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45Y(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO_2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) APPLICABLE FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable facility' means any qualified facility—

''(i) which is not described in section 45Y(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means a qualified investment with respect to any applicable facility.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to applicable facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration

of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2025.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

''(i) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46, as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) in paragraph (5), by striking ''and'' at the end,

(B) in paragraph (6), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(7) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting a comma, and

(C) by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E, and

''(viii) the basis of any energy storage technology under section 48E.''.

(3) Section 50(a)(2)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ''or 48D(b)(5)'' and inserting ''48D(b)(5), or 48E(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 107(d) of the CHIPS Act of 2022, is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean electricity investment credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48E) which is a qualified investment (as defined in subsection (b)(1 of such section), or any energy storage technology (as defined in subsection (c)(2) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

SEC. 13704. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of CO_2e per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of CO_2e per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(C) ROUNDING OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO_2e per mmBTU.

''(ii) EXCEPTION.—In the case of an emissions rate that is between 2.5 kilograms of CO_2e per mmBTU and -2.5 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting 'calendar year 2022' for 'calendar year 1992' in paragraph (3) thereof.

''(d) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45V.

''(ii) The credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48 with respect to any specified clean hydrogen production facility for which an election is made under subsection (a)(15) of such section.

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—

''(A) IN GENERAL.—The term 'transportation fuel' means a fuel which—

''(i) is suitable for use as a fuel in a highway vehicle or aircraft,

''(ii) has an emissions rate which is not greater than 50 kilograms of CO_2e per mmBTU, and

''(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

''(B) DEFINITIONS.—In this paragraph—

''(i) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(I) monoglycerides, diglycerides, and triglycerides,

''(II) free fatty acids, and

''(III) fatty acid esters.

''(ii) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(f) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer—

''(I) is registered as a producer of clean fuel under section 4101 at the time of production, and

''(II) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

''(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in subclause (I) of subsection (b)(1)(B)(iii), or

''(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

''(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45Y(g)(6) shall apply.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

''(i) clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section' for 'with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii)'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(g) TERMINATION.—This section shall not apply to transportation fuel sold after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25C(d)(3), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (A), by striking ''and'' at the end,

(B) in subparagraph (B), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(C) transportation fuel (as defined in section 45Z(d)(5)).''.

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

''(iv) Any transportation fuel (as defined in section 45Z(d)(5)).''.

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(40) the clean fuel production credit determined under section 45Z(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Z. Clean fuel production credit.''.

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),'' after ''section 6426(k)(3)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

''(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

''(4) The zero-emission nuclear power production credit determined under section 45U(a).

''(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

''(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

''(7) The credit for advanced manufacturing production under section 45X(a).

''(8) The clean electricity production credit determined under section 45Y(a).

''(9) The clean fuel production credit determined under section 45Z(a).

''(10) The energy credit determined under section 48.

''(11) The qualifying advanced energy project credit determined under section 48C.

''(12) The clean electricity investment credit determined under section 48E.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

''(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(B) subsection (e) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(D) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

''(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE ENTITY.—

''(A) IN GENERAL.—The term 'applicable entity' means—

''(i) any organization exempt from the tax imposed by subtitle A,

''(ii) any State or political subdivision thereof,

''(iii) the Tennessee Valley Authority,

''(iv) an Indian tribal government (as defined in section 30D(g)(9)),

''(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

''(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

''(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

''(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).

''(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

''(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

''(ii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.

''(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.

''(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (ii)(I), no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).

''(E) OTHER RULES.—

''(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

''(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.

''(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.

''(3) ELECTIONS.—

''(A) IN GENERAL.—

''(i) DUE DATE.—Any election under subsection (a) shall be made not later than—

''(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or

''(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.

''(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.

''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

''(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and

''(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

''(I) apply separately with respect to each qualified clean hydrogen production facility,

''(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and

''(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such facility is placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(6) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

''(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for such taxable year, over

''(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

''(e) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.

''(f) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(g) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

''SEC. 6418. TRANSFER OF CERTAIN CREDITS.

''(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

''(1) shall be required to be paid in cash,

''(2) shall not be includible in gross income of the eligible taxpayer, and

''(3) with respect to the transferee taxpayer, shall not be deductible under this title.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

''(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

''(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

''(e) LIMITATIONS ON ELECTION.—

''(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

''(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CREDIT.—

''(A) IN GENERAL.—The term 'eligible credit' means each of the following:

''(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(ii) The renewable electricity production credit determined under section 45(a).

''(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

''(iv) The zero-emission nuclear power production credit determined under section 45U(a).

''(v) The clean hydrogen production credit determined under section 45V(a).

''(vi) The advanced manufacturing production credit determined under section 45X(a).

''(vii) The clean electricity production credit determined under section 45Y(a).

''(viii) The clean fuel production credit determined under section 45Z(a).

''(ix) The energy credit determined under section 48.

''(x) The qualifying advanced energy project credit determined under section 48C.

''(xi) The clean electricity investment credit determined under section 48E.

''(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph

(A), an election under subsection (a) shall be made—

''(i) separately with respect to each facility for which such credit is determined, and

''(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

''(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term 'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(d)(1)(A).

''(g) SPECIAL RULES.—For purposes of this section—

''(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(2) EXCESSIVE CREDIT TRANSFER.—

''(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive credit transfer, plus

''(ii) an amount equal to 20 percent of such excessive credit transfer.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

''(C) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term 'excessive credit transfer' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

''(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

''(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

''(3) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A)—

''(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

''(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period (as described in subsection (a)(1) of such section)—

''(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

''(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

''(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).''.

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.''.

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

''(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in the case of any applicable credit (as defined in section 6417(b))—

''(A) this section shall be applied separately from the business credit (other than the applicable credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

''Sec. 6417. Elective payment of applicable credits.

''Sec. 6418. Transfer of certain credits.''.

(f) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 of the Internal Revenue Code of 1986, or any amount treated as a payment which is made by the taxpayer under subsection (a) of such section, that is direct spending shall be increased by 6.0445 percent.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13802. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

PART 9—OTHER PROVISIONS

SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1006(e) of the American Rescue Plan Act of 2021 (as amended by section 22007 of this Act) or section 22006 of this Act—

(1) such payment shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation on whose behalf, or to whom, such a payment is made—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from interest that is part of such payment and the partner's share, as determined under section 752 of such Code, of principal that is part of such payment.

TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—General Provisions

SEC. 20001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

Subtitle B—Conservation

SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,750,000,000 for fiscal year 2024;

(iii) $3,000,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,000,000,000 for fiscal year 2025; and

(iv) $1,500,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the funds shall only be available for 1 or more agricultural conservation practices, enhancements, or bundles that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d) for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $800,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $2,400,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1271C(d)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.

(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iii) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and

(2) $300,000,000 to carry out a program to quantify carbon sequestration and carbon dioxide, methane, and nitrous oxide emissions, through which the Natural Resources Conservation Service shall collect field-based data to assess the carbon sequestration and reduction in carbon dioxide, methane, and nitrous oxide emissions outcomes associated with activities carried out pursuant to this section and use the data to monitor and track those carbon sequestration and emissions trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development and Agricultural Credit

SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended by adding at the end the following:

''(h) ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.—

''(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the

Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that support the types of eligible projects under that section, which shall be forgiven in an amount that is not greater than 50 percent of the loan based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of that section established by the Secretary, except as provided in paragraph (3).

''(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant this subsection that could result in disbursements after September 30, 2031.

''(3) EXCEPTION.—The Secretary shall establish criteria for waiving the 50 percent limitation described in paragraph (1).''.

SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), and notwithstanding section 9007(c)(3)(A) of that Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a), including for underutilized renewable energy technologies, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into, pursuant to this section—

(1) any loan agreement that may result in a disbursement after September 30, 2031; or

(2) any grant agreement that may result in any outlay after September 30, 2031.

SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22001) is amended by adding at the end the following:

''(i) BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to carry out this subsection.

''(2) USE OF FUNDS.—The Secretary shall use the amounts made available by paragraph (1) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sale and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not on location where such biofuels are blended, stored, supplied, or distributed—

''(A) by installing, retrofitting, or otherwise upgrading fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuel blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

''(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.''.

SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22003) is amended by adding at the end the following:

''(j) USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area or a wholly or jointly owned subsidiary of such electric cooperative) loans, modifications of loans, the cost of loans and modifications, and other financial assistance to achieve the greatest reduction in carbon dioxide, methane, and nitrous oxide emissions associated with rural electric systems through the purchase of renewable energy, renewable energy systems, zero-emission systems, and carbon capture and storage systems, to deploy such systems, or to make energy efficiency improvements to electric generation and transmission systems of the eligible entity after the date of enactment of this subsection.

''(2) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this subsection.

''(3) REQUIREMENT.—The amount of a grant under this subsection shall be not more than 25 percent of the total project costs of the eligible entity carrying out a project using a grant under this subsection.

''(4) PROHIBITION.—Nothing in this subsection shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this subsection if such funds are not expressly authorized or currently expended for such purposes.

''(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection—

''(A) any loan agreement that may result in a disbursement after September 30, 2031; or

''(B) any grant agreement that may result in any outlay after September 30, 2031.''.

SEC. 22005. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and administrative costs of the agencies and offices of the Department for costs related to implementing this subtitle.

SEC. 22006. FARM LOAN IMMEDIATE RELIEF FOR BORROWERS WITH AT-RISK AGRICULTURAL OPERATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $3,100,000,000, to remain available until September 30, 2031, to provide payments to, for the cost of loans or loan modifications for, or to carry out section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) with respect to distressed borrowers of direct or guaranteed loans administered by the Farm Service Agency under subtitle A, B, or C of that Act (7 U.S.C. 1922 through 1970). In carrying out this section, the Secretary shall provide relief to those borrowers whose agricultural operations are at financial risk as expeditiously as possible, as determined by the Secretary.

SEC. 22007. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

Section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) is amended to read as follows:

''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.

''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $125,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department

of Agriculture and the programs of the Department of Agriculture.

''(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000, as determined to be appropriate based on any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary.

''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

''(g) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

''(1) enter into any agreement under which any payment could be outlaid or funds disbursed after September 30, 2031; or

''(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.''.

SEC. 22008. REPEAL OF FARM LOAN ASSISTANCE.

Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 1921 note; Public Law 117–2) is repealed.

Subtitle D—Forestry

SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,800,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $200,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));

(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12); and

(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) RESTRICTIONS.—None of the funds made available by paragraph (1) or (2) of subsection (a) may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or motorized trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(d) COST-SHARING WAIVER.—

(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement; and

(C) is subject to a non-Federal cost-share requirement.

(e) DEFINITIONS.—In this section:

(1) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(2) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(4) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.

(6) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(3) $100,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(4) $50,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply; and

(5) $100,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement

Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall be not more than $5,000,000; and

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources.

(b) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $700,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land; and

(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 23004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 23005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property;

(2) $60,000,000, to remain available until September 30, 2030, for the costs to the Secretary for information technology, research and evaluation, and administering and overseeing the implementation of this section;

(3) $60,000,000, to remain available until September 30, 2029, for expenses of contracts or cooperative agreements administered by the Secretary; and

(4) $42,500,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants or loans, along with associated data analysis and evaluation at the property and portfolio level, and the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(c) DEFINITIONS.—As used in this section—

(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and

(2) the term ''eligible property'' means a property assisted pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(C) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(E) section 236 of the National Housing Act (12 U.S.C. 1715z–1); or

(F) a Housing Assistance Payments contract for Project-Based Rental Assistance in fiscal year 2021.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds appropriated, which requirements shall take effect upon issuance.

TITLE IV—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 40002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities, facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 40003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National

Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.

SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

PART 1—GENERAL PROVISIONS

SEC. 50111. DEFINITIONS.

In this subtitle:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211).

(4) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

(5) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).

PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that are calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(7).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(7) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(3) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with

subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a heat pump for space heating or cooling; and

(iii) not more than $840 for—

(I) an electric stove, cooktop, range, or oven; or

(II) an electric heat pump clothes dryer.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $1,600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(A)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income;

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is less than 80 percent of the area median income.

(5) AMOUNT FOR INSTALLATION OF UPGRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or Indian Tribe under a high-efficiency electric home rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program (as defined in section 50121(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or nonprofit entity, as determined by the Secretary, carrying out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B).

(2) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—The term ''high-efficiency electric home rebate program'' means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term ''program'' means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term ''qualified electrification project'' means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out at, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ''qualified electrification project'' does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subclauses (I) through (VIII) of subparagraph (A)(i) is not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)) or a high-efficiency electric home rebate program (as defined in section 50122(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve not more than 5 percent for administrative costs necessary to carry out this section.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve not more than 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided in paragraph (3), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefitting from otherwise allowable Federal tax benefits;

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid exclusively in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(D) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(4)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(A)) is amended by inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)'' before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

''(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): *Provided*, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—The Secretary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not greater than $250,000,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

"SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees, including refinancing, under this section only for projects that—

''(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

''(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

''(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental damage associated with energy infrastructure.

''(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

''(d) APPLICATION.—To apply for a guarantee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed plan describing the proposed project;

''(2) an analysis of how the proposed project will engage with and affect associated communities; and

''(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

''(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

''(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term 'energy infrastructure' means a facility, and associated equipment, used for—

''(1) the generation or transmission of electric energy; or

''(2) the production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''.

(d) CONFORMING AMENDMENT.—Section 1702(o)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(o)(3)) is amended by inserting ''and projects described in section 1706(a)'' before the period at the end.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), subject to the limitations that apply to loan guarantees under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking '') for an amount equal to not more than 90 percent of'' and inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINITION OF DIRECT LOAN.—In this section, the term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of

construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—INDUSTRIAL

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $300,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, direct loan, or cooperative agreement.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2027—

(1) $133,240,000 to carry out activities for science laboratory infrastructure projects;

(2) $303,656,000 to carry out activities for high energy physics construction and major items of equipment projects;

(3) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(4) $217,000,000 to carry out activities for nuclear physics construction and major items of equipment projects;

(5) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(6) $294,500,000 to carry out activities for basic energy sciences projects; and

(7) $157,813,000 to carry out activities for isotope research and development facilities.

(b) OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Fossil Energy and Carbon Management.

(c) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(d) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of for fiscal year

2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

Subtitle B—Natural Resources

PART 1—GENERAL PROVISIONS

SEC. 50211. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(2) UNITED STATES INSULAR AREAS.—The term ‘‘United States Insular Areas’’ means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

PART 2—PUBLIC LANDS

SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees to serve in units of the National Park System or national historic or national scenic trails administered by the National Park Service.

SEC. 50224. NATIONAL PARK SYSTEM DEFERRED MAINTENANCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects, through direct expenditures or transfers, within the boundaries of the National Park System.

PART 3—DROUGHT RESPONSE AND PREPAREDNESS

SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50232. CANAL IMPROVEMENT PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

SEC. 50233. DROUGHT MITIGATION IN THE RECLAMATION STATES.

(a) DEFINITION OF RECLAMATION STATE.—In this section, the term ‘‘Reclamation State’’ means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements, in accordance with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:

(1) Compensation for a temporary or multiyear voluntary reduction in diversion of water or consumptive water use.

(2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River.

(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.

PART 4—INSULAR AFFAIRS

SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART 5—OFFSHORE WIND

SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in an area withdrawn by—

(1) the Presidential memorandum entitled ‘‘Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 8, 2020; or

(2) the Presidential memorandum entitled ‘‘Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 25, 2020.

(b) OFFSHORE WIND FOR THE TERRITORIES.—

(1) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

(A) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(i) in subsection (a)—

(I) by striking ‘‘means all’’ and inserting the following: ‘‘means—

‘‘(1) all’’; and

(II) in paragraph (1) (as so designated), by striking ‘‘control;’’ and inserting the following: ‘‘control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and’’; and

(III) by adding at the end following:

‘‘(2) does not include any area conveyed by Congress to a territorial government for administration;’’;

(ii) in subsection (p), by striking ‘‘and’’ after the semicolon at the end;

(iii) in subsection (q), by striking the period at the end and inserting ‘‘; and’’; and

(iv) by adding at the end the following:

‘‘(r) The term ‘State’ means—

‘‘(1) each of the several States;

‘‘(2) the Commonwealth of Puerto Rico;

‘‘(3) Guam;

‘‘(4) American Samoa;

‘‘(5) the United States Virgin Islands; and

‘‘(6) the Commonwealth of the Northern Mariana Islands.’’.

(B) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

‘‘(i) APPLICATION.—This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United

States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.

(2) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.

''(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—

''(1) CALL FOR INFORMATION AND NOMINATIONS.—

''(A) IN GENERAL.—The Secretary shall issue calls for information and nominations for proposed wind lease sales for areas of the outer Continental Shelf described in paragraph (2) that are determined to be feasible.

''(B) INITIAL CALL.—Not later than September 30, 2025, the Secretary shall issue an initial call for information and nominations under this paragraph.

''(2) CONDITIONAL WIND LEASE SALES.—The Secretary may conduct wind lease sales in each area within the exclusive economic zone of the United States adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands that meets each of the following criteria:

''(A) The Secretary has concluded that a wind lease sale in the area is feasible.

''(B) The Secretary has determined that there is sufficient interest in leasing the area.

''(C) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.''.

PART 6—FOSSIL FUEL RESOURCES

SEC. 50261. OFFSHORE OIL AND GAS ROYALTY RATE.

Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in each of subparagraphs (A) and (C), by striking ''not less than 12½ per centum'' each place it appears and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'';

(2) in subparagraph (F), by striking ''no less than 12½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,''; and

(3) in subparagraph (H), by striking ''no less than 12 and ½ per centum'' and inserting ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,''.

SEC. 50262. MINERAL LEASING ACT MODERNIZATION.

(a) ONSHORE OIL AND GAS ROYALTY RATES.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ''12.5'' and inserting ''16⅔''; and

(ii) by inserting ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease'' before the period at the end; and

(B) by striking ''12½ per centum'' each place it appears and inserting ''16⅔ percent''.

(2) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''16⅔'' each place it appears and inserting ''20''.

(b) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(c) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

(e) ELIMINATION OF NONCOMPETITIVE LEASING.—

(1) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraphs (2) and (3) of this subsection'' and inserting ''paragraph (2)''; and

(II) by striking the last sentence; and

(ii) by striking paragraph (3);

(B) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL ROUNDS OF COMPETITIVE BIDDING.—Land made available for leasing under subsection (b)(1) for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may be made available by the Secretary of the Interior for a new round of competitive bidding under that subsection.''; and

(C) by striking subsection (e) and inserting the following:

''(e) TERM OF LEASE.—

''(1) IN GENERAL.—Any lease issued under this section, including a lease for tar sand areas, shall be for a primary term of 10 years.

''(2) CONTINUATION OF LEASE.—A lease described in paragraph (1) shall continue after the primary term of the lease for any period during which oil or gas is produced in paying quantities.

''(3) ADDITIONAL EXTENSIONS.—Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of the primary term of the lease shall be extended for 2 years and for any period thereafter during which oil or gas is produced in paying quantities.''.

(2) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), in the first sentence, by striking ''or section 17(c) of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) by striking ''either''; and

(II) by striking ''or the inclusion'' and all that follows through '', all''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by adding ''and'' after the semicolon;

(II) by striking subparagraph (B); and

(III) by striking ''(3)(A) payment'' and inserting the following:

''(3) payment'';

(C) in subsection (g)—

(i) in paragraph (1), by striking ''as a competitive'' and all that follows through ''of this Act'' and inserting ''in the same manner as the original lease issued pursuant to section 17'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) in paragraph (2) (as so redesignated), by striking ''applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except,'' and inserting ''except'';

(D) in subsection (h), by striking ''subsections (d) and (f) of this section'' and inserting ''subsection (d)'';

(E) in subsection (i), by striking ''(i)(1) In acting'' and all that follows through ''of this section'' in paragraph (2) and inserting the following:

''(i) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d)'';

(F) by striking subsection (f); and

(G) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 50263. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—For all leases issued after the date of enactment of this Act, except as provided in subsection (b), royalties paid for gas produced from Federal land and on the outer Continental Shelf shall be assessed on all gas produced, including all gas that is consumed or lost by venting, flaring, or negligent releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a danger to human health, safety, or the environment;

(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or

(3) gas that is unavoidably lost.

SEC. 50264. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) LEASE SALE 257.—The term ''Lease Sale 257'' means the lease sale numbered 257 that was approved in the Record of Decision described in the notice of availability of a record of decision issued on August 31, 2021, entitled ''Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257'' (86 Fed. Reg. 50160 (September 7, 2021)), and is the subject of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(2) LEASE SALE 258.—The term ''Lease Sale 258'' means the lease sale numbered 258 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(3) LEASE SALE 259.—The term ''Lease Sale 259'' means the lease sale numbered 259 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(4) LEASE SALE 261.—The term ''Lease Sale 261'' means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(b) LEASE SALE 257 REINSTATEMENT.—

(1) ACCEPTANCE OF BIDS.—Not later 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each tract or bidding unit of Lease Sale 257 for which a valid bid was received on November 17, 2021; and

(B) provide the appropriate lease form to the winning bidder to execute and return.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the regulations in effect on the date of Lease Sale 257; and

(B) the terms and conditions of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(c) REQUIREMENT FOR LEASE SALE 258.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct Lease Sale 258 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 259.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than March 31, 2023, the Secretary shall conduct Lease Sale 259 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(e) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50265. ENSURING ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

PART 7—UNITED STATES GEOLOGICAL SURVEY

SEC. 50271. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available through September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

PART 8—OTHER NATURAL RESOURCES MATTERS

SEC. 50281. DEPARTMENT OF THE INTERIOR OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of the Interior Office of Inspector General of the Department of the Interior activities for which funding is appropriated in this subtitle.

Subtitle C—Environmental Reviews

SEC. 50301. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $115,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

SEC. 50302. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

SEC. 50303. DEPARTMENT OF THE INTERIOR.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

''(B) to arrange financing for such a sale, lease, license, or contract for service.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(5) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:

''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(3) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on low-income and disadvantaged near-port communities and other stakeholders that may be affected by implementation of the plan; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved.

''(4) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. GREENHOUSE GAS REDUCTION FUND.

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section,

to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(4) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, leverage private capital, and provide other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

''(3) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(4) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, and 231 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, and 7571).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to, and partnerships with, State, Tribal, and local governments with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to ensure that reductions in greenhouse gas emissions are achieved through use of the existing authorities of this Act, incorporating the assessment under paragraph (5).

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60108. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60113. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60107 of this Act, the following:

''SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60114. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 60113 of this Act, the following:

''SEC. 137. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available

until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60115. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60116. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

(1) environmental product declarations; or

(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:

''SEC. 138. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.

''(d) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

Subtitle C—United States Fish and Wildlife Service

SEC. 60301. ENDANGERED SPECIES ACT RECOVERY PLANS.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until expended, for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

SEC. 60302. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS WEATHER EVENTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $121,250,000, to remain available until September 30, 2026, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand weather events; and

(3) reducing the amount of damage caused by weather events.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,750,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

Subtitle D—Council on Environmental Quality

SEC. 60401. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $32,500,000, to remain available until September 30, 2026—

(1) to support data collection efforts relating to—

(A) disproportionate negative environmental harms and climate impacts; and

(B) cumulative impacts of pollution and temperature rise;

(2) to establish, expand, and maintain efforts to track disproportionate burdens and cumulative impacts and provide academic and workforce support for analytics and informatics infrastructure and data collection systems; and

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members.

SEC. 60402. COUNCIL ON ENVIRONMENTAL QUALITY EFFICIENT AND EFFECTIVE ENVIRONMENTAL REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality's functions and for the purposes of training personnel, developing programmatic environmental documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

Subtitle E—Transportation and Infrastructure

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,893,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not

otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§ 178. Environmental review implementation funds

"(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

"(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

"(2) providing funds made available under this subsection to eligible entities—

"(A) to build capacity of such eligible entities to conduct environmental review processes;

"(B) to facilitate the environmental review process for proposed projects by—

"(i) defining the scope or study areas;

"(ii) identifying impacts, mitigation measures, and reasonable alternatives;

"(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

"(iv) conducting public engagement activities; and

"(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

"(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

"(b) COST SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

"(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

"(c) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 203; or

"(G) a metropolitan planning organization (as defined in section 134(b)(2)).

"(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

"(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"178. Environmental review implementation funds.".

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§ 179. Low-carbon transportation materials grants

"(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

"(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

"(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

"(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

"(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

"(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

"(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

"(4) LIMITATIONS.—

"(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

"(i) Federal-aid highway;

"(ii) tribal transportation facility;

"(iii) Federal lands transportation facility; or

"(iv) Federal lands access transportation facility.

"(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

"(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

"(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

"(A) appropriate for use in projects eligible under this title; and

"(B) eligible for reimbursement or incentives under this section.

"(c) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 203;

"(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

"(H) a special purpose district or public authority with a transportation function.

"(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"179. Low-carbon transportation materials grants.".

TITLE VII—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code:

(1) $1,290,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles.

(2) $1,710,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

SEC. 70003. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, to support oversight of United States Postal Service activities implemented pursuant to this Act.

SEC. 70004. GOVERNMENT ACCOUNTABILITY OFFICE OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Comptroller General of the United States for fiscal year 2022, out of any money in the Treasury

not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for necessary expenses of the Government Accountability Office to support the oversight of—

(1) the distribution and use of funds appropriated under this Act; and

(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.

SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. FEMA BUILDING MATERIALS PROGRAM.

Through September 30, 2026, the Administrator of the Federal Emergency Management Agency may provide financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects.

SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $350,000,000 for fiscal year 2023, to remain available through September 30, 2031.

TITLE VIII—COMMITTEE ON INDIAN AFFAIRS

SEC. 80001. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.

(b) BUREAU OF INDIAN AFFAIRS FISH HATCHERIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

(c) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(d) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(e) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(f) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80002. NATIVE HAWAIIAN CLIMATE RESILIENCE.

(a) NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 80003. TRIBAL ELECTRIFICATION PROGRAM.

(a) TRIBAL ELECTRIFICATION PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $145,500,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;

(2) transitioning electrified Tribal homes to zero-emissions energy systems; and

(3) associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under paragraphs (1) and (2).

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) EMERGENCY DROUGHT RELIEF FOR TRIBES.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

TITLE IX—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SEC. 90001. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR INSULIN PRODUCTS.

(a) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following:

''SEC. 2799A–11. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group or individual health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of, per 30-day supply—

''(A) for any applicable plan year beginning before January 1, 2024, $35; or

''(B) for any plan year beginning on or after January 1, 2024, the lesser of—

''(i) $35; or

''(ii) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) pursuant to

section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.''.

(b) NO EFFECT ON OTHER COST-SHARING.—Section 1302(d)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(2)) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE RELATING TO INSULIN COVERAGE.—For plan years beginning on or after January 1, 2024, the exemption of coverage of selected insulin products (as defined in section 2799A–11(b) of the Public Health Service Act) from the application of any deductible pursuant to section 2799A–11(a)(1) of such Act, section 726(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9826(a)(1) of the Internal Revenue Code of 1986 shall not be considered when determining the actuarial value of a qualified health plan under this subsection.''.

(c) COVERAGE OF CERTAIN INSULIN PRODUCTS UNDER CATASTROPHIC PLANS.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) COVERAGE OF CERTAIN INSULIN PRODUCTS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(B)(i), a health plan described in paragraph (1) shall provide coverage of selected insulin products, in accordance with section 2799A–11 of the Public Health Service Act, for a plan year before an enrolled individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year.

''(B) TERMINOLOGY.—For purposes of subparagraph (A)—

''(i) the term 'selected insulin products' has the meaning given such term in section 2799A–11(b) of the Public Health Service Act; and

''(ii) the requirements of section 2799A–11 of such Act shall be applied by deeming each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1).''.

(d) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 726. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of, per 30-day supply—

''(A) for any applicable plan year beginning before January 1, 2024, $35; or

''(B) for any plan year beginning on or after January 1, 2024, the lesser of—

''(i) $35; or

''(ii) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 725 the following:

''Sec. 726. Requirements with respect to cost-sharing for certain insulin products.''.

(e) INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9826. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

''(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan shall provide coverage of selected insulin products, and with respect to such products, shall not—

''(1) apply any deductible; or

''(2) impose any cost-sharing in excess of, per 30-day supply—

''(A) for any applicable plan year beginning before January 1, 2024, $35; or

''(B) for any plan year beginning on or after January 1, 2024, the lesser of—

''(i) $35; or

''(ii) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan, including price concessions received by or on behalf of third-party entities providing services to the plan, such as pharmacy benefit management services.

''(b) DEFINITIONS.—In this section:

''(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan.

''(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

''(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

''(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

''(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9826. Requirements with respect to cost-sharing for certain insulin products.''.

(f) IMPLEMENTATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall implement the provisions of this section, including the amendments made by this section, through subregulatory guidance or program instruction.

The ACTING PRESIDENT pro tempore. The junior Senator from Vermont.

AMENDMENT NO. 5210 TO AMENDMENT NO. 5194

Mr. SANDERS. Madam President, I call up my amendment No. 5210.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5210 to amendment No. 5194.

Mr. SANDERS. Madam President, I ask unanimous consent to dispense with the reading of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a cap on costs for covered prescription drugs under Medicare parts B and D)

Strike part 1 of subtitle B of title I and insert the following:

PART 1—CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D

SEC. 11001. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"SEC. 1899C. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

''(a) IN GENERAL.—In no case may the amount of payment for a drug or biological under part B or a covered part D drug (as defined in section 1860D–2(e)) under a prescription drug plan under part D exceed the lower of the following:

''(1) The amount paid by the Secretary of Veterans Affairs to procure the drug under the laws administered by the Secretary.

''(2) The amount paid to procure the drug through the Federal Supply Schedule of the General Services Administration.

''(b) MANUFACTURER REQUIREMENT.—In order for coverage to be available under part B for a drug or biological of a manufacturer or under part D for a covered part D drug of a manufacturer, the manufacturer must agree to provide such drug or biological to providers of services and suppliers under part B or such covered part D drug to prescription drug plans under part D for an amount that does not exceed the maximum payment amount applicable under subsection (a).

''(c) ACCESS TO PRICING INFORMATION.—The Secretary of Veterans Affairs and the Administrator of General Services shall provide to the Secretary of Health and Human Services the information described in paragraphs (1) and (2), respectively, of subsection (a) and such other information as the Secretary of Health and Human Services may request in order to carry out this section.

''(d) EFFECTIVE DATE.—This section shall apply with respect to drugs furnished or dispensed on or after January 1, 2023.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICATION UNDER PART B.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11101, is amended—

(A) in subsection (b)(1), by striking ''and (e)'' and inserting ''(e), and (i)'';

(B) by redesignating subsection (j) as subsection (k); and

(C) by inserting after subsection (i) the following subsection:

''(j) APPLICATION OF CAP ON COSTS FOR PART B DRUGS.—Notwithstanding the preceding provisions of this subsection, the amount of payment under this section for a drug or biological furnished on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the drug or biological under section 1899C(a).''.

(2) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this part, the negotiated price used for payment for a covered part D drug dispensed on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the covered part D drug under section 1899C.''.

UNANIMOUS CONSENT AGREEMENT

Mr. SANDERS. Madam President, I ask unanimous consent that, for the duration of the Senate's consideration of H.R. 5376, the Inflation Reduction Act of 2022, the majority and Republican managers of the bill, while seated or standing at the managers' desks, be permitted to deliver floor remarks, retrieve, review, and edit documents and send email and other data communication from text displayed on wireless personal digital assistant devices and tablet devices. I further ask unanimous consent that the use of calculators be permitted on the floor during consideration of the bill; further, that the staff be permitted to make technical and conforming changes to the bill, if necessary, consistent with the amendments adopted during Senate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 5376

Mr. SANDERS. Madam President, I want to take a moment to say a few words about the so-called Inflation Reduction Act that we are debating this evening. I say ''so-called,'' by the way, because, according to the CBO and other economic organizations that have studied this bill, it will, in fact, have a minimal impact on inflation.

Let me put this reconciliation bill into the context of where we are as a nation politically and economically. The answer to that, as to where we are, is that we are not in a good place.

According to the most recent Gallup poll, the approval rate for Congress is at 16 percent, with 82 percent of the American people disapproving of the work we are doing here. There are 16 percent who think we are doing a good job and 82 percent who think not.

Further, according to a recent University of Chicago poll, a strong majority of Americans—and this is extremely important, and I hope Members of Congress hear this—the majority of Americans believes that the government is ''corrupt and rigged against me.'' People believe the government is corrupt and rigged against them.

Further, according to a USA TODAY poll that came out last week, a very strong majority no longer believes that the Democratic or Republican Parties are responding to their needs and that we need to move to a multiparty system.

I think what is most frightening in terms of where the American people are politically today is that there is actually a growing number of Americans who believes that they may have to take up arms—take up arms—against their own government in order to accomplish what they think needs to be done. All of this speaks to a very, very dangerous moment for American democracy, and in a number of ways, it resembles the conditions that existed in Europe in the 1920s and early 1930s, which led to fascism and totalitarianism.

In other words, at a time when so many of our people are hurting, many of them no longer believe that, in our democratic system, government is capable of responding to their needs, and they are losing faith in our democracy.

The people of this country believe—and in my view correctly—that we have a corrupt political system, dominated by the wealthy and the powerful, and that we have a rigged economy in which large corporations are seeing huge profits—in some cases, the heaviest profits ever—while the middle class and working families continue to see a decline in their standard of living.

Let me just give you one small example of what is going on, and that is within the last few weeks.

While Americans continue to pay outrageously high gas prices at the pump—prices are going down, but they are still a lot higher than they were a year ago or 2 years ago—ExxonMobil, Shell, and BP reported a record-breaking $46 billion in profits during the second quarter. People pay more at the gas pump, and the major oil companies are seeing huge profits.

In terms of the extremely high price of prescription drugs, three large pharmaceutical companies—Pfizer, Johnson & Johnson, and AbbVie—increased their profits last year by 90 percent to $54 billion, a 90-percent increase in their profits, while so many of our people cannot afford the high cost of prescription drugs.

That is what a rigged economy is all about—huge corporate profits while working people cannot afford the basic necessities of life.

Let us be clear about where we are as a nation, and that is that the American people are tired of press releases; they are tired of 30-second ads; they are tired of speeches. They are hurting, and they are begging their elected officials to respond to their needs.

If you want to know why there is so much anger and so much frustration and so much disillusionment within our society today, it is important to understand that real weekly wages for the average American worker are lower today than they were 49 years ago, and, clearly, the inflation of today is pushing the average person even further behind.

Not so many years ago, when I was a kid, it was possible for one worker in a

family-like my father, who never made enough money—to earn enough money to take care of his kids and the family. Today, that is a rarity. Today, it is necessary in almost all cases for two workers in a family to have to go out to work.

Today, despite the huge increases in our economy, despite the tremendous explosion of technology, everything being equal, our younger generation will have a lower standard of living than their parents—having a harder time finding a home and having a harder time affording being able to have a family. Imagine that. Our younger generation having a lower standard of living than their parents.

Half of our people today live paycheck to paycheck, and many millions are working for starvation wages: 9, 10, 11 bucks an hour. Further, many workers around the country who want to join a union and engage in collective bargaining at companies like Starbucks, Amazon, and other places are facing fierce and illegal anti-union resistance. I have to say that this legislation does not address any of their needs.

This legislation does not address the reality that we have more income and wealth inequality today than at any time in the last 100 years, where three people own more wealth than the bottom half of America; doesn't address the fact that 95 percent of all new income is going to the top 1 percent; doesn't address the reality that CEOs of major corporations are making 350 times what their workers are making.

I think everybody knows that we have a completely dysfunctional healthcare system. We now spend over $12,000 a year per person—more than double what other countries spend.

Today, over 70 million Americans are uninsured or underinsured, and there are studies out there that say that some 60,000 people a year die because they are uninsured or underinsured, and they don't get to a doctor on time. Meanwhile, every year, the insurance companies make tens of billions of dollars in profit.

So we have a system in which the cost is outrageously high, people are dying because they don't get to a doctor on time. This bill does nothing to address the systemic dysfunctionality of the American healthcare system. It does nothing.

In terms of our kids—the future of our Nation—shamefully, we have the highest rate of childhood poverty of almost any major nation on Earth. This bill, as currently written, does nothing to address that.

Our childcare system is dysfunctional. If a working family is lucky enough to find a slot for their young one, on average, they will pay about $15,000 a year for childcare, an impossibly high sum of money. Imagine that. Fifteen thousand dollars a year for childcare if you are making 40 or 50,000 bucks. That is an absurd sum of money. Yet this bill turns its back on the working parents of the country and our children, does not even begin to address the childcare or pre-K crisis that we face.

A nation will be as great and competitive as its educational system is. Yet, today, hundreds of thousands of bright young kids all across this country are unable to afford a higher education. Imagine that. In the richest country in the history of the world, when we need the best educated workforce possible, you have got hundreds of thousands of young people who cannot afford a higher education. And we have 45 million Americans who are struggling with student debt, sometimes outrageous levels of student debt. This bill, as currently written, does nothing to address it.

Today, millions of elderly Americans and half of our senior citizens are trying to survive on $25,000 a year or less. Millions of senior citizens are unable to afford to go to a dentist. Imagine that. In the richest country on Earth, elderly people can't afford to go to a dentist. Their teeth are rotting in their mouth; they can't afford hearing aids in order to hear what their kids, grandchildren have to say; and they can't afford eyeglasses. This bill ignores that issue. It does nothing to expand Medicare to cover those very basic healthcare needs. The result, millions of seniors will continue to have rotten teeth and lack the dentures, hearing aids, or eyeglasses they deserve.

I hear this all the time in Vermont, and I expect my colleagues hear it as well, so many—so many—of our elderly or disabled people would much prefer to stay in their homes rather than be forced into nursing homes. They need someone to come to their home to help them with their basic needs. I don't think anyone denies that we have a major crisis in home healthcare, and the people who are doing home healthcare now—and God bless them all—are usually overworked and underpaid. This bill, as currently written, does nothing to address that crisis.

Again, no debate; everybody agrees that we have a major housing crisis in America. Some 600,000 people are homeless, sleeping out on the streets in every State in this country. In addition to the homeless issue, nearly 18 million households are paying 50 percent or more of their limited incomes for housing. Imagine that. Imagine what it means when you don't have any money to do anything else when you are paying 50 percent of your limited income for housing. Yet this bill does nothing to address the major housing crisis that we face or build one unit of safe and affordable housing—just another issue that we push aside.

And I would say—and every working person understands this—that while ordinary people are struggling with childcare, with healthcare, with housing, with the basic necessities of life, the people on top today are doing phenomenally well. During the pandemic alone, the billionaire class saw an almost $2 trillion increase in their wealth.

So that, in a snapshot, is where we are as a nation today: Working people are hurting; in many ways, their standard of living is in decline; and people on top are doing phenomenally well.

That takes us to where we are this evening. The importance of the bill that we are considering this evening is that it is not a normal—not a regular piece of legislation. It is a reconciliation bill. I know that to anybody outside of the beltway, that doesn't mean much. But what it does mean is that, unlike regular legislation here in the Senate, this bill does not require 60 votes to get passed. All we need to get this bill passed are 50 votes, plus the Vice President, if it is a tie.

Now, I say this in all honesty, that it is extremely sad to me—and I think the American people—that up to this point, we have not had one Republican come forward and say: You know what? I want to work on the housing crisis, on the healthcare crisis, on the education crisis, on the home healthcare crisis. Sadly, we have not had one Republican come forward who is prepared to stand up for working families, for the children, for the elderly, or for the environment. That is a sad state of affairs.

But here is the truth: If all 50 Members of the Democratic caucus were to stand together today, we could pass some enormously important amendments, which would have a profound impact on improving the lives of working people in our country and maybe, just maybe, could begin the process of restoring faith in our democracy.

Poll after poll makes it clear that not only are the American people hurting, they want Congress to take bold action to improve their lives. And under the budget reconciliation process, we have the opportunity to do that. If we don't do it now, when all we need are 50 votes, it is quite questionable as to when, in fact, we will ever do that.

In other words, what I am asking today is for all 50 Members of the Democratic caucus to come together and begin the process of addressing some—not all, some—of the major crises facing working families.

It is absolutely imperative that we show the American people that we are capable of representing the needs of ordinary people, not just billionaire campaign contributors, not just lobbyists but ordinary people who are hurting today. And if we cannot do that, not only will people continue to hurt and suffer, but, to my mind, it is questionable for how long we remain a democracy.

Let me say a few words about what is in this legislation, a bill which has some good features but also, in my view, has some very bad features.

This bill deals with three major areas: prescription drugs, climate, and taxation. Let me deal with at least two of them.

Prescription drugs. Now, I know that in Vermont, and I suspect in Wisconsin and all over this country, people are outraged at the fact that they are paying so much for prescription drugs. They are outraged that in some cases, we pay 10 times more than Canada and other countries for the same exact product.

Now, the good news is that this bill, this reconciliation bill, will do what should have been done many years ago—something that many of us called for many years ago—in that it will allow Medicare to begin negotiating prescription drug prices with the pharmaceutical industry.

Now, that is not a radical idea. That is an idea that exists in probably every other major country on Earth, and that is why their prices are so much lower. They don't let the drug companies charge any price that they want. That is the good news.

But here is the bad news, and we must be honest about it: At a time when so many of our people cannot afford the prescription drugs they need, one out of four Americans can't even fill the prescriptions their doctors write, this Medicare-negotiating provision will not go into effect for 4 years, at which time only 10 drugs will be negotiated, with more to come in later years. So if anybody thinks that as a result of this bill we are suddenly going to see lower prices for Medicare, you are mistaken. It ain't gonna happen next year, the year after, the year after, and the year after that. By the way, given the incredible power of the pharmaceutical industry, I would suspect even money that they will figure out a way to get around this provision if it takes 4 years to implement.

Furthermore, this provision will have no impact on the prices for those Americans who are not on Medicare. So if you are under 65, this bill will not impact you at all, and the drug companies will be able to continue to go on their merry way and raise prices to any level that they want.

Under this bill, at a time when the drug companies are enjoying huge profits, the pharmaceutical industry will still be allowed to charge the American people by far the highest prices in the world for prescription drugs.

So that is the reality of this bill. What do we do? Well, if we are serious about responding to what the American people want—and the polling that I have seen, it is like 70 or 80 percent of the people understand that prescription drugs are much too high. They want us to act. This bill, unfortunately, does not do that. If we are serious about reducing the price of prescription drugs, we know exactly how we can do it.

For over 30 years, the Veterans' Administration has been negotiating with the pharmaceutical industry to lower the cost of prescription drugs. Moreover, for decades, virtually every other country on Earth has been doing the same thing. The result of where we are today is that Medicare pays twice as much for the exact same prescription drugs as the VA and people all over this country. In some cases, as I mentioned earlier, we may pay up to 10 times as much for a particular drug.

In other words, when it comes to reducing the price of prescription drugs under Medicare, we do not have to reinvent the wheel; we could simply require Medicare to pay no more for prescription drugs than the VA. That is not a radical idea; that is a simple idea. You have one government Agency doing what they are doing for 30 years. All we have to do is have Medicare do the same. If we did that, we could literally cut the price of prescription drugs under Medicare in half in a matter of months, not years.

That is why I am introducing an amendment today to do just that. Under this amendment, we could save Medicare $900 billion over the next decade. This is nine times—nine times—more savings than the rather weak negotiation provisions currently in the bill. We could save $900 billion by negotiating rather than $100 billion.

The reason that we pay the highest prices in the world for prescription drugs is not hard to understand. During the past 20 years, the pharmaceutical industry has spent over $5 billion on lobbying and over half a billion dollars in campaign contributions. Further, the pharmaceutical industry has over the years mounted an unprecedented lobbying effort in Washington and in States all across this country.

Now, what is unbelievable—if you want to know what a corrupt political system is about, if you want to know what money in politics is about, if you want to know what corporate greed is about, if you want to know why we pay the highest prices in the world for prescription drugs, please understand that right now, at this moment, the pharmaceutical industry has more than 1,700 well-paid lobbyists on Capitol Hill to protect their interests, including former congressional leaders of both major political parties. They buy Democratic leaders; they buy Republican leaders; they buy former Members of Congress—1,700 well-paid lobbyists—to make sure they continue to rip off the American people and charge us the highest prices in the world for prescription drugs. That is over 3 lobbyists for every 1 Member of Congress; 535 Members of Congress, 1,700 lobbyists.

(Mr. WHITEHOUSE assumed the Chair.)

Mr. President, just yesterday—now, this is really interesting, and I think it brings it all out—the CEO of PhRMA, whose name is Stephen Ubl, I think, basically said—and I appreciate his honesty and straightforwardness—he said anybody who votes even for this incredibly tepid bill—he said: We are going to go after you. He stated—and I love this kind of modesty—he said:

> Few associations have all the tools of modern political advocacy at their disposal in the way that PhRMA does.

In other words, if you dare to vote in any way to lower the cost of prescription drugs, we are going to spend all of the money we have—and we have endless, unlimited amounts of money—against you. That is what a corrupt political system is about. That is what corporate greed is about, basically the CEO of PhRMA saying: You vote for this bill, you can expect millions and millions of dollars of 30-second ads against you. That is where we are in the state of our democracy today.

Prescription drugs is a huge issue, but it is not the only issue that is dealt with inadequately in this legislation. It is my view, I think it is the view of the majority of the American people, and it is certainly the view of the scientific community that climate change is an existential threat to the planet. Now, that sounds like a big word, ''existential,'' but what it means is that if we don't get our act together, there may not be a planet that is healthy and habitable for our children and grandchildren. It is very fundamental. Do we protect future generations?

This legislation provides $370 billion over the next decade to combat climate change and to invest in so-called energy security programs. Now, the good news—and it is good news—is that this legislation as currently written would provide more funding for energy efficiency and sustainable energy than has ever been invested before. That is the good news. But the bad news is that this bill as currently written includes a huge giveaway to the fossil fuel industry, both in the reconciliation bill that we are considering and in a side deal that was just made public a few days ago.

Under this legislation, the fossil fuel industry will receive billions of dollars in new tax breaks and subsidies over the next 10 years on top of the $15 billion in tax breaks and corporate welfare they already receive every year.

Interestingly enough, that may well be the reason why BP, one of the largest oil companies in the world, supports this bill. It may be the reason why Shell, another huge oil company, supports this bill. It is the reason, I suspect, why the CEO of ExxonMobil is pleased by many of the provisions included in this deal. So we ought to think a little bit about what it means when major oil companies that are in the process of destroying this planet support this legislation.

Under this bill, up to 60 million acres of public waters must be offered up for sale each and every year to the oil and gas industry before—before—the Federal Government can approve any new offshore wind development. To put that in perspective, 60 million acres is the size of the State of Michigan. Further, under this bill, up to 2 million acres of public lands must be offered up for sale each and every year to the oil and gas industry before leases can move forward for any renewable energy development on public lands.

In total, this bill will offer the fossil fuel industry up to 700 million acres of

public lands and waters to oil and gas drilling over the next decade—far more than the oil and gas industry could possibly use.

And that is not all. The fossil fuel industry will not just benefit from the provisions in the reconciliation bill as currently written; a deal has also been reached to make it easier for the fossil fuel industry to receive permits for their oil and gas projects. This deal would approve the $6.6 billion Mountain Valley Pipeline, a fracked gas pipeline that would span over 300 miles from West Virginia to Virginia and potentially on to North Carolina. This is a pipeline that would generate emissions equivalent to that released by 37 coal plants or by over 27 million cars each and every year.

Let me quote from a July 29 letter from over 350 environmental organizations, including Friends of the Earth, Food & Water Watch, and the Climate Justice Alliance, expressing concerns about this bill, and I quote:

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate and extinction crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more, all of which are ripping across the country as we speak. We are out of time. Therefore, we're—

These 350 organizations—

calling on you—

That is the President, leadership of Congress—

to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Mr. President, I would ask unanimous consent to print the full letter into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

July 29, 2022.

Re Hold the line against fossil fuel expansion.

DEAR PRESIDENT BIDEN AND MAJORITY LEADER SCHUMER: As frontline communities and organizations with millions of members and supporters, we thank you for your tireless efforts to secure a climate deal with meaningful renewable energy investments. At the same time, we respectfully urge you to reject any handouts to the fossil fuel industry. Put simply: you cannot address the climate emergency by sacrificing communities, expanding fossil fuel production and embracing fossil fuel industry scams like carbon capture, fossil fuel hydrogen, and carbon offsets.

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate and extinction crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are ripping across the country as we speak. We are out of time. Therefore, we're calling on you to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Permitting new fossil fuel projects will further entrench us in a fossil fuel economy for decades to come—and constitutes a violent betrayal of your pledge to combat environmental racism and destruction. Today's high gasoline and energy prices cannot be solved with promises of future oil and gas production. Climate chaos harms every person in America, but our communities bear the brunt of the deadly impacts of the toxic fossil fuel industry: primarily Indigenous, Black, Latinx, AAPI and other communities of color, as well as low-wealth communities. Young people, women, and so many others that turned out to elect you and gave you your mandate to govern need climate hope, not climate setbacks. New fossil fuel projects will also lock workers into a dying industry and delay the growth in sectors that will support jobs of the future.

Critically, none of these negotiations affect the need for President Biden to immediately declare a climate emergency and use his existing authority to reject fossil fuel projects. Declaring a climate emergency will unlock President Biden's full set of powers to not only release Defense funding to build renewable and just energy systems, but also confront fossil fuels head-on by stopping crude oil exports. With non-emergency powers, President Biden can reject new oil and gas leases, and deny all fossil fuel infrastructure that harms countless communities across the country. Unleashing executive powers should be pursued in concert with—and not instead of—passing critical climate legislation, and vice versa.

We respectfully implore you to hold the line against any new fossil fuel projects, reject handouts to oil and gas companies, and use every tool available to advance a truly just, renewable energy future that does not sacrifice our communities.

Sincerely,

A Community Voice; Act for the Earth of Unity Church Unitarian; Action for the Climate Emergency (ACE); Active San Gabriel Valley; AFG E Local 704; Alabama Interfaith Power & Light; All Our Energy; Allamakee County Protectors—Education Campaign; Alliance for a Green Economy; Alliance for Affordable Energy; Amazon Watch; American Friends Service Committee; American Jewish World Service; Animals Are Sentient Beings Inc; Anthropocene Alliance; Association of Young Americans (AYA); Azul; Ban Single Use Plastics; Beacon UU Congregation in Summit; Bergen County Immigration Strategy Group.

Berks Gas Truth; Between the Waters; Beyond Extreme Energy; Beyond Plastics; Big Reuse; Black Millennials 4 Flint; Black Warrior Riverkeeper; Bold Alliance; Breast Cancer Action; Bronx Greens/Green Party of NY; Bronx Jews for Climate Action; California Communities Against Toxics; Californians for Western Wilderness; Carrizo Comecrudo Tribal Nation of Texas; CASE; Center for Biological Diversity; Center for International Environmental Law; Central Jersey Coalition Against Endless War; CERBAT; Change Begins With ME (Indivisible).

Chapel Hill Organization for Clean Energy; Cheyenne River Grassroots Collective; Chicago Area Peace Action (CAPA); Christians For The Mountains; Church Women United in New York State; Citizens Action Coalition of IN; Citizens Awareness Network; Citizens' Resistance at Fermi Two (CRAFT); Clean Air Coalition of Albany County; Clean Energy Action; Climate and Community Project; Climate Hawks Vote; Climate Justice Alliance; ClimateMama; Coal River Mountain Watch; Coalition Against Death Alley; Coalition Against Pilgrim Pipeline—NJ; Coalition for Outreach; Policy & Education.

Code Red Hudson Highlands; CODEPINK; CODEPINK Golden Gate Chapter; Colorado Dem. Party—Energy and Environment Initiative; Common Ground Relief; Common Ground Rising; Community for Sustainable Energy; Community Health; Community Of Living Traditions; Inc.; Concerned Citizens of Charles City County; Concerned Health Professionals of New York; Concerned Health Professionals of Pennsylvania; Crockett Rodeo United to Defend the Environment; CURE (Clean Up the River Environment); Dayenu: A Jewish Call to Climate Action; DC Environmental Network; Democracy Out Loud; Democratic Socialists of America -Knoxville TN; Des Moines County Farmers and Neighbors for Optimal Health.

Direct Action Everywhere; Don't Gas the Meadowlands Coalition; Earth Care Alliance, Sonoma Valley Earth Ethics, Inc.; Earthworks; East Bay Community Solar Project; East End Action Network; Eco-Eating; Ecoaction Committee of the Green Party of the United States; EcoPoetry.org; Eight Rivers Council; Elders Climate Action; Elders Climate Action—Arizona Chapter; Elders Climate Action FL Chapter; Elmirans & Friends Against Fracking; Emerson Unitarian Universalist Church; Empower Our Future; Endangered Species Coalition; Environmental Concerns Committee; Kendal at Oberlin; EnvironmentaLEE.

EOF; Extinction Rebellion Austin; Extinction Rebellion Delaware; Extinction Rebellion San Francisco Bay Area; Extinction Rebellion Seattle; FACTS—Families Advocating for Chemical and Toxics Safety; Fairbanks Climate Action Coalition; Farmworker Association of Florida; Feminists in Action Los Angeles; Fieldstones; First Unitarian Universalist Church of Austin Social Action Committee; First Wednesdays San Leandro; Florida Springs Council; Florida Student Power Network; Food & Water Watch; Fossil Free Tompkins; Fox Valley Citizens for Peace & Justice; FracTracker Alliance; Fridays for Future U.S.

Friends of the Earth; George Mason University Center for Climate Change Communication; Georgia Conservation Voters; Global Development and Environment Institute; Global Zero; Good Neighbor Steering Committee of Benicia; Grassroots Global Justice Alliance; Greater Highland Area Concerned Citizens; Greater New Orleans Climate Reality Project; Greater New Orleans Housing Alliance; Greater New Orleans Interfaith Climate Coalition; Green Education and Legal Fund; Green Party of Nassau County; Green Party of Onondaga County; Green Sanctuary Committee of the Unitarian Universalist Church of Palo Alto; Green State Solutions; GreenFaith; GreenLatinos; Greenpeace USA; Greenvest.

Hair on Fire Oregon; Healthy Gulf; Healthy Ocean Coalition; Heartwood; Hells Kitchen Democrats; Honor the Earth; Humboldt Unitarian Universalist Fellowship's Climate Action Campaign; Ikiya Collective; Inclusive Louisiana; Indigenous Environmental Network; Indigenous Lifeways; Indivisible Howard County MD, Indivisible San Jose; Institute for Agriculture and Trade Policy; Institute for Policy Studies Climate Policy Program; Institute of the Blessed Virgin Mary; Institute of the Blessed Virgin Mary—Loreto Generalate; Integrated Community Solutions, Inc.; Interfaith EarthKeepers; International Student Environmental Coalition.

Intheshadowofthewolf; Iowa Citizens for Community Improvement; Ironbound Community Corporation; John Muir Project of Earth Island Institute; Just Transition Alliance; Kickapoo Peace Circle; KyotoUSA; La Mesa Boricua de Florida; Larimer Alliance for Health; Safety and Environment; Lisa Hecht & Associates, LLC.; Livelihoods Knowledge Exchange Network (LiKEN); Locust Point Community Garden; Long Island Activists; Long Island Network for Change; Los Padres ForestWatch; Louisiana League of Conscious Voters; Louisiana Progress; Marlborough Democratic Committee; Maryland Ornithological Society; Mazaska Talks.

Media Alliance; Memphis Community Against Pollution (MCAP); Mental Health & Inclusion Ministries; Michigan Environmental Justice Coalition; Mid-Missouri Peaceworks; Mid-Ohio Valley Climate Action; Milwaukee Riverkeeper; Mississippi Rising Coalition; MN Unitarian Universalist Social Justice Alliance; MN350; Montana Environmental Information Center; Mothers Out Front; Mountain Valley Watch; Movement Rights; Nassau County Democratic Socialists of America; Nassau Hiking & Outdoor Club; Native Movement; Nature Coast Conservation; Inc.

NC WARN; NCEA; NDN Collective; NELA Climate Collective; New Energy Economy; New Paltz Climate Action Coalition; New World Believers; New York Communities for Change; Nicaragua Center for Community Action; North American Climate, Conservation and Environment; North Country Earth Action; North Country Light Brigade; Northeast Oregon Ecosystems; Novasutras; Nuclear Energy Information Service (NEIS); Nuclear Information and Resource Service; Nurture The Children; NYCD16 Indivisible.

NYPAN Greene/NYPAN Enviro; Occidental Arts and Ecology Center; Occupy Biden; Ohio Poor People's Campaign; Oil Change International; Organized Uplifting Strategies & Resources; Our Climate; Our Revolution; Our Revolution New Jersey; Pantsuit Nation Long Island; Paradise Las Vegas Indivisible; Pasifika Uprising; Pass the federal green new deal; Pax Christi USA, New Orleans/Vets For Peace; Peace Action Wisconsin; Peace, Justice, Sustainability NOW; Pelican Media; Pennsylvania Council of Churches; People for a Healthy Environment.

People Over Pipelines; Physicians for Social Responsibility; Physicians for Social Responsibility Pennsylvania; Plastic Pollution Coalition; Pollution Free Society; Port Arthur Community Action Network; Preserve Bent Mountain; Preserve Giles County; Preserve Monroe (WV); Preserve Montgomery County VA; Progressive Democrats of Benicia (CA); Property Rights and Pipeline Center; Protect All Children's Environment; Protect Our Commonwealth; Protect Our Water Heritage Rights (POWHR); Protecting Our Waters; Pueblo Action Alliance; Putnam Progressives; Residents Allied for the Future of Tioga (RAFT); Resist the Pipeline.

RESTORE: The North Woods; ReThink Energy Florida, Inc.; Revolving Door Project; Rise St. James; Rivers & Mountains GreenFaith Circle; Rockaway Women for Progress; San Francisco Bay Physicians for Social Responsibility; Santa Barbara Urban Creeks Council; Santa Clara Sunrise; Santa Fe Green Chamber of Commerce; SAVE THE FROGS!; Save the Pine bush; SaveRGV; Scientist Rebellion; Scientist Rebellion, Turtle Island; Seneca Lake Guardian; Sheffield Saves.

Shelby County Lead Prevention & Sustainability Commission; Sisters of St. Dominic of Blauvelt, New York; Sisters of St. Joseph of Rochester Justice & Peace Office; Social Justice Ministry of Live Oak Unitarian Universalist Congregation; Society of Fearless Grandmothers; Society of Native Nations; Solar Wind Works; South Asian Fund For Education Scholarship and Training Inc; South Shore Audubon Society; SouthEnd Charlton-Pollard GHCA; Southwest Organizing Project; Sowing Justice; Stop the Algonquin Pipeline Expansion; Suffolk Progressives; Sullivan Alliance for Sustainable Development.

Summers County Residents Against the Pipeline; Sunrise Movement; Sunrise Movement Houston; Sunrise New Orleans; Sunrise NYC; Sunrise San Diego; Susanne Moser Research & Consulting; Sustainable Arizona; Sustainable Mill Valley; Syracuse Cultural Workers; Syracuse Peace Council; Tapestry UU Church of Houston; Taproot Earth; Terra Advocati; Texas Campaign for the Environment; Texas Climate Emergency; Texas Grassroots Network; Texas Permian For Future Generations; The CLEO Institute.

The Climate Mobilization; The Consoria; The Last Plastic Straw; The People's Justice Council; The Shalom Center; The Shame Free Zone; Third Act Virginia; Thomas Berry Forum for Ecological Dialogue at Iona University; Thrive at Life: Working Solutions; TIAA-DIVEST!; Together We Will Long Island; tUrn Climate Crisis Awareness and Action; Turtle Island Restoration Network; Ulster Activists; Unitarian Universalist Action of New Hampshire; Unitarian Universalist Association; Unitarian Universalist Church of Berkeley; Unitarian Universalist Church of the Brazos Valley; Unitarian Universalist Service Committee; Unitarian Universalists for a Just Economic Community.

Unitarian Universalists for Social Justice; Unite North Metro Denver; United Native Americans; United Women in Faith; Uranium Watch; Urban Ocean Lab; UU Fellowship of Corvallis Climate Action Team; UUFHCT; ValuesAdvisor; Veterans for Climate Justice; vfp#35; Virginia Pipeline Resisters; Vote Climate; Wall of Women; Warehouse Workers for Justice; Water is Life Walks & Nurture The Children; Waterspirit; Waterway Advocates.

West Dryden Residents Against the Pipeline; WildEarth Guardians; WILPF; Wisconsin Health Professionals for Climate Action; Women's Earth and Climate Action Network; Women's International League for Peace and Freedom-Triangle Branch; WV Mountain PaRTY; Youth Vs Apocalypse; Zero Hour; IL Green New Deal; 1000 Grandmothers for Future Generations; 198 methods; 350 Bay Area; 350 Bay Area Action; 350 Colorado; 350 Conejo/San Fernando Valley; 350 Eugene; 350 Mass; 350 New Hampshire; 350 New Orleans; 350 Santa Barbara; 350 Seattle; 350 Silicon Valley; 350 Tacoma; 350 Triangle; 350 Wisconsin; 350.org; 350NYC; 7Directions of Service

Mr. SANDERS. Mr. President, here is what the Center for Biological Diversity had to say on this bill:

This is a climate suicide pact. It's self-defeating to handcuff renewable energy development to massive new oil and gas extraction. The new leasing required in this bill will fan the flames of the climate disasters torching our country, and it's a slap in the face to the communities fighting to protect themselves from filthy fossil fuels.

Now, in my view, we have to do everything we can to take on the greed, the irresponsibility, the destructiveness of the fossil fuel industry, not give billions of dollars in corporate welfare to an industry that has been destroying our planet. That is why I will be introducing an amendment today to strike all of the benefits to the fossil fuel industry that are in this bill, and I will be asking for a rollcall vote on it.

Let me say a word about some of the other amendments that I will be introducing. I will be introducing an amendment that is wildly popular—the concept is wildly popular—and that is to expand Medicare to include dental, vision, and hearing benefits. This amendment is fully paid for by demanding that the wealthiest people start paying their fair share of taxes.

Further, I will be introducing an amendment to provide $30 billion to establish the Civilian Conservation Corps, which would create 400,000 jobs for young people to combat climate change. The entire younger generation wants to roll up their sleeves and get involved in the effort to transform our energy system away from fossil fuel, and this amendment and the establishment of a Civilian Conservation Corps would allow them to do that.

Further, I will be introducing an amendment to expand the $300-a-month child tax credit for the next 5 years by restoring the top corporate tax rate from 21 to 28 percent. As you know, we made significant progress in lowering childhood poverty in America—we reduced it by 40 percent—with the establishment of a child tax credit, but unfortunately that was not continued in this year, and I think it needs to do so.

So, bottom line, this is where we are at.

The American people are hurting. Tens of millions of workers are falling further and further behind. The elderly are hurting. The kids are hurting. And people are looking to their elected representatives in Washington to finally address the crises they are facing.

In a reconciliation bill, where we only need 50 votes and the Vice President, we have the capability, if we pass these amendments, of taking a giant step forward not only in addressing the needs of our kids, our elderly, and working families but in maybe—just maybe—beginning to restore the confidence of the American people in their democracy, in believing that their elected officials are listening to them and not just lobbyists and wealthy campaign contributors.

I look forward to offering these amendments and getting them passed.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I yield myself 20 minutes from the bill.

So where to start? Well, I thought long and hard about how to explain this to the American people, and the only thing I can tell you is ''insanity'' is defined as doing the same thing and expecting a different outcome.

So here we are with the same people coming up with a plan to help you. How well did that work out the last time these 50 people were going to save you and your family? You will eventually come to the conclusion, I hope, they generally don't know what they are doing.

The best way to stop a drunk driver is to take the keys away before they

get in the car. The best way to stop this tax-and-spend and inflationary madness is to fire some of the 50 so they can't keep doing this to your family.

In March of 2021, we had a debate. Senator SANDERS—very good man. And everybody over there told us that if we pass the American Rescue Plan, your life will be dramatically better. As $1.9 trillion passed with Democratic votes alone in March of 2021, not one Republican voted for it.

Since then, we have been able to pass an infrastructure bill in a bipartisan manner. We passed legislation trying to keep guns out of the hands of mentally unstable people and generally help with that problem. We have come together around Ukraine to help them beat the Russians. We have come together to designate Russia as a state sponsor of terrorism. My oligarch friend up there—the guy who hates oligarchs more than anybody—we have come together to try to go after the assets of the Putin cronies. So it is not like we can't work together. But what you are not going to get from our side is buy-in on really bad ideas.

So to the American people, the same people telling you what this bill is going to do are the same people who told you the American Rescue Plan would work.

Let's go down memory lane here for a second. Here is what the Vice President said about the $1.9 trillion American Rescue Plan passed in March of 2021 with Democratic votes alone:

> Help has arrived for the families that have struggled to put food on their table, for the small businesses that have struggled to keep their doors open. Help has arrived, America.

This was said in 2021. She promised you help was on the way if you pass the Democratic American Rescue Plan.

Here is what Senator SCHUMER said:

> We have heard a lot about how the American Rescue Plan will prime the American economy to come roaring back. Economists are already projecting that economic growth could double as a result of the American Rescue Plan.

March 16, 2021. I don't know where their economists are today, but I hope they are not in the economy business because they sure as hell didn't know what they were talking about.

So what has happened from those statements to now? Instead of help being on the way, helping you put food on the table—see if that makes sense to you. The American Rescue Plan has helped put food on the table. Help is on the way for business.

In March of 2021, before the American Rescue Plan, inflation was at 2.6 percent. Today, it is at 9.1. Do you think it is an accident this has happened? If you do, you probably shouldn't be driving. You are a danger to yourself or others.

We told you—and by God, God knows the Republicans are by no means perfect—but we told you what was going to happen, that we had a struggling economy because of COVID, and this tax-and-spend, growing the government, throwing money at everything, is going to come back to bite us in the ass, and it did. Take a hundred bucks and go to the grocery store and see what you get for it. You have to get a mortgage on your house to fill up your car.

This is no accident. And the same people who told you then they had it figured out for you are telling you something now that I think is throwing gasoline on the fire that you are living with. That is why every Republican will vote no. Senator SANDERS is reluctantly going to vote yes. I am going to enthusiastically vote no. I don't mind working with Democrats when it matters and it helps, but this, to me, is insane.

So here is where we find ourselves as a nation. We find ourselves as a nation in a recession. If a Republican would be President, I doubt if most of the media would doubt we are in a recession. It is defined as a period of temporary economic decline during which trade and industrial activity are reduced, generally identified by falling GDP in two successive quarters. The first quarter was 1.6 negative growth; the second quarter was 0.9. Over time, unfortunately, it is probably going to get worse because we are going to have to raise interest rates to control rampant inflation, and that is going to make it harder to borrow money and invest in the economy.

On top of that, they are about to pass a bill without one Republican vote that will take every problem they created in March and make it dramatically worse.

Let's go down sort of what life is like in America right now. They told you that help would be on the way, that the economy would double if we passed their bill in March of 2021. It didn't quite work out that way, did it? Gasoline has gone up 59.9 percent—it will eventually come down because the economy is coming to a halt; 34 percent increase in airfare, if you can get a plane to leave in the same month you schedule it; electricity rates, 13.7; food, 10.4; chicken, 18.6; cereal, 14.2—this is sort of what I eat; bacon—I love bacon—10.8 percent increase.

The bottom line is, the American Rescue Plan did not help your family. It is not helping your business. It has taken every problem we had from COVID and made it worse. And what is their solution? To do the same thing all over again in a different way.

What is in this bill that makes me say that? When you ask people: Does the Inflation Reduction Act reduce inflation—I mean, not me; not any of the 50 of us; but just ask somebody who sort of like is supposed to know what they are talking about, and they will tell you it does not. The whole bill is a lie.

The American Rescue Plan should be called the American Recession Plan, and this Inflation Reduction Act is a lie. It is not going to reduce inflation in any meaningful way. We have the highest inflation in 40 years. And here is what the Penn Wharton School of Business says: that it has a negligible impact. The Manchin-Schumer bill is going to make inflation worse.

Here is what Penn Wharton, University of Pennsylvania Business School, said: "Low confidence that legislation will have any impact on inflation." Bill would actually cause inflation to rise until 2024.

These people could give a damn. Nobody is going to convince them to stop taxing and spending as long as they have the ability to do it.

Penn Wharton—it was sort of the bible for Senator MANCHIN when he stopped Build Back Better, and I am glad he did. But they are telling him that what he and others are saying doesn't actually work.

CBO—supposed to be the bible, according to Senator MANCHIN—has a negligible—I can't say that word—very little effect on inflation. They said it would not reduce inflation in 2022 and inflation would go up or down 0.1 percent in 2023.

These are the people who wrote the budget bible telling all of you that what you are saying is not true, but you don't care. You could care less.

So here is what the bill does. Here is why none of us are going to vote for it.

How many of you think now is a good time to create a new gas tax? It is not. So let me tell you what is in this bill. This bill has a 16.4 cents-per-barrel new gas tax on all imported oil and petroleum products and all domestic crude refined in America, which will create billions of dollars of new gas taxes at a time we need to have less gas taxes, in my view.

So in the name of climate change, this bill increases gas taxes. It brought back from the dead a 1995 tax that was 9.7 cents per barrel on imported oil, increased it to 16.4 cents at a time of high gas prices, and included domestic crude refined in America. Pennies become dimes, and dimes become dollars.

So if you are looking to increase gas taxes, your ship has come in; vote for this bill. If you think it is dumb as dirt to have a new gas tax with this economy, vote for my amendment that comes up later.

What else does the bill do? It increases taxes. You have to be shocked about that. It increases taxes by billions—hundreds of billions—and they say it won't affect you. Well, the CBO analysis and Penn Wharton said that the effect of the tax increases on business will be passed down to people who make below $100,000 a year. Just think about—does that make sense to you? You increase taxes on a business. They pass it along to their customers. That is just sort of the way the economy works.

The 15-percent minimum tax—how does that work? The tax eliminates expensing for equipment and other items a business may purchase to grow their business, which we created in 2017, in the same year you buy it. So what does

CBO say about that? CBO says this bill will deincentivize purchasing equipment and building factories.

Think about what I just said. You are about to push on the American people another bill that will raise gas taxes and deincentivize investment in the private sector in the area of equipment and factory expansion at a time we need it the most.

What does this bill do on the healthcare front? ObamaCare subsidies under this proposal will go to people making $304,100 as a couple for a family of four. Let me ask you, is now the time to subsidize ObamaCare for people making $304,000 a year? That is what is in this bill.

Now, here is my favorite part.

This bill has a plan to hire 87,000 new IRS agents—new ones. That is enough to fill up the Rose Bowl. That is bigger than the British Army. They are going to propose hiring 87,000 new IRS agents and they promise you this is only going to go after the rich. You should not believe that. This is an army of IRS agents who are going to go after everybody about everything to fill the insatiable desire of our friends on the other side to take money from you to spend up here.

There will be more new IRS agents than the British Army, the German Army, the entire combined military of Canada, the French Air Force and Navy—literally an army of new IRS agents, and you should worry about what these people may do.

As I tried to tell people last time, the American Rescue Plan wasn't going to rescue you; it was going to make your life worse. And it did. We have 9.1 percent inflation, the highest in 40 years.

Senator SANDERS is right. People are hurting out there. Let's work together to help. But you are not helping anybody. At the time you promised us help was on the way, inflation was at 2.6 percent. Because of the help you gave the economy, it is at 9.1 percent.

Here is what we are trying to tell you over here. If this bill passes, the problems you face today are going to get worse. And we will remind you in November.

Prescription drugs—in this bill, they identify 15 drugs they are going to have price controls on. They talk about the price in Canada. Most new drugs come from this country, not Canada. So let's make Canada pay more for the research and development done in our country to help the world. That makes some sense to me. But price fixing is a socialist idea that has never worked anywhere. Even Richard Nixon tried it. It didn't work.

And during COVID, we should have learned one thing: The private sector developed drugs to keep a lot of people alive and out of the hospital, and I am glad they were able to do it. Operation Warp Speed was a tremendous success, and it was done by the American pharmaceutical industry.

After this exercise is over, the idea of new drugs coming online is going to go down, and the socialist model that Senator SANDERS embraces is going to hurt innovation. He is a fine man, but he is a Democratic socialist. This bill doesn't go far enough for him, but it goes way too far for you.

As I am hoping and praying that one of you over there would agree with me, let's don't raise gas taxes now; let's don't raise taxes on business so they can invest in buying new equipment now; let's don't spend a bunch of money subsidizing ObamaCare for people who make over $300,000 now.

But that is probably what we are going to do unless we can convince one person over there to reject this madness. I am telling you, ladies and gentlemen throughout the country, this is madness. Our Democratic friends, wherever too big, there is some plan to tax and spend on something. They are nice people, but they consistently have a view about what to do for the economy that is not working.

I beg and plead with one Democrat: Listen and learn from what you did last time. Senator MANCHIN has been strong at times, but he voted for the American Rescue Plan. He is telling us this will reduce inflation when CBO says it will not. He is telling us that this will improve the economy when Penn Wharton says it won't. No matter what anybody says, they are hell-bent on doing this because they can. I hope after this election, they can't do this anymore.

Here is what I think it is going to take: one Democrat admitting maybe the American Rescue Plan didn't work and this won't work. Maybe there is one among you. But if there is not, to the American people: In November, I hope you will remember this. Help is not coming by passing this bill. Help was not on the way by passing the American Rescue Plan. Misery came from that massive tax-and-spend bill, and we are about to pile misery on top of misery. We are about to increase gas taxes at a time you can't afford it.

To my Republican colleagues: You should enthusiastically vote no. To my Democratic colleagues: Apparently, you haven't learned a damn thing about what you did last time.

I yield the floor.

Mr. MCCONNELL. Mr. President, the last time the Senate was in this position, the last time Democrats grabbed control of our economy on a party-line vote, they spent $1.9 trillion and stuck Americans with the worst inflation in 40 years.

Every Senate Democrat cast the deciding vote for this inflation nightmare. Their historic mistake has left American families spending thousands of dollars extra just to avoid losing ground.

In President Biden's America, forget about getting ahead; you have to pay a multi-thousand-dollar inflation tax just to stand still.

Millions of households haven't been able to keep up with Democrats' skyrocketing prices no matter how hard they have tried. They have had to watch their families' hard-earned living standards just slip away—all because, a year and a half ago, Senate Democrats tried to take over our economy on a party-line vote. And today, they want to do it again.

Washington Democrats have already robbed American families once through inflation. Now, they say the solution is to rob the country a second time. They say they need a second reckless taxing and spending spree to clean up the damage from their first one.

Every homeowner in America knows that if you call a plumber to fix a leaky faucet and they end up flooding your entire house, you don't give them a blank check and a second chance. You show them the door.

President Biden's approval on the economy is 30 percent. An outright majority of the country—including more than one in four Democrats—agree that Democrats' policies have actively made the economy worse.

Democrats have lost the country's confidence. They have lost the people's trust. The voters who placed their families' financial futures in Democrats' hands have been betrayed. And they know it.

Sadly, there is no shortage of crises that Americans would like this government to address: an inflation crisis; an energy crisis; a violent crime crisis; a border crisis.

But this weekend, today's Democratic Party is being unusually honest about their top priority. They are pulling out all the stops. They have twisted every arm. And for what? Not taking back our economy from inflation. Not taking back our streets from murders and carjackings. Not taking back our border from chaos and deadly drugs.

That is what the American people want addressed. But none of that is on the agenda this weekend.

President Biden may have won the fight for the Democratic Party's nomination, but our colleague Chairman SANDERS sure did win the war for its soul.

This reckless taxing and spending spree is a clear catalog of Washington Democrats' top priorities. It shows the American people what they care about. And here it is: They want hundreds of billions of dollars in job-killing tax hikes, 86,000 new IRS agents, new taxes on American oil and natural gas that will hammer consumers and reduce energy independence, and a money grab from Americans' medicine cabinets that will lead to fewer new lifesaving cures in the future.

They want to stick a shaky economy with historic tax hikes, in order to set up a colossal Green New Deal slush fund. To give rich people tax credits for buying $80,000 electric cars and new appliances. To send taxpayer money directly to far-left protest groups. To buy government agencies fleets of brand-new electric vehicles while working families can't afford the used car lot.

And all of it is just unbelievably expensive liberal performance art because experts say none of this ''retail therapy'' for rich liberals and bureaucrats will make a dent at all in the future trajectory of global temperatures—No meaningful impact on the world's climate. None.

That is why none of our Democratic colleagues can talk about actual results. Have you noticed that? They only have one talking point: that this is the biggest climate investment ever. That is just a way of admitting that the only historic thing is the gigantic price tag.

Democrats still define success by how much of your money they get to take from you in taxes and waste in spending. That is the exactly the attitude that got us in this mess. That is exactly the far-left mindset that has crushed American families for 18 months and counting.

Our colleagues want to tax and spend unfathomable sums of money without making an inch of progress on our citizens' top priorities. Washington Democrats call that a big success. Do you know what the American people call it? The lowest Presidential approval rating after 18 months in modern history.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to talk about the Inflation Reduction Act. I am limited on time. I will try to keep within my 5 minutes.

I wanted to start by just kind of providing a brief summary. This is legislation that will do a number of things, all of which are helpful to American families and the American economy.

First of all, it will lower the cost of prescription drugs for seniors. It will, in fact, lower the cost of energy, the prices people pay for energy.

On the prescription drug front, we talk about lowering costs and empowering Medicare, for the first time, to begin to negotiate for lower prices. It also caps the out-of-pocket costs that Medicare beneficiaries pay at $2,000. In Pennsylvania, the estimate is that there are more than 73,000 Pennsylvanians that pay more than $2,000 a year for prescription drugs. Every one of those 73,000-plus Pennsylvanians and more will benefit from capping out-of-pocket costs.

It lowers costs for families, but it also reduces the threat of climate change and reduces the deficit at the same time—all of that while reducing emissions between now and 2030 by some 40 percent. And this may be the very last time—the very last time—that we have an opportunity to take action in a substantial way against the threat of climate change. The Presiding Officer has worked on this issue for years. He knows of what I speak better than anyone. This may be the last chance to take action on climate change.

Thirdly, and not by way of a complete summary, it extends the Affordable Care Act subsidies—the subsidies that were provided in the American Rescue Plan, the enhanced subsidies and premium tax credits. Those subsidies will be extended to 2025.

Again, I will personalize it to Pennsylvania. This directly affects at least 100,000 people. Sixty thousand people in our State will lose all of their insurance coverage if we don't pass this bill; another 40,000 will have their subsidies taken away; and several hundred thousand will have their premiums go up. It affects 100,000 people directly and several hundred thousand people directly or indirectly.

Then, of course, this bill creates millions and millions of jobs over the 10 years that the bill has been measured.

After we pass the Inflation Reduction Act, which will reduce inflation—that is what we are told by some 126 economists. Larry Summers and others have said the same thing. It will fight inflation in the ways that have already been spoken about. But after we pass this bill, this strong bill for the American economy and for American families, we have more work to do. We have to continue our work to pass legislation to invest in home- and community-based services for seniors and people with disabilities. We have to invest in childcare and institute again what we did in the American Rescue Plan when we put dollars in the pockets of American families raising children by taking the Child Tax Credit and enhancing that Child Tax Credit.

We have to invest in prekindergarten education and paid family leave. We have to invest and protect the Medicaid program and extend it.

We have so much more to do.

I will just spend my remaining minutes talking about one issue, the issue I started with on that list, the home- and community-based services issue. This is an issue that people across the country have come to talk to us about—about a senior or loved one that they want to have home care and can't get it because they are on the waiting list as it is approaching a million people or a person with a disability who wants that same kind of care in the home or in the community.

I met a lot of people and listened to them and listened to their stories. Two come to mind in particular: Someone who needs that care—his name is Brandon Kingsmore—and his caregiver Lynn Weidner.

I visited Brandon's home with Lynn there and learned firsthand what they are up against every single day in that home. Some months later, Brandon had the chance to meet with the President in my hometown of Scranton. One thing that he said about Lynn as a caregiver and caregivers overall—he said the following. He said:

I would not be able to have the life that I have without Lynn's help.

[Caregivers] give us a substantial life.

That is what one Pennsylvanian said about the care he receives. Every family should have that opportunity to have care in the home or in the community, and they can't get that under current law. The only option for most families is care in a nursing home or other institutional care. If someone wants that care, that is great. A lot of those nursing homes do really good work.

But here is the problem. So many Americans should have the right to have care in their home, and they don't have that opportunity today. We have to pass legislation to do that. The Better Care Better Jobs bill does that. Jobs for home care workers—we have to get that pay up. We can't be a Nation that claims to be the greatest country in the world and pay home care workers just $12 an hour. That is not going to provide the care that our families need. This bill is about jobs for home care workers; care, obviously, for seniors and people with disabilities; and support for family caregivers. More than 50 million Americans—more than 50 million Americans—are providing care to a loved one. They are saving us money by doing that—saving the Nation money—but they are caring for a family member out of an act of love. We have to help them a lot more than we do.

The last two more points I will make are: We can decide to go forward and just say your only option as a senior or a person with disability is to go to a nursing home or an institutional setting. If we continue to do that, the cost of that is $90,000 per person; or we can invest in home- and community-based services and not pay $90,000 per person, but we can pay just $26,000 per American for that kind of care. So it has a huge cost benefit as well as the compelling moral argument that we should provide these opportunities.

This bill we are going to pass tonight or tomorrow morning or whenever we pass it is a good bill for families—lowering costs, helping seniors with prescription drugs, and really moving forward on action against climate change. After it has passed, we are going to continue to work on these other issues.

I want to end with this. I want to thank members of my staff who have particularly worked so hard the last 18 months on a range of issues but, in particular, the ones who work on home- and community-based services and will continue that fight with us: Stacy Sanders, Michael Gamel-McCormick, Narda Ipakchi, Josh Kramer, and so many others who have done good work, just like so many members of staffs of so many Senators here tonight.

But let's get the Inflation Reduction Act passed tonight, and let's move forward on these other issues in the months ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

HONORING AND CELEBRATING THE LIFE AND LEGACY OF REPRESENTATIVE JACKIE WALORSKI

Mr. YOUNG. I yield myself 10 minutes from the bill time.

Mr. President, I rise today to honor the lives of four Hoosiers who were lost tragically in a car accident this week, Edith Schmucker, Zachary Potts, Emma Thomson, and Representative Jackie Walorski. We grieve them all, and we pray for their families and friends.

This is, of course, a profoundly difficult time for those of us who knew one or more of these Hoosiers. It is such a difficult time for their families and their friends, and all of us, I know, we commit to do whatever it is in our power to comfort their loved ones in the difficult days ahead.

Like everyone here and back home in Indiana, I am absolutely heartbroken. I think one thing that hit everyone particularly hard was the loss of two young congressional staff members.

Whether you knew Zach or Emma personally or not, you certainly know their type if you are watching these proceedings on Capitol Hill. You know the type of hard-working, smart, committed, young person that comes to work on a congressional staff. They dedicate so much of their time and their talents. Other opportunities are given up in order to serve their country and to work toward the betterment of their Nation.

We should celebrate their accomplishments while we grieve their loss. It is a reminder, I think, for all of us to thank the many congressional staff members who do much more than the public will ever know.

I want to take a few minutes today to pay tribute to our colleague right here in the Halls of Congress, Jackie Walorski.

Jackie and I came to Congress at roughly the same time—she, 2 years after me—and I will never forget when she arrived here at the U.S. Capitol. Jackie didn't need time to get her ''sea legs.'' No, Jackie knew that she belonged here. Jackie understood that this was her calling. She didn't need people to tell her that she belonged. She got right to work because she had some things to accomplish.

I have to say that her confidence was infectious. Everyone saw it. Everyone was impressed by it. People loved being around her, including me.

Jackie had so many other amazing qualities, and I would like to highlight a number of those today. She was always so full of energy. It was a positive energy. She was a lightning bolt. She could light up a room like no other.

In fact, in my observation, she only had two speeds, it was full-bore on and off. She was high-spirited and full of fire.

Jackie also had a really big heart. In fact, her heart was as big as it was good. She wore it on her sleeve every day, every moment of the day.

She didn't hide her convictions. In fact, she made sure that they were expressed in the boldest, most colorful fashion. Her convictions were deeply held. She was proud of them. It is what made Jackie ''Jackie.'' She was of deep convictions, clearly, not just with her politics. No, it came from a deeper place. She had deep convictions with respect to her religious faith.

I have to say that for all the many speeches I saw her deliver and for all the people I saw her energize, it was often after she delivered a prayer—and I saw her deliver a number of those—that audiences gave their most heartfelt ovations.

Jackie was a larger than life figure, but Jackie was never fake. She was never contrived. She was beloved, in fact, because she inspired and motivated people with a passion that was so authentic, so human.

And Jackie cared about the people she connected with. She was genuinely concerned. She was what you might call the genuine article.

Jackie was also very smart, not just energetic. She was very smart. As a member of the House Ways and Means Committee, you could see that on a regular basis. But even in a casual conversation, Jackie had a habit of cutting right to the issue. But, more importantly, Jackie was smart about the people she represented. She knew their hearts. She knew their concerns. She knew their challenges. She knew their aspirations. She studied them. She lived it. She stayed in touch with them.

She never forgot whom she worked with. She never forgot whom she worked for, and she never forgot who sent her to Washington.

Jackie also had courage. She was a fearless leader. You see this in your best leaders. She didn't flinch in the face of tough votes. No, Jackie was smart enough to know the consequences, but she wasn't afraid. She did what she thought was right. She did it for the right reasons, and she had enough self-confidence to go explain her votes to her constituents. It was, at once, a confidence in herself, but it was also a confidence in those she represented.

She was a leader, confident in her own abilities and confident in the abilities of those around her.

If there is a single memory of Jackie's time in this building, the U.S. Capitol and, I would say, her time in the Indiana statehouse, it was that she is indeed a leader. Since Jackie's passing, I have had the opportunity to discuss her service, her life with a number of people, and this keeps coming up. She was a real leader. This is what they are talking about.

For all of these amazing qualities, I have to say personally that there is something else that I keep coming back to. It is the first thing I come back to when I think of Jackie, and, frankly, it is very personal to me.

I am going to miss Jackie's laughter. She had a beautiful, bellowing laugh, uninhibited, so authentic, not contrived. It came from a place where she appreciated humor. She appreciated, at times, the absurdity of life.

She always had a joke at hand or funny observation to make, or maybe she had read something recently she wanted to share with me. But we had so many great laughs together, and she could make my side hurt in fairly short order. I am going to miss that.

And it is really hard to believe that our paths won't ever cross again. They crossed so frequently, sometimes in this building but, typically, it was in Indiana's Second Congressional District, back home. It was rare, I would say, that I didn't go into that region and encounter her or, at least, follow in her tracks.

She was so active, so engaged. I am going to miss those encounters. Just a few weeks ago, I had an opportunity to visit with Jackie in person. We shared some laughs, of course. It was at a dinner in Elkhart County.

We were scheduled to be together this coming week to attend a ribbon-cutting ceremony. She was constantly on the road serving, doing her job. It is not too much to say that that was her calling.

It is also not too much to say that Jackie's last breath was spent in service, in service to her constituents, to her God, to the great State of Indiana, to her country, to her calling.

Jackie loved and she was ever faithful to all of those things to the great benefit of Indiana and America, and for that I am grateful, for that we loved her back, and we will miss her dearly. Let that be her legacy.

I yield to my colleague from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. I yield myself five minutes from the bill time.

I rise today to honor the life of Congresswoman Jackie Walorski. Three others were lost in the tragic accident.

Like I said last week, it is a real gut punch to any of us who knew Jackie and to Hoosiers across the board. The outpouring of grief for the lives lost has been immense in our State. As Hoosiers share their memories of them, you can see just how important all those lives were.

Let me talk about Jackie. I got to know her early on when I was entertaining running for Senate. She was up in the north central part of Indiana, a place that I had been very little, and she was engaging. I spent get-togethers with her before and then after I was elected, and Todd said it well: Whomever she came across, she was their friend, full of enthusiasm. She never really knew a stranger.

I got to know her better over the years since then, and I can tell you that faith, family, and community were the principles that guided her, and times of mourning show us just how important those things truly are.

As the friends and family grieve for the four lives lost in this tragedy, I hope they can find consolation in their

faith, in their families, in their communities, and in the memory of their loved ones.

Zach Potts was a rising presence in Indiana politics. He was the district chair, also the Republican chair of St. Joe County, an up-and-comer. He is remembered by friends as someone who truly cared, who didn't ask, ''What's wrong?'' but instead asked, ''How can I help?''

Emma Thomson, Jackie's communications director, is remembered by those who knew her as creative, funny, driven, committed to the idea that people are the most important thing in politics.

Edith Schmucker is remembered as a loving mother and a big-hearted friend to all at the assisted living facility where she worked and served others.

I hope you will join me and Todd in praying for their friends and their families. As we honor the lives of Jackie, Zach, Emma, and Edith, their legacies will live on in those whose lives they touched.

And Jackie was a living testament to what it means to be a ''good and faithful servant.'' She lived it out every day, and she will truly be missed.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Indiana.

Mr. YOUNG. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 748, which is at the desk. I further ask that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 748) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

INFLATION REDUCTION ACT OF 2022—Continued

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I yield myself 30 minutes from the bill time.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 5376

Mr. CRAPO. Madam President, I would like to start my remarks by going back to nearly the very beginning of this Congress, when we were debating what was called the American Rescue Plan. We were told then by our colleagues on the other side that this was going to save the country: $1.9 trillion of debt-financed spending, they said, was going to fix everybody's concerns in the United States.

Where are we today?

A 9.1-percent consumer price inflation, which we told them was coming; gas prices doubling; economic stagnation; GDP contracted by nine-tenths of a percent in the second quarter.

We are now arguing over semantics about what is a recession.

Sixty-five percent of the people in this country think we are already in a recession, and more than 80 percent of the country think our economy is on the wrong track.

The nonpartisan Penn Wharton Budget Model has made a comment about what we are looking at today, but what are we being told today? Another rescue plan, only this time they call it the Inflation Reduction Act. The Penn Wharton Budget Model says this bill will, if anything, raise inflation in the first few years of this budget, with a small and significant negative effect later in this decade. That same model concludes that there is ''low confidence that the legislation will have any impact on inflation.''

But it does have an impact on all of us and our economy. It does nothing to bring the economy out of stagnation and recession, but rather the Inflation Reduction Act of 2022 gives us higher taxes, more spending, higher prices, and an army of IRS agents.

Let's talk about the taxes first.

Hundreds of billions of dollars are raised through taxes, around 350 to 400 billion.

There is a new book minimum tax on corporations. There is a new tax on stock buybacks. There is, believe this or not, a new tax on gasoline—on oil and gas production and refineries—at the very time when our President has shut down production of oil and gas on our interior and offshore and has stopped the Keystone XL Pipeline, basically freezing America's production and driving us from a state of energy independence to a state of energy dependence, where we have to ask our friends and often our enemies across the globe to increase their gas production to help us deal with our prices at the pump.

And this book minimum tax, everybody in America knows that corporations don't bear the burden of the taxes we put on them. Who does? Workers, consumers, and owners.

A recent National Bureau of Economic Research study estimates that 31 percent of these taxes will be borne by consumers via price hikes—price hikes at a time when we are dealing with record inflation.

Thirty-eight percent is borne by workers by way of lower wages or less employment, and 31 percent is borne by owners.

Now, my colleagues are very quick to say: Well, this is just rich people and rich companies that are tax cheaters.

The owners of the corporations, though, are primarily people in America who have retired and are leaning on a pension or who have not yet retired or are trying to save money for their retirement by putting their money into 401(k) programs or other investment programs. That is who bears the burden of these taxes.

We just asked the Joint Tax Committee to tell us who bears these burdens? Who will bear the burden of these tax hikes?

They told us, as the chart here shows, in 2023, that taxes will be increased by $16.7 billion on American taxpayers earning less than $200,000. In 2023, another 14.1 billion will come from taxpayers earning between $200,000 and $500,000. And by 2031, when the new green energy credits and subsidies provide an even greater benefit to those in America with higher incomes, those earning below $400,000 are projected to bear as much as two-thirds of the burden of the additional tax revenues collected in that year.

That is what we are being offered as a solution to the crisis that we are now in in our economy.

And as I will discuss later, the nonpartisan Congressional Budget Office has recently confirmed that a significant portion of the revenue that the IRS supersized funding they are claiming will be coming from audits that they are going to be taking will come out of taxpayers earning less than $400,000.

So in response to this data that we have been able to show about their very tax proposals in this bill, the Democrats, surprisingly, have claimed that this Joint Tax Committee analysis isn't valid because it didn't include the effects of their spending that they were putting into the bill.

Now, that is a novel idea. It is OK to raise taxes, and it is OK to put more tax burden on people making more than $400,000 because we are going to be sending some subsidies to some of them.

So we asked the Joint Tax Commission to include those subsidies in its analysis, which they did.

The analysis they gave us back incorporated the ObamaCare subsidies and shows that the burdens of the proposed tax increases in the Democrats' reckless bill will be so substantial and so widespread throughout all income categories—I repeat, all income categories—that no amount of temporary healthcare credits or even the subsidies that this bill gives for $80,000 luxury SUVs will overcome the tax increase burdens that will be overwhelmingly felt by lower and middle-income-class Americans.

Few, if any, Americans will get a net reduction in the burden that they will bear from the taxes and subsidies provided in this bill. And for any that do, it will only be temporary. The vast majority will still bear the burden of these taxes.

The book minimum tax does not close loopholes. You often hear that from my colleagues on the other side as well. It raises taxes on U.S. companies by hundreds of billions of dollars, and it would not prevent all companies from paying zero tax. Instead, it would let some of the companies preferred by the Democrats continue to avoid their

taxes by using not loopholes but legitimate provisions for research and development tax credits and other kinds of tax credits that are intended to incentivize the conduct of those companies.

The Joint Tax Committee has already estimated that half of the burden of the book minimum tax will fall on manufacturers.

In other words—well, let me go into what 252 trade associations and chambers of commerce from across the country said when they realized that close to half of this burden will fall on manufacturers.

This is from those trade associations that jointly—252 of them—wrote to Congress:

Enacting the proposed Corporate Book Minimum Tax would be the antithesis of sound tax policy and administration. Its introduction would be neither simple nor administrable and would pose a competitive disadvantage to U.S.-headquartered businesses while increasing the incidence of unrelieved double taxation. It would also have a detrimental effect on the quality of financial reporting.

The Business Roundtable said:

[T]he proposed book minimum tax would, among other things, suppress domestic investment—

Remember that, ''suppress domestic investment''—

when increased investment is needed to spur a strong recovery in our economy. This tax hike would also undermine the competitiveness of America's exporters.

Even with a carve-out for accelerated appreciation, there remain many unresolved problems with the design and structure of this minimum tax that make it a poor revenue option.

So let's go to the next one that they raise: stock buybacks.

Once again, my colleagues on the other side are quick to attack any company that does a stock buyback, saying that they are just trying to make owners of their stock who are rich tax cheaters even more wealthy.

I have already explained that the owners of that stock are the vast majority of Americans who are retired or who are working for retirement or who are trying to invest a little bit to try to get ahead.

Despite the claims that these are loopholes, they are doubling down on proposing a $74 billion tax on U.S. companies. Democrats want to create a third layer of tax on American companies, which will have the harshest impact on seniors and other savers.

The Wall Street Journal in a recent editorial explained:

Companies use buybacks to return cash to shareholders for which they don't have a better use. Shareholders who sell shares back to . . . [companies] can invest the proceeds elsewhere. That beats letting the cash sit on corporate books earning interest while CEOs get complacent or decide to buy a business they don't really want or understand how to run.

Buybacks aren't tax free: Owners who sell shares back to the company realize a taxable gain. Any boost in the share price contributes to a higher taxable gain for remaining owners when they sell their shares in the future.

Why not pay dividends instead? Companies and shareholders might prefer buybacks in some instances, such as the company is disbursing a one-time lump sum or shifting the balance of equity and debt on its books. For the economy overall, buybacks have the effect of distributing capital specifically to those owners who choose to participate because they believe they have a more productive use for it. Capital flows from companies that don't need it to companies that do.

Democrats are telling companies: If you return value to your retirees or to retirees in the country or if you return value to people's investment in 401(k) plans or the pension plans, then you will pay a punitive tax.

The majority of American households have direct or indirect ownership of corporate stock via pensions, 401(k) plans, or other saving vehicles.

Here are some interesting statistics about the Americans who will bear the burden of this tax:

Eighty to one hundred million Americans have a 401(k) plan, 46.4 million households have an individual retirement account, and half of the Generation Zers and millennials are invested in stocks.

Seniors are especially dependent on investment income.

The Association of Mature American Citizens reports that 68 percent of workers between the ages of 55 and 64 were active participants in a retirement plan to save for their golden years and that, on average, 40 percent of seniors' net worth is held in stocks and mutual funds invested over and above those retirement accounts.

Companies also rely on investments by individuals and institutions like pension funds to finance their operations.

Successful companies use this capital to generate profits, which are then used for expansion, for research and development, for hiring and for benefits, and for investment in communities. Companies may also choose to pay down their debt or return excess funds to shareholders.

Restricting stock buybacks could force companies to sit on cash or waste it on low-potential projects, both of which limit our economic growth and prosperity.

The Tax Foundation points out:

A large body of evidence supports the idea that companies generally only consider stock buybacks when they have exhausted their investment opportunities and met their other obligations, meaning it is residual cash flow that is used for buybacks. In fact, stock buybacks can supplement capital investments, as they can help reallocate capital from old, established firms to new and innovative firms.

This unvetted stock buybacks tax is a crippling tax that reduces retirement security for Americans.

So let's go to the next tax that they propose, and this one is the one that I said was just a little difficult to understand—the superfund tax and methane fee.

Now, I understand why they call it the superfund tax because it is a 16.4-percent increase on oil and gas production in the United States.

According to the Energy Information Agency, regular gasoline prices have risen $1.94 per gallon since President Biden was inaugurated, an increase of over 80 percent. Americans are still paying, on average, more than $4 a gallon for gas, and many can still remember the $5-a-gallon gas. The price for utility gas service is up by almost 40 percent.

These prices occur because President Biden shut down domestic energy production, including through permitting delays and canceling pipelines like the Keystone XL Pipeline.

Now—again, unbelievably—the President's Democrat allies in Congress are doubling down with a methane tax and higher royalties on petroleum, reimposing and increasing by nearly 70 percent the Superfund tax on refiners of crude oil, importers of petroleum products, and crude oil exporters, costing almost $12 billion over 10 years that will ultimately be borne by American motorists. And Americans know that.

In addition, higher taxes diminish the ability to improve domestic supplies of oil by making capital investments cost prohibitive at a time when the U.S. has already lost 1 million barrels a day of refining capacity compared to before President Biden's unwise restriction of fossil fuel production in the United States.

On the methane fee, the American Gas Association says:

New fees or taxes on energy companies will raise costs for customers—

Americans understand this. He continues:

[C]reating a burden that will fall most heavily on lower-income Americans. . . . based on similar proposals introduced earlier this Congress, we estimate that the fee could amount to tens of billions of dollars annually. These major new costs most likely will result in higher bills for natural gas customers, including families, small businesses, and power generators.

Any increase in low-income households' energy costs could prove devastating.

The bottom line on taxes is that millions of Americans will bear the burden of these tax hikes. Some of my colleagues have claimed that those tax hikes are worth the supposed benefit. But let's look at those benefits.

Drug price reform is one they refer to. The largest source of supposed savings in the Democrats' bill is a system of bureaucratic drug price controls that will lead to: higher launch prices, stifled growth, gutted domestic manufacturing jobs, and aiding foreign adversaries like China; higher launch prices for new medications, triggering financial strain at the pharmacy counter, as confirmed by the Congressional Budget Office; hundreds of thousands of American job losses, particularly in domestic manufacturing, which is already getting hit by the new book minimum tax, with some estimates projecting as many as 800,000 job losses; a competitive edge for the Chinese Communist Party, which has singled out biomedical innovation as a

pillar of its industrial policy strategy and could ultimately supplant the United States as the global life sciences leader, with a profound amount of national security implications; an unprecedented expansion of the DC Federal health bureaucracy, financed with a staggering $3 billion in new administrative spending as the Federal Government takes even greater control over another segment of our healthcare economy.

This bureaucracy would also have unbridled new government price-setting authorities with permanent prohibitions on even judicial and administrative review and with initial implementation shielded from basic notice-and-comment rulemaking requirements; fewer new treatments and cures, with the University of Chicago analysis estimating 135 fewer new drugs approved between now and 2039, resulting from an 18.5 percent reduction in innovative research and development.

There would be less funding for cancer R&D. Today, nearly 50 percent of the FDA pipeline is comprised of new cancer treatments. However, according to the same economists at the University of Chicago, the drug price controls would reduce funding for cancer R&D by nearly $18.1 billion, over 9 times the amount of funding proposed for President Biden's Cancer Moonshot—so much for the President's Cancer Moonshot.

There would be dangerous new mechanisms for compelling total compliance with Federal Government mandates, with potential applications across all sectors of the economy, including: an escalating noncompliance penalty of up to 95 percent on all gross sales levied every day for failure to meet any terms of the government's price-setting program—negotiation in name only—rendering any new Federal mandate, however sweeping, an offer you can't refuse. Even late paperwork would trigger this crippling, catastrophic penalty, which has a tax-exclusive rate of up to 1,900 percent. It is negotiation in name only.

As a messaging gimmick, the Democrats have framed their government price-setting program as ''negotiation,'' but their legislation tells a far different story. Under their proposed program, the Secretary has absolute, unilateral, uninhibited price-setting authority—with no floor—enabling a price of $1 for even the most innovative new drugs. Manufacturers have no choice but to comply and to provide indefinite access to their products at the Secretary-dictated price, regardless of how unfair. They cannot walk away from the negotiating table or withdraw selected products from the Medicare market, even if the Secretary sets an economically untenable price, stripping even small businesses of any leverage.

Judicial and administrative review of key decisions, including the price setting itself, are permanently prohibited.

The bill completely disregards the rest of the prescription drug supply chain, targeting manufacturers while doing nothing to address other key players or to improve oversight and transparency.

There is a better way. It is called the Lower Costs, More Cures Act. Senate Republicans have developed a commonsense alternative, based on more than two dozen solutions, aimed at providing relief at the pharmacy counter while ensuring long-term access to lifesaving new treatments and cures.

Among other provisions—virtually all of which are based on proposals with bipartisan support—the Lower Costs, More Cures Act would reform the Part D benefit to reduce seniors' cost-sharing burden and incentivize plans to negotiate the best deals possible for enrollees. It would create a hard cap on the annual out-of-pocket spending for all seniors under Medicare Part D. It would increase Part D plan choices for seniors by enabling sponsors to offer additional plans with incentives for options that pass a greater share of the discounts directly to their beneficiaries at the pharmacy counter.

It would permanently extend a Trump administration program providing Part D enrollees with access to plan options that cap out-of-pocket monthly insulin costs at $35 or less.

It would permanently allow high-deductible health plans to offer predeductible coverage for preventive services, including insulin.

It would establish a chief pharmaceutical negotiator to combat foreign freeloading, ensuring the best trade deals achievable for American consumers and job creators.

It would strengthen consumer-oriented oversight through more useful cost comparison tools, price transparency measures, and robust reporting requirements for stakeholders across the drug supply chain, including pharmacy benefit managers.

It would facilitate value-based arrangements where private and public sector payers can pay based on patient outcomes, driving better results for patients at a lower cost. And it would restructure payments for drugs administered in the doctor's office or hospital outpatient department to encourage physicians to deliver cost-effective treatment options when clinically appropriate.

These are the kinds of solutions that our prescription drug pricing system requires, not an arbitrary and offensive Federal price-fixing program.

Now, let's move on, finally, to the IRS funding for an army of auditors. This bill proposes $80 billion in new spending in mandatory appropriations to the IRS.

Let me give that a little perspective. The annual budget of the IRS is only about $12.6 billion. So it is nearly six times the annual budget of the current IRS. Of this, $45.6 billion is for enforcement purposes. That is more than 57 percent—almost 60 percent of this $80 billion is for enforcement purposes—and I will get to that in a minute—$25.3 billion for operations and support; only $4.8 billion for improving their business systems and bringing themselves into the 21st century with their technology so they can communicate with taxpayers; and only $3.2 billion for taxpayer services.

Some estimate that this part of the chart—the $46 billion for an army of auditors—will allow us to hire as many as 87,000 new auditors. That would make the IRS one of the largest Federal Agencies—larger than the Pentagon, larger than the State Department, larger than the FBI, and larger than the Border Patrol—all of them combined.

According to the Congressional Research Service, the Democrats' reckless IRS funding increase would raise enforcement funding by nearly 70 percent above what the IRS is currently projected to get. Increased audits for the middle-class, for small businesses, and those making less than $400,000 are inevitable and unavoidable under this act.

How will this money be used? Well, interestingly, the White House—after we started pointing this out, the White House and even the IRS Commissioner have said they won't use all this money for auditing people who make less than $400,000. And my colleagues just continue to say they won't do it.

Multiple studies show, however, that in order to raise the money they are requiring to be raised under this bill from audits—around $200 billion of more tax revenue from Americans by auditing them—they have nowhere else to look.

Last year, the IRS announced that it plans to ramp up audits of small businesses by 50 percent this year. Why did they announce that? Because that is where they need to look to collect all of this new tax revenue that they want to get. So I asked the nonpartisan Joint Tax Committee to estimate where most of this tax gap lies. Where is this trillion dollars of tax gap that my colleagues on the other side say is all coming from ''big'' tax cheats? The IRS looked at the data and determined that out of all the revenue projected to be raised from underreported income, 40 to 57 percent could come from taxpayers making $50,000 or less; 65 to 78 percent could come from taxpayers making $100,000 or less; and 78 to 90 percent could come from those making less than $200,000. Only around 4 to 9 percent could come from those making over $500,000. That is what the data shows.

That is why the IRS announced a 50-percent increase in audits for small businesses, and that is why it is impossible for the Democrats' claims that they want to not have audits of people under $400,000 cannot be honored.

You know, in their bill in response to this criticism, they included a sentence that said, Nothing in this bill is ''intended''—focus on that word—nothing in this bill is intended to increase taxes on those making less than $400,000.

Why did they use the word ''intended''? Because they know that that is not what they want to have happen, but it is what will have to happen, and they are not willing to use a stronger word.

I have asked them—and I will ask them in an amendment on this floor—to say that none of this money can be used to audit taxpayers making less than $400,000 a year. Let's see how they vote on that amendment.

Why couldn't they just say that this money ''shall not'' increase taxes on people making under $400,000 per year? Why couldn't they say that these funds ''cannot'' be utilized to audit taxpayers making less than $400,000 per year? Because they know they can't say that and claim the amount of revenue that they want to spend unless they audit those making less than $400,000 per year. The fact is, the tax cap isn't just millionaires or billionaires or oligarchs or whatever the term of the attack is today. Referring to all tax gaps and misreporting—that everybody who has not accurately reported their income is a ''tax cheat''—is misdirection. It calls all of these people who make less than $400,000 who are simply having trouble with this complex Internal Revenue Code a tax cheat. That is unfair.

We have examined the IRS's own data on how successful it is in having the courts sustain—sustain its claims that these folks in the $400,000-or-less category and other categories are cheating on their taxes.

Over the past 20 years, the IRS has had a less than 47-percent success rate and a less than 45-percent success rate over the last 10 years. In other words, the IRS more often asserts that these deficiencies exist than the courts agree with. That is hardly evidence for a multitude of tax cheats, but it is firm evidence that innocent taxpayers are often subjected to unnecessary and inappropriate scrutiny. We can be sure they will be with 87,000 new auditors—again, making the IRS larger than all of those other Agencies that I talked about.

By the way, folks may remember just a short time back when the proposal also included language that would let the IRS get into the bank accounts and monitor the transactions of the deposits and withdrawals of all Americans. Well, let me say it better—all Americans who had more than $10,000 worth of transactions in a year, which is, essentially, almost all Americans. Now, admittedly, that language isn't in this bill yet, but the broad authority that is given to the Internal Revenue Service with this $80 billion of supersizing will undoubtedly result in rules and regulations issued by the IRS to achieve that objective. They just knew that they couldn't put it in statute because they would be rejected immediately by the American people.

I encourage the American people to see past this and to reject this legislation. It is too many taxes, too much spending, and too big of a burden on the American people across all income categories. We don't want to supersize our Internal Revenue Service, and—go back to that very first statistic I gave you—it is not even going to have a statistically significant impact on inflation. If anything, the taxes will drive prices up.

I encourage all of my colleagues to reject this reckless bill.

With that, I yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I yield myself 20 minutes from the bill time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LANKFORD. Madam President, Hans Christian Andersen, in 1837, wrote a story about group think. It is called ''The Emperor's New Clothes.'' It begins with a leader who really loved his clothes. Some unsavory characters saw that, and they set up a weaving loom to make the finest clothes in the land, but they were actually weaving just air; there was nothing to it. The catch was they had sold the story that, if you can't see what they are weaving, it must be that you are just not wise.

So the Emperor sends a couple of his advisers to go check out the weaving to see what it looks like. They see, obviously, nothing because there is nothing there, and they all declare ''Oh, it is beautiful; it is lovely'' because they don't want to be seen as unwise.

Then it ends up with the Emperor preparing for a big parade, and that is where I pick up the story. Let me read to you from Hans Christian Andersen, from 1837, when he tries on the ''new clothes.''

These scoundrels, these unsavory characters who had sold him this said:

''How well Your Majesty's new clothes look. Aren't they becoming!''

The advisers all chirped in. He heard on all sides, ''That pattern, so perfect! Those colors, so suitable! It is a magnificent outfit.''

Then the minister of public processions announced: ''Your Majesty's canopy is waiting outside.''

''Well, I'm supposed to be ready,'' the Emperor said, and turned again for one last look in the mirror. ''It is a remarkable fit, isn't it?'' He seemed to regard his costume with the greatest interest.

The noblemen who were to carry his train stooped low and reached for the floor as if they were picking up his mantle. Then they pretended to lift and hold it high. They didn't dare admit they had nothing to hold.

So off went the Emperor in procession under his splendid canopy. Everyone in the streets and the windows said, ''Oh, how fine are the Emperor's new clothes! Don't they fit him to perfection? And see his long train!'' Nobody would confess that he couldn't see anything, for that would prove him either unfit for his position, or a fool. No costume the Emperor had worn before was ever such a complete success.

''But he hasn't got anything on,'' a little child said.

''Did you ever hear such innocent prattle?'' said its father. And one person whispered to another what the child had said, ''He hasn't anything on. A child says he hasn't anything on.''

''But he hasn't got anything on!'' the whole town cried out at last.

The Emperor shivered, for he suspected they were right. But he thought, ''This procession has got to go on.'' So he walked more proudly than ever, as his noblemen held high the train that wasn't there at all.

When the facts come out, it is hard sometimes to admit you are on display, that the bill actually doesn't do what the title says it is supposed to do. This time, the bill is called the Inflation Reduction Act. They say it is designed to be able to lower inflation and to reduce the deficit except that now it has actually been scored. It doesn't actually reduce inflation, and deficit reduction is as invisible as the Emperor's new clothes.

The score for inflation stated in the public scoring that ''the impact on inflation is statistically indistinguishable from zero.''

The CBO scored the bill and said it ''would have a negligible effect on inflation.''

Remember, this is the bill titled: the ''Inflation Reduction Act.'' The score on the deficit end, after many on the other side of the aisle here have said it would have $300 billion in deficit reduction, it is less than a billion. But wait, there is more to the story on even that $100 billion.

More than 200 economists wrote a letter to Senator SCHUMER detailing how this bill will not reduce inflation nor reduce the deficit. Taxing more and spending more will only make the problem worse.

They closed by saying this statement:

The bill deficit reduction is likely to prove illusionary due to implausible spending phase-outs.

In summary, we agree with the urgent need to reduce inflation, but the Inflation Reduction Act of 2022 is a misleading label applied to a bill that would likely achieve the exact opposite effect.

What they said was, the Emperor has no clothes. It doesn't really reduce inflation. At some point, the emperor has to make a decision: Am I going to keep parading through the streets, when everyone knows the Inflation Reduction Act doesn't reduce inflation or am I going to head back and fix it?

Let me start with just the plan that is in this bill.

Here is the bill. It is titled: The ''Inflation Reduction Act of 2022.'' So the plan my Democratic colleagues have laid out—let me just give you a couple of details in the plan to reduce inflation in the Inflation Reduction Act of 2022.

Here is one: Up to $4 billion has been allocated to study cow burping and their production of methane. I am sure that that is going to bring down the price of beef right away. As I have heard, even on the floor today, this is going to bring down the prices at the grocery store by having up to $4 billion allocated to study cow burping.

It adds $2 billion in construction grants to improve walkability in context-sensitive projects. No one seems to know what the words ''context-sensitive projects'' even mean or how $2

billion in construction to improve walkability will bring down inflation.

There is $3 billion for environmental justice block grants to facilitate workshops—workshops—to bring down inflation. Aren't you confident that the price of eggs and bread will go down after $3 billion is spent on environmental justice workshops?

There is $17 million for consumer-related education and partnerships to reduce greenhouse gas emissions. By the way, that is not reducing. Those are partnerships to discuss reducing.

There is a brandnew tax credit for Elon Musk that is in this, though. I am sure that it will bring down inflation. Tesla has used up all of its credits for its electric vehicles so this bill renews it and does a special perk for Tesla to give them an unlimited number of new tax credits. I am sure Elon Musk is thrilled about his unlimited new tax credits to him, and I am sure all of our prices will go down based on Elon Musk's new multibillion-dollar tax credit that he gets. Again, the bill is the Inflation Reduction Act.

There is a new fee on methane that will raise the price of natural gas, which has been estimated to raise the price of our natural gas to the consumer by 17 percent—a 17-percent increase on our natural gas. Now, let me remind you that this is the Inflation Reduction Act that will increase the price of our heating, of our cooking, and of our energy production—17 percent.

There is a new tax on imported oil and new fees on domestic oil produced on Federal lands.

There are new inspection fees and owners' fees on pipelines. I do not understand how new fees and new taxes on oil and gas are supposed to lower the price of natural gas and of gasoline, but that is what is being declared in the Inflation Reduction Act. If only we had more taxes on oil, gas, and natural gas, then prices would somehow magically go down.

As has been mentioned multiple times on the floor, this Inflation Reduction Act hires more than 80,000 new IRS auditors, with no limit on whom they can audit. If you thought that there would be a limit to those people making $40,000 or more on being audited, you were wrong. Now, that could have been in this bill, but they chose not to put it in this bill. There are no guardrails for who can be audited by the IRS with billions of dollars being allocated to new IRS agents. Every single American in every income bracket, every small business, and every large company—everyone—is going to experience new IRS audits in the days ahead.

Remember this night. Remember this night. In the next 10 years, when you get an IRS audit, it was the Democrats in this body who sent the IRS to your house. So keep your records because IRS audits are about to dramatically go up due to the gift of the Inflation Reduction Act.

Maybe this bill should instead be called the CPA Hiring Act because I assume millions of taxpayers who struggle under our complicated Tax Code already will now have to hire a CPA knowing their chances of being audited are greatly increasing now. They know the complicated rules of the IRS. Most taxpayers I talk to submit their tax forms every year and hope they get it right because it is so complicated, but because of this night and this vote, there will be auditors coming after you to make sure that you got it right.

The Democrats, in the days ahead, when the IRS comes to this body for a hearing, will be asking them: Did they pull in additional money based on the audits they gave them? They are not telling you this, but they assume the IRS will collect $200 billion more once they give them these new auditors. You can be assured that that is going to be a metric that is going to be checked in the days ahead. The IRS will suddenly be like the smalltown police force that has a quota for writing tickets on the highway through their small town in order to help pay for the new city hall. If you have to pay for city hall, you need to write more tickets on the highway. It is about to be that way with the IRS. They need to audit more and go get more because we gave you more people.

Remember, this is the Inflation Reduction Act. I have yet to figure out how Americans getting more audits reduces inflation, but as has been advertised, this is going to bring down the cost of groceries, and this is going to bring down the cost of gas by more people getting audited by the IRS.

One of the other interesting plans in this bill to reduce inflation is to force more Americans to join a union. Now, I have to tell you that I have no angst against unions. Unions are a choice. Those individuals should be able to choose to join a union and be a part of collective bargaining as an American right and privilege.

Let me say this: 10.3 percent of the American workforce is union—10.3 percent. In the energy portion of this bill, which is billions and billions and billions of dollars, the unions get billions of dollars, and nonunion workers get nothing. So, if you work in the energy sector right now and if you are not a union employee, you are about to get cut out because the way this bill is written it gives Federal payouts to companies that use union laborers, which will make nonunion energy companies uncompetitive and will force them out of business or force them to unionize.

Quite frankly, this bill should be called the Mandatory Union Bill of 2022, not the Inflation Reduction Act, because I am not sure how forcing more people into a union reduces inflation, but that is a major portion of this bill.

I am confident the union bosses across the country are thrilled to finally see a return on their investments since they gave heavily to Democrats in 2022 to get them elected, and this is their payoff. There will no longer be 10.3 percent of workers in unions. This is going to force more companies to have to unionize or they will not be able to survive because of the Federal credits that only go to companies that hire union labor. Does forced unionization sound like the solution to inflation reduction to you? It does to apparently half this body.

It creates a subsidy in health insurance to be announced right before the fall elections this fall. And it is not for those who are in poverty. Those who are in poverty, all the way up to 400 percent of poverty, already get healthcare subsidies. Oh, no, this is not for those folks at the poverty level—200 percent, 300 percent, or 400 percent of poverty; this is a family of four making $200,000 who will get this healthcare subsidy.

What do the economists think will happen with this new subsidy? They believe employers will drop their health insurance and will push employees under the government Affordable Care Act policies and will shift more and more people onto the government rolls. Remember, this is the Inflation Reduction Act.

As homelessness increases across the Nation right now, the bill adds $1 billion into HUD for zero emissions electricity generation in affordable housing. That is what it is called, zero emissions electricity generation in affordable housing. It is not about increasing access to housing for those who are homeless; it is solar panels in public housing. I am confident the people who are living on the street, trying to survive a 9-percent inflation rate, are really not hoping that they can find someplace with a solar panel, but that is what is in the Inflation Reduction Act of 2022, solar panels in public housing. That is their solution to solving inflation.

While many of us have been pushing back hard to block China from buying more land in the United States, this bill actually gives ag subsidies to land owners regardless of who is the owner of the land. They don't have to be a U.S. citizen. They don't have to be American ownership. We are literally opening up that to owners of land to be able to get access to it.

I have also heard over and over again that there are no new taxes in the Inflation Reduction Act. I have heard that in national media from my Democratic colleagues saying it over and over again and on this floor. Well, it seems to be true. If you are a green energy company, that is true; there are no new taxes for you. They will have huge tax breaks. And while there is a push for everyone to have a 15-percent minimum tax, that is not exactly true for those folks who are in these green energy companies that are major Democrat donors. They will not have that same minimum tax standard.

But the Tax Foundation found this. This is their quote:

On average, tax filers in every quintile would experience a drop in after-tax incomes.

Let me run that past you again. ''On average, tax filers in every quintile would experience a drop in after-tax incomes'' if this bill passes. That means everyone in the country, under $400,000 and over $400,000 a year—everyone has a drop in after-tax income.

One of the new taxes that was just added into the bill today is the stock buyback tax. This is to punish companies that are listed on our stock exchanges that buy back stocks to raise the value of stock. Now, they buy back stock so that the stock value goes up. They are putting a tax on them to be able to punish them to try to prevent them from doing this. They make it sound like they are hitting the big, fat cat corporate CEOs and the guys on Wall Street, keeping the value of their stock lower. They are going to really stick it to the man—except 60 million Americans are invested in a 401(k) plan for their retirement. Sixty million. The largest owners of stocks in America are retirement plans, insurance companies, and nonprofits. Google ''largest owners of stocks.'' So the people who will be hurt the most in this new plan to drive down the stock market prices are nonprofits, insurance companies, and retirement plans. Fifty-eight percent of Americans own some kind of stock.

This is a tax directly and deliberately designed to keep the price of individual stocks from going up. Sure, that is going to hurt CEOs who own their own stock, but it is also going to hurt everyday Americans who just own stock on their own, and it is going to hurt all of those retirement plans. But they seem not to care whom they hurt in this as long as they can also hurt CEOs. Driving down the stock market will, I guess, reduce inflation, if that is their plan in their Inflation Reduction Act, is to drive stock prices lower for retirees and nonprofits and individual investors.

Another new tax that was added today is a 15-percent minimum tax on businesses that are funded by private equity. I have to tell you, this one shocked even me when it got slipped in today. Most companies that are funded by private money are small businesses, research companies, small manufacturing companies. This adds a new 15-percent tax on those small businesses.

Basically, if you are owned by private money or funded by private money separate from the owner itself, you are considered a subsidiary, and so you get this big tax laid on you.

Let me give you an example of this. I know directly a company in Oklahoma that is a small manufacturing company. They are funded by private outside money. During COVID, my Democrat colleagues had the same vendetta against manufacturing that was funded by private equity. This particular company, unlike every other company across the country during COVID, could not get access to the Paycheck Protection Program because Democrats said: If you are funded by private outside money, then we are not going to get you access to that because you are in evil private equity areas—even though they are vastly small businesses.

This particular manufacturing company in Oklahoma produces valves. This valve company had hundreds of employees before COVID. Once COVID happened and business dropped off immediately, because they couldn't get access to the Paycheck Protection Program like every other small business, they laid off hundreds of workers. Those workers weren't rich folks. Those were folks turning a wrench and making a great product that a lot of people wanted. They got laid off simply because of how they were funded.

Now my Democratic colleagues want to jump right on top of them at the end of COVID, as the company is finally starting to come back and they are hiring people back, to now slap a brandnew tax on top of them that no one has discussed, no one has evaluated, and no hearings have occurred on it to determine how wide and how broad this will be. Literally, the owners of this company will wake up tomorrow morning, because in the middle of the night, a new tax got added onto them right at the tail end of COVID simply because my Democratic colleagues don't like any company—regardless of what they do, regardless of the workers who actually work there, they don't like how they are funded through private individuals who fund them.

This bill doesn't lower inflation. I listed a lot of things. Can a single American go: Oh, that will take down inflation; that will work. None of those things take down inflation.

It also doesn't reduce the deficit. Brace yourself for this. Their plan for reducing the deficit is not doing programs they were already not going to do. That is their plan. That is the deficit reduction.

Let me give you an example of this. Let's say you are going through Walmart, shopping, and you are with your shopping cart. You step aside to be able to get something off the shelf, and when you turn back around, somebody has stuck in your basket a big bag of frozen brussels sprouts. Now, you didn't put them in there; somebody else put them in there.

As you go through the aisle, you look down and you see this big bag of brussels sprouts. I don't know about you, I don't want frozen brussels sprouts. Maybe some of you love those. Great. But if somebody slipped a bag of frozen brussels sprouts into my cart, I would put it back. I would put that away and say: No, I am not going to buy that. Somebody else put that in my cart.

Here is what I wouldn't say. I wouldn't say: Somebody put a bag of frozen brussels sprouts in my cart. I am going to put it back on the shelf. That is deficit reduction in my cart. I wouldn't say that.

Here is what I mean by that. During the end of the Trump administration, they laid the groundwork for seniors to get a rebate at the pharmacy counter for Medicare prescriptions to make sure that every senior got a discount at the pharmacy counter. That was the plan. That is what the Trump administration put in place.

When the Biden administration came in, they didn't like that plan to give discounts to seniors at the pharmacy counter, so they set that plan aside and said: We are not going to do that. Instead, they have come up with this new plan that I will explain in just a second. But they are saying that because they didn't do the plan that Trump was planning to do, because they didn't do that plan, that is $100 billion in savings by not buying what they never intended to buy, ever.

Let me just tell you, if you don't buy the brussels sprouts, you just don't have the brussels sprouts, but you are not saving the money from that. You just didn't get them. That is not real savings. So when they say it is deficit reduction, it is because they are not doing what they never said they were going to do, and now they are magically calling it deficit reduction. That is not real reduction of the deficit; that is a budget gimmick in Washington, DC—a huge budget gimmick. Can I just say, the Emperor has no clothes. It is not real.

In the place of this rebate rule, in its place, they have created a real method of price controls for some drugs. And it is not price negotiations; it is price controls. They are spending $3 billion to set up a system for the government to be able to select prices on one of the most used drugs in America.

By the way, it starts in 2026, is when this starts. I have heard some people on the floor say: We are going to have lower prices right away. This plan starts in 2026. It wouldn't actually affect anyone's pharmaceuticals until 2027. So if you are planning on a reduction in prices, it is not coming soon; it is 5 years away, if there is a price decrease at all.

The way it is set up is the President, whoever that may be 5 years from now, will have a new authority not to negotiate prices in the next 10 years. It is not a negotiation, it is setting the price, because if you disagree with the next President, whoever the next President is, and what they set on the price, they can raise the taxes on your company 95 percent. So if you disagree with the price that they pick, whoever the next President is, what they pick for the price, then your company gets hit with a 95-percent tax. How does that sound for government sheer power over a company, to crush whoever they choose? That is how this is set up. You don't follow what I say, we will crush your company.

What does that mean for the future? Drug companies will have new incentives to not use existing drugs for new

treatments because here is how it typically works: If a cancer drug works for lung cancer, then they start experimenting with other types of cancer to see if it works on those. But in this system the Democrats are setting up, if a drug works for lung cancer, they have a disincentive to try it on other cancers because if the drug gets too used, then it falls into this new negotiation category. So the incentive for the drug companies is not to try new ways of using this drug for fear of getting too big.

Can I tell you what this looks like in real life? I have a friend at home whose wife has pancreatic cancer, and they are desperately trying every treatment and trying to get into every clinical trial they can get into, desperately. They are praying, and they are working, and he is being an awesome husband, and she is being a tough warrior going through nausea and pretty awful treatments. They are trying to get into clinical trials, which is already hard. This bill will make it even harder because existing cancer drugs will have a disincentive to test out new ways to be able to serve their cancer. Thank you very much to my Democratic colleagues who are reducing the number of cancer cures for the future. How does that cure inflation in the Inflation Reduction Act?

There is also a special little feature in it, in the way the drug piece is set up, that it incentivizes more IV drugs and fewer oral drugs because IV drugs get more time and oral drugs get less time. So the incentive is to set up IV drugs instead—for the drug companies.

So for all of us who would prefer taking a pill than taking a drug intravenously, tough luck. Democrats prefer IV drugs to oral drugs. So, in the future, when you are taking an IV instead of an oral medication, it is because of the Inflation Reduction Act of 2022.

Can I just remind everyone that Medicare has insolvency in 6 years—2028. This Inflation Reduction Act takes the savings from this new prescription plan from Medicare and takes it out of Medicare. It doesn't stabilize Medicare, which is going insolvent in 6 years. It takes it out of Medicare and moves it over to the Affordable Care Act subsidies.

It literally takes money designed for 76-year-olds on a fixed income and gives them to 26-year-olds and their family making $200,000 a year. That is the Inflation Reduction Act of 2022. By the way, did I mention, again, that those subsidies land right before the election this fall?

This bill is three-quarters of a trillion dollars that not a single person in this Chamber has read—755 pages of it—that came out a few hours ago. The media, which also hasn't read this bill, continues to be able to talk about what a great plan it is for inflation reduction. They continue to praise the bill, though they have read the same things: It doesn't reduce inflation; it doesn't reduce the deficit.

They have joined in the chorus talking about the beauty of the emperor's new clothes. I am willing to say what a lot of people in this room know in their gut but they are afraid to say. It doesn't reduce inflation. It doesn't reduce the deficit. The emperor has no clothes.

Let's reject this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. VAN HOLLEN). The Senator from Florida.

Mr. RUBIO. I yield myself 11 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I got a chance to go home. I had some close family friends who had a loss in their family over the last few days. I wanted to go back and see them.

I get this email at 3 a.m.—I didn't see it until 5 a.m.—that my 8 a.m. flight was canceled. So I had trouble getting here this morning. I was finally able to get here in time for the vote we took just a few hours ago, but I didn't get here for the first two.

So I had a chance that morning to do two things. First, I had a chance to take my son to football practice. It is that glorious time of year when high school football is going. Then the other thing I had a chance to do is I had a chance to go to a Cuban bakery that is close to my house. I don't get to go often, but when I do go, especially on weekends, I look for one of these little corners and just sit there. And I really like to go because I get to hear people talking—people who live on planet Earth, not people who are here in politics and in the bubble that is Washington.

And you get to hear people talk. And one of the first things I heard today is about two ladies who were in line, and they were talking about how difficult it had become. You know, it is back-to-school shopping time, and even with the tax-free holiday week that we had in Florida, I could hear them talking about how much more expensive it was going to be this year to buy and how the list was longer and everything cost more—like pencils, all the stuff. I couldn't hear everything. I didn't want to entirely eavesdrop, but I could hear what they were talking about.

A few minutes later, these two guys come in. It was like: Hey, are you taking the boat out today?

No, I am not taking the boat out. I can't take my kids out. The gas is too expensive. It is crazy to fill it up. It is twice what it used to be for the boat—x, y, and z.

A few minutes later, someone else came by who was talking about the reports on the news. We have a massive migration crisis which impacts the whole country, not just the land border. But we had this weekend, I think, six or eight Border Patrol engagements in the Florida Keys, people getting on rafts and leaving and coming there—maybe two more today.

And it struck me as I am sitting there—and I have been reminded of this every time I go home, but it really struck me before I came here today that we like to talk a lot about how divided politics is in America. And it is. It is very polarized. But I think we make a huge mistake when we think it is as simple as what normal political divisions are in this country, which is between Republicans and Democrats or between the left and the right.

The polarization in American politics, the division—the sharpest division in American politics today—is between the priorities of millions and millions of people who live paycheck to paycheck, the working-class heroes of our country that we have always bragged about, have always looked up to, that we all recognize make us different than the rest of the world—between the things that matter to them and what the people that run this place—and I don't just mean the Senate but the Federal Government and politics in general—are focused on.

There is a universe of difference between the stuff we spend time voting on and talking about and arguing about in politics and in this place and what people are worried about on a daily basis. I know a lot of you think that everyone is glued to their TV and Twitter watching everything we are doing here tonight. They are not. They might know something is going on tonight—maybe—but most people are worried about their everyday life.

What they expect is that we would be here—I don't know—working on the things that matter to them. I am telling you that what the people, by the millions, registered to both political parties—people who voted for Biden, people who voted for Trump—I am telling you, what they are worried about is the fact that the streets in many cities in this country have been turned over to criminals.

We have got prosecutors funded by Soros who refuse to put people in jail. They won't do it. Entire categories of crime—they won't even prosecute them. Even in Florida, a State where we do prosecute people, if you go to a CVS or a Walgreens, everything is locked up behind that little plastic case because people just walk in and steal the stuff. It is a spirit of widespread, rampant criminality, and it is worse in other parts of the country.

One of the reasons why people are leaving these other places—these were once beautiful, glorious cities. They are unlivable. That is what people are worried about. They are worried about becoming a victim of a crime because some animals are running loose terrorizing people and prosecutors won't do anything about it—not to mention that we spent 2 years demonizing police officers around here as well. That is what they are worried about.

They are worried about the border. They really are worried about the border. I get it. Maybe now it is going to change because they are busing them to New York and here to Washington. But I get it. It is very easy, in the

Upper West Side of New York or in the West Hollywood area, to not worry that much about immigration: We shouldn't have a border. Let's be nice.

But the people whose hospitals are being overrun, whose schools are being overcrowded, whose communities are being strained are the communities that are taking this influx—7,000, 8,000 people a day. We are the only country on this planet that lets people just show up and say, ''Hey, I am here; I am staying''—the only one.

Mexico doesn't allow you to do that. You can't do that to Mexico. You can't do that to Canada. You can't do that in Europe. But you can do it here. People know it.

That is what they are worried about—a huge problem.

And they are worried about the price of everything. People focus on gas. It is funny. The President said he couldn't control gas prices until they started going down a little. You know one of the reasons why it is going down? People are driving less. They are not going on vacation. They are not taking the boat out because it is expensive.

Frankly, that is what they wanted. Do not be fooled. That is what they wanted. They were not unhappy about high gas prices. They were just upset that it happened a few months before an election. But the Democrats and the left were not unhappy about high gas prices because they don't want you to drive. They want everybody to take a bus or buy one of these $90,000 Chinese electric cars. That is what they want everybody to do. We will talk about that in a minute.

They were not happy, but it is not just that. I don't know how many people here do their own groceries, but in my house we do. I am just telling you, it is twice what it used to be. I get it. My kids are growing, and they eat twice as much, too, but it is twice what it used to be—on everything, on everything. And that is just food.

That is the other problem with inflation. People talk about inflation. The inflation that matters the most is the necessities, not the flat screen TVs, not the new car—the necessities. That is what is going up in price: housing, clothes, back-to-school supplies, food. All of that is through the roof—caused, by the way, partially by a bill, one of the first things they did in March: $1.9 trillion of Federal money—of your money, the people's money—poured right into the economy. We had a supply shortage, and we created more demand with all of that money.

Anyway, that is what people are worried about: inflation, the crime, the border, the real-life stuff. What have we spent our time focused on and fighting around here? I can tell you. First, a fake—and I mean fake, completely fake—electoral rights crisis, election rights crisis—totally fake. We spent a lot of time on that.

We spent a lot of time arguing about whether we were going to vote on a bill to make it easier to shoot police officers. We spent a lot of time around here talking about—in the Federal Government in general—things like pregnant people, something that does not exist. In the 5,500 years of human history, every single pregnant person that has ever existed happened to be a woman, but we talk about pregnant people.

We have a military that likes to put out tweets about the proper use of pronouns. We worry a lot about those things. We have focused a lot on those things.

Do you know what China is focused on? Blowing up our aircraft carriers. Maybe we should worry more about that.

This basically is Build Back—whatever the name—Build Back Better junior, just a little bit less—a lot of money but just less money. They might as well have voted for the one they had. I don't know why the Senators who kind of gave them their vote on this didn't just agree to the other one. This is just a smaller version of that. That is what this is. But, anyway, that is what we are focused on.

So you can see, we are up here. We are going to vote late at night and into the morning, which is fine with me. I don't know if it is fine with everybody, but it is fine with me. But at least, if we are going to do that, let's be about the things that the people care about, that matter to the real people in the real world.

It is not. Instead, here is what we are going to do. Here is what we are going to do. What we are going to spend time on is a $30 billion slush fund they call green loans. That is what it is, guys. It is a slush fund. It is for all these people who have companies that are in the green energy space. Those are their buddies. They are now going to be able to tap into this loan program. They have done this once before but not a $30 billion slush fund.

We are going to spend $60 billion solving environmental racism. I don't even know what that is. I don't know if anybody knows what that is. Like when they say ''Latinx.'' I thought that was a band. I have never heard that word before in my life, and I don't know what environmental racism is.

Nine billion on tax credits to help people that already have electric cars buy another electric car. Let me tell you guys something. You may not realize this. I get it, maybe, because the bubble around here is so thick. So let me tell you the truth. A lot of people who voted for you guys, as well, are not buying an electric car this year, next year, or the year after that for a lot of reasons: No. 1, charging stations. It is the common sense of everyday people. They are not doing it anytime in the near future. Maybe this will help them 30 years from now or their grandkids 30 years from now but not today. They are not buying an electric car because, even with your little rebate, it is still too much for them.

They are lucky if they can get a new one with gas in it. They have got to buy a used car. That is another problem we have. We are going to help, though, with this $9 billion to help people buy tax credits—by the way, with a Chinese battery in it. Oh, yeah, you can't make those batteries without China—so, great for China. I imagine spending a bunch more money on solar panels that are also made in China. And, to kick it all off, thank God—this is a good one because I know a lot of people are worried about this—$1.5 billion to plant more trees—whatever.

And then, on top of all that, they are going to hire an army of IRS agents. This is the one that I love. They are going to go after the people who aren't paying enough on their taxes.

Let me explain to you something. I don't like it. I don't necessarily think it is a good thing, but I am going to explain something to these people who don't understand this. These billionaires—who, by the way, fund all their campaigns, just got a huge break in this bill. It is very ironic that these billionaires, these corporations, these people have armies of lawyers and law firms and accountants. And I am telling you, they will fight these agents.

So who do you think these agents are going to go after? Because fighting these corporations isn't easy, and you will eventually run out of billionaires to go after. They are going to go after small businesses. They are going to go after working people—maybe people who make $250,000 a year. We think that is a lot of money. In some places it is in this country. In some places, it is a good living. But you are not rich at $250,000 in some parts of this country. You are doing all right, no doubt about it, but you are not a billionaire.

They are going to go after them. They are going to go after the people who cannot afford to hire an army of lawyers and accountants to fight off the IRS agents—thousands of IRS agents, not police officers to go after criminals; IRS agents to go after American taxpayers. That is who they are going to go after.

I promise you—and I regret to say it—that a lot of hard-working people are going to be getting letters in the mail saying: Hey, we want to talk to you about your taxes from 5 years ago, from 3 years ago, because we think you might have messed up.

And you don't have an army of lawyers. You are going to pay them whatever they say, even if you have to take out a credit line on your house, because you don't want trouble with the IRS. That is what this bill does. That is what this bill is. Everyone else is covered.

And they cynically call it the Inflation Reduction Act. And let me tell you why they call it that. This is actually very sad and outrageous. They call it that because—I am telling you, and I hate to say it, but a lot of the people behind this kind of stuff, they see hard-working, everyday Americans as a bunch of uneducated simpletons who will just fall for this. And the media

will help them. They know the media will help them—not all the media, but a lot of the reporters will help them, even though the reporters themselves keep calling this a climate bill because they are so giddy about that part of it.

But they think the people are going to just fall for it. People are not going to fall for it. I don't care how smart you think you are and how uneducated you think they are. They have got something most people involved in our government have lost or maybe never had. It is called common sense, and they have the common sense of knowing that making it easier for people to buy, with a credit, an electric car in 3 years is not going to do anything for them. They are not buying an electric car anytime in the near future.

You know what they want? They want gas prices to come down because America is producing more oil. That is what they would like. That is what they would like.

They would like you to put criminals in jail and keep them there. They would like you to secure our border, just a little bit. Don't pretend that you are doing anything about it, because they know the truth.

Guys, it is a scam. This very weekend, this very Friday—and I live in Miami. I don't read about this stuff in a magazine. I see it with my own eyes; I hear it with my own ears.

I had this couple telling me the flat-out story. Their kids were already here because their kids were born here. Years ago, when they were here visiting, their kids were born here. U.S. citizens. Their kids are already here. This couple paid $5,000 each. They were driven to the border in a van. They were turned over to an agency right on the border who turned them over to the officers. They spent a day and a half in detention. Their papers were filled out. They were turned back over to the agency. The agency asked them: Where you would like to go?

I would like to go to Miami.

They gave them a ticket to go to Miami. They even gave them a little card to buy things before they got there. And now they are living in South Florida.

And what do you think? You don't think they are going to call back home and tell people: Hey, we made it, and here is how we made it. And those are the people that can afford to buy the $5,000 each or save it. A lot of people can't. So they have to turn themselves over into the hands of these criminal, delinquent traffickers, evil persons who take advantage of these migrants. And they are coming because we are inviting them to come. This administration is inviting them to come. They are inviting them to come.

When you tell people: Don't come. But if you do, you are going to get to stay, they are going to come. And that is what is happening. We are not focused on that. They get it. People back home get it. And you are not going to convince them that any of the stuff here is any good for them.

And it is happening, frankly, because the modern Democratic Party—listen, I live in South Florida. It is a majority Democratic county. I have had Democrat friends. I have worked with liberals my whole life. I have done a bunch bipartisan stuff. You are not bad people. But the modern Democratic Party does not care about working Americans. The only thing they care about is the agenda of a bunch of laptop liberals and Marxist misfits who threaten to burn down any city any time they don't get their way on some issues and a bunch of climate extremists. And that is what this bill reflects—at least two of those three. And that is what this bill does.

That is the only people they cater to. That is what their issues are always about. And what they do is they put on the disguise of calling it the Inflation Reduction Act. But they can't even say it with a straight face. They really can't because they know it is not true.

This bill has nothing to do with what real people in the real world are worried about every single day. And the ironies are so thick.

I think about this carried interest loophole, as they call it. We have got prominent Members of the Democratic Party in the Senate who have made a career out of calling that basically an unfair and immoral benefit for hedge fund managers and greedy billionaires. They have made a career out of it. Yet today, they will vote on a bill that stripped out taking rid of that loophole. They will vote for it. They will vote for it. That is the irony embedded in all of this.

So they will do their press conferences and speeches. They will be very impressed with themselves. The Twitter warriors are going to love it. The MSNBCs and the ''Meet the Presses'' are all going to say—whoever, CNN, whatever—they are all going to be giddy about it. But for millions and millions of working Americans, nothing is going to change for them for the better. There isn't a single thing in this bill that helps working people lower the price of groceries or the price of gasoline or the price of housing or the price of clothes. There isn't a single thing in this bill that will keep criminals in jail. There isn't a single thing in this bill that is going to secure our border. And those happen to be the things that working people in this country care about. And the gap between the people who run this place and the people who are the backbone of this country is so massive, the disconnect so great, that the division that is driving our politics is reaching a boiling point, unfortunately.

What makes this Nation different from all the countries in the world is our working class. Every nation has rich people. Every country in the world has wealthy people. What has made us different is that here, by the millions, people like my parents—a bartender and a maid—were able to own a home and raise a family and leave them better off than themselves. And they were never rich and they were never famous, and they lived the American dream because they retired with dignity. And with their own eyes, they saw their children have the opportunity to do the things they themselves never could do. That is what makes us different. Those are the people that are hurting. Those are the people that got wiped out in 2007 and 2008 when Wall Street created a crisis and when Wall Street got bailed out. Those are the people whose kids couldn't go to school because in some parts of this country, we shut school down for a year and a half, while the people shutting down the schools, their kids were going to private schools and had private tutors. And those are the people that are getting destroyed right now by this economy. And they are being ignored and disrespected and completely, completely obliterated by a bill that does absolutely nothing for them.

And that is what your U.S. Senate will spend late into the night and early into the morning voting on. The disconnect is massive. And I can point to a lot of examples, but this has become exhibit A in that disconnect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mrs. BLACKBURN. Mr. President, as I was reading through this reckless spending spree that my Democratic colleagues are in such a rush to get this thing passed so that they can get it signed into law—I was reading it, and I thought, you know, we have been through this exercise before.

We have before us a bill that is too expensive to afford. It has been thrown together behind closed doors, in secret, perfectly branded to prey on the struggles, the fears of the American people because after all, fearful people are easier to control.

And what do we know? The Democratic Party, they are all about control and they are all about power.

Now, I remembered that this isn't the first time in the Schumer Senate that the Democratic colleagues have tried to turn a crisis into an opportunity. A little over a year ago, they pulled the exact same bait-and-switch with a $1.9 trillion American Rescue Plan. Senator GRAHAM talked about this before. It was to bring, oh, so much prosperity. It was to solve all of your problems, help was on the way. But it was a big government blowout in the form of $350 billion in the slush fund for blue cities, a State tax cut ban, a $60 billion tax hike, subsidized government healthcare, and a union pension bailout.

Now, it is pretty clear who the Democrats were trying to rescue with that bill. And it was not hard-working American taxpayers. They got the shaft on that. And they know it.

And then, of course, we considered the infrastructure package that had almost nothing to do with infrastructure, but it served as a very useful vehicle for a lot of the Green New Deal.

Remember, Build Back Better—they couldn't get it across. They had to break it into parts. So you have seen parts of it in different bills. Part of it was in that infrastructure package.

To Tennesseans, this was a missed opportunity because they desperately need meaningful improvements to broadband infrastructure and access to high-speed internet connections. It was a missed opportunity for all Americans seeing crime and drugs that are in their communities because of that open border. And it was a missed opportunity for the Keystone XL Pipeline and for support for American energy.

Missed opportunities continue to be their thing. Just a few short days ago, we passed a CHIPS and Science bill. Sounds really good and constructive. But over the course of a few years, this ballooned from an emergency investment in semiconductors into an almost $300 billion gateway to industrial planning and, of course, more of the Green New Deal.

My Democratic colleagues took an opportunity to unravel our dangerous relationship with the Chinese Communist Party and squandered it on a tee-up to seizing more control over the manufacturing and upstream suppliers we should be empowering.

Fast forward to this month, and here we go again, sifting through a package that costs nearly a trillion dollars, yet is somehow still marketed as the Inflation Reduction Act.

And I will say to my Democratic colleagues and Senator SCHUMER and Senator MANCHIN, the American people are laughing at the name of this bill. They are laughing at this. They know better than this. They can see right through what you have done. They know what is going on. And they know that your priorities do not line up with their priorities and their concerns.

In reality, this bill provides no pathway to reduce our current inflation. It will, however, put pressure on the economy, raise taxes on just about everyone, kills jobs, stifles innovation, weaponizes the regulatory state against small businesses and private enterprise.

Now, all these things have the potential to devastate the economy and make life harder for hard-working taxpayers.

I want to focus on how Joe Biden and the Democrats are using regulators to overrule the will of the people and to seize more control over the country because this tactic has truly been a favorite of the Democrats. They expand the regulatory state. They issue mandates. They institute lockdowns. And, there is that word again: ''control.'' They are after the control.

If you need an example, look no further than the dozens of newly arrived rules and regulations that they have used to gut American energy. Radical climate activists in the environmental lobby won big when those went into effect. But everyone else lost.

If you were an energy consumer, a truckdriver, someone who was traveling, and workers who had their jobs just regulated out of existence, that is what the Democrats did for you.

Here is another. In April, the Biden Border Patrol announced that they were holding up construction on the border wall so that they could do an environmental assessment.

Now, if you recall, this is one regulatory barrier that President Trump eliminated when he took office because he understood the danger posed by our lack of border security. He was listening to the American people and the Border Patrol and people that lived there. He knew what was happening.

Well, under President Biden, the open borders advocates won. But the ranchers, the border communities, small-town law enforcement—they lost.

The Biden administration loves to use the regulatory hammer so that they can pick winners and losers that they want. They will punish you. They will punish you. It is what they are doing with the bill that we are considering tonight in the middle of the night, on the weekend, when people are at the lake, when people are out with their children, having fun, enjoying the summer. Here we are.

It is so interesting that they have married the strategy they used last March by catering to—you guessed it—blue States, unions, and climate justice warriors.

Here is just one example of one of the regulatory schemes contained in the bill that will benefit the usual Democratic allies but wreak havoc on everyone else. Right now, manufacturers that burn fossil fuels can earn a $35 tax credit for every ton of carbon dioxide they capture and store.

The bill cuts that tax credit down to $17. But there is a catch. A business can earn an $85 tax credit if they comply with labor standards that are laid out in the bill. This, of course, means that in order to survive, manufacturers and fossil fuel companies will be mandated to use union labor.

Nuclear power plants will have a similar hit. If this legislation passes, they will earn $12 more per ton in tax credits if they go to the unions instead of letting the free market determine who they hire.

Now, the problem here doesn't only have to do with unions versus right-to-work policies. The problem is that the base tax credit reductions in this bill were designed to kill companies that don't want to play along with the left's green crusade and funnel money to CHUCK SCHUMER's political allies.

Hear me out. If, for example, you are running a utility in a right-to-work State and you want to keep taking advantage of tax credits, you are going to be in a very tight spot. When this bill becomes law, you will be stripped of your practical ability to hire right-to-work employees and mandated to use union labor instead. The kowtowing to union demands is also part of a pattern.

Just a few days ago, my Democratic colleagues killed my amendment to the PACT Act that would have given toxic-exposed veterans expedited access to community care. Now, why did they do that? To protect union employees in VA facilities, of course. We can't take a step like that; it might privatize VA, they seem to think.

Now, instead of the healthcare that they deserve, these veterans are left with nothing but false hope—access to the queue but no access to the care.

Over and over again, it never stops here in the Schumer Senate. The Democrats say one thing; they turn around and do another thing.

The bill also increases renewable tax credits but only for projects located in the so-called environmental justice communities, wherever they are. That is a very creative way for my Democratic colleagues to tell us they are using this increase to funnel money to the cities and States they deem worthy of support.

The measure is simple: You comply or you go bankrupt. Then, again, you might go bankrupt if you do comply. Doing so will increase project costs and labor costs, which will, in turn, increase costs on everything. Everyone loses except the Democrats and their political allies.

Joe Biden and the Democrats have become famous for saying one thing and doing another. They promise inflation reduction, then raise manufacturing costs. They promise economic relief but then raise your utility costs and your grocery bills. They assure the American people, time and again, that Big Government can solve your problems, and then they use Big Government to absolutely beat the living stew out of private enterprise.

My Democratic colleagues have touted this latest disastrous version of their ''Build Back Broke'' agenda as progressive. And I do hope the American people are figuring out what ''progressive'' means: tax increases, massive transfers of wealth, ideological conformity backed by the full faith and credit of the United States.

If you want to be broke and grovel to the government, this bill is for you. These hundreds of billions of dollars will serve a purpose but not to reduce inflation or bring relief. Blue States, unions, radical activists will once again come out on top. Meanwhile, families working hard to make ends meet, workers, business owners, local leaders are still on the verge of losing everything. I think my Democratic colleagues know this, but they have decided that the pain and the suffering is worth it. After all, they continue to tell us we need to be transitioning. We need to be transitioning. I don't think people like what they are going to have to transition to.

When I am home in Tennessee, they certainly don't like it. I will be back Monday doing meetings across the State, and I will have to tell them that, once again, the Democrats have taken advantage of their desperation and their exhaustion with what is

going on. And, once again, the Democrats have sold them a bill of goods that ignores our current crisis, prioritizes the pet projects the Democrats have, and the American people are once again getting the shaft. I will tell them that, for the Democrats, this isn't about service; it is about control. It is about power. And to Tennesseans, this is all frightening. They think that this is a reckless, manipulative, dangerous abuse of power. There is very little, if anything at all, that is pro ''we the people'' in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

PRO BONO WORK TO EMPOWER AND REPRESENT ACT OF 2021

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3115 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior legislative clerk read as follows:

A bill (S. 3115) to remove the 4-year sunset from the Pro bono Work to Empower and Represent Act of 2018.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3115) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pro bono Work to Empower and Represent Act of 2021'' or the ''POWER 2.0 Act''.

SEC. 2. REMOVAL OF SUNSET.

Section 3(a) of the Pro bono Work to Empower and Represent Act of 2018 (Public Law 115–237; 132 Stat. 2448) is amended by striking ''for a period of 4 years''.

COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 675 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior legislative clerk read as follows:

A resolution (S. Res. 675) commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Van Hollen amendment at the desk to the resolution be agreed to; the preamble be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5434), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute.)

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.

The resolution (S. Res. 675), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 675

Whereas the American Hellenic Educational Progressive Association (referred to in this preamble as ''AHEPA'') was founded on July 26, 1922, in Atlanta, Georgia, by 8 visionary Greek immigrants to help unify, organize, and protect individuals of all ethnic, racial, and religious backgrounds against the bigotry, discrimination, and defamation perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the Hellenic ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas, since the inception of AHEPA, the organization has instilled in the members of AHEPA an understanding of their Hellenic heritage and an awareness of the contributions that Hellenic heritage has made to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout the history of the organization to foster patriotism in the United States;

Whereas members of AHEPA have served in the Armed Forces of the United States to protect the freedom of the people of the United States and to preserve those democratic ideals that are part of the Hellenic legacy;

Whereas, in World War II, members of AHEPA parachuted behind enemy lines in Nazi-occupied Greece to help liberate Greece;

Whereas AHEPA raised more than $253,000,000 for United States war bonds during World War II, and, as a result of the effort, AHEPA was named an official issuing agent for United States war bonds by the Department of the Treasury, an honor that no other civic organization had yet achieved;

Whereas, in 1990, the members of AHEPA donated $612,000 toward the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas the AHEPA National Housing Program has sponsored safe and dignified affordable housing for vulnerable senior citizens under the Section 202 Supportive Housing for the Elderly program (administered by the Department of Housing and Urban Development and authorized under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), and the sponsorship has a portfolio of 4,467 units in 87 communities in 19 States;

Whereas AHEPA has engaged in ''Track Two Diplomacy'' to foster reconciliation and rapprochement in the Eastern Mediterranean, which is in the best interest of the United States, and has enhanced people-to-people ties between countries;

Whereas AHEPA financially supports scholarships, natural disaster and humanitarian relief, medical research, and countless other charitable and philanthropic causes by contributing more than $2,200,000 annually from the national, district, and local levels of AHEPA;

Whereas generations of Greek American women and Philhellenes have worked to strengthen society through service organizations, such as the Daughters of Penelope, in order to—

(1) provide affordable housing for older adults;

(2) sponsor and support domestic violence shelters;

(3) provide scholarship awards;

(4) raise awareness and provide financial support for medical research and charitable causes; and

(5) help those in need of humanitarian assistance or natural disaster relief;

Whereas, in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the Tribute to Olympism and Hellenism sculpture, the fan-like structure of which helped to save lives during the 1996 Olympic Bombing at Centennial Olympic Park;

Whereas members of AHEPA raised $110,000 for the creation of the George C. Marshall Statue erected on the grounds of the United States Embassy in Athens, Greece, in celebration of the historic relationship between the United States and Greece and in tribute to General Marshall, an outstanding statesman and Philhellene;

Whereas members of AHEPA raised $1,000,000 toward the rebuilding of Saint Nicholas Greek Orthodox Church and National Shrine at the World Trade Center, which was the only house of worship destroyed on September 11, 2001;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators and Representatives, and United States Ambassadors, and have served honorably as elected and appointed officials at local and State levels throughout the United States; and

Whereas President George H. W. Bush cited AHEPA as 1 of the ''thousand points of light'' in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.

RECOGNIZING THE 10-YEAR ANNIVERSARY OF THE TRAGIC ATTACK THAT TOOK PLACE AT THE SIKH TEMPLE OF WISCONSIN ON AUGUST 5, 2012, AND HONORING THE MEMORY OF THOSE WHO DIED IN THE ATTACK

CELEBRATING THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE AND THE DEDICATION OF THE WALL OF REMEMBRANCE AT THE KOREAN WAR VETERANS MEMORIAL ON JULY 27, 2022

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following resolutions, submitted earlier today: S. Res. 749 and S. Res. 750.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The senior legislative clerk read as follows:

A resolution (S. Res. 749) recognizing the 10-year anniversary of the tragic attack that took place at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack.

A resolution (S. 750) celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 749) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

The resolution (S. Res. 750) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PLANNING FOR ANIMAL WELLNESS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 466, S. 4205.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4205) to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Planning for Animal Wellness Act'' or the ''PAW Act''.

SEC. 2. WORKING GROUP GUIDELINES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Emergency Management Agency.

(2) WORKING GROUP.—The term ''working group'' means the advisory working group established under subsection (b).

(b) WORKING GROUP.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish an advisory working group.

(c) MEMBERSHIP.—The working group shall consist of—

(1) not less than 2 representatives of State governments with experience in animal emergency management;

(2) not less than 2 representatives of local governments with experience in animal emergency management;

(3) not less than 2 representatives from academia;

(4) not less than 2 veterinary experts;

(5) not less than 2 representatives from nonprofit organizations working to address the needs of households pets and service animals in emergencies or disasters;

(6) representatives from the Federal Animal Emergency Management Working Group; and

(7) any other members determined necessary by the Administrator.

(d) DUTIES.—The working group shall—

(1) encourage and foster collaborative efforts among individuals and entities working to address the needs of household pets, service and assistance animals, and captive animals, as appropriate, in emergency and disaster preparedness, response, and recovery; and

(2) review best practices and Federal guidance, as of the date of enactment of this Act, on congregate and noncongregate sheltering and evacuation planning relating to the needs of household pets, service and assistance animals, and captive animals, as appropriate, in emergency and disaster preparedness, response, and recovery.

(e) NO COMPENSATION.—The members of the working group shall serve on the working group on a voluntary basis.

(f) GUIDANCE DETERMINATION.—Not later than 1 year after the date of enactment of this Act, the working group shall determine whether the best practices and Federal guidance described in subsection (d)(2) are sufficient.

(g) NEW GUIDANCE.—Not later than 540 days after the date of enactment of this Act, if the Administrator, in consultation with the working group, determines that the best practices and Federal guidance described in subsection (d)(2) are insufficient, the Administrator, in consultation with the working group, shall publish updated Federal guidance.

(h) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the working group shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date described in paragraph (1) if the Administrator determines an extension is appropriate.

Mr. DURBIN. I ask that the committee-reported substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 4205), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

HONORING THE DEDICATION OF THE BALL FAMILY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 698 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior legislative clerk read as follows:

A resolution (S. Res. 698) honoring the dedication of the Ball family to providing college educations and celebrating their 100-year legacy at Ball State University.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 698) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 23, 2022, under ''Submitted Resolutions.'')

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with the chair of the Finance Committee, Mr. WYDEN, concerning section 13204, clean hydrogen, which establishes for the first time tax incentives for the production of clean hydrogen, and section 13701, Clean Electricity Production Credit, which establishes for the first time technology neutral tax credits for clean electricity production.

I would like to commend my friend from Oregon, the chairman of the Senate Finance Committee, for his leadership in crafting title I of the Inflation Reduction Act of 2022, which includes new tax incentives that will promote clean energy, fight climate change, and help create good-paying, American jobs. I want to especially say thank you for including in the clean energy package, section 13204 of title I of the Inflation Reduction Act of 2022, which is similar to my legislation, S.1807, the Clean H2 Production Act.

Section 13024 of title I of the Inflation Reduction Act of 2022 provides a production and investment tax credit for the production of clean hydrogen.

In Section 13204, the term ''lifecycle greenhouse gas emissions'' for a qualified hydrogen facility is determined by the aggregate quantity of greenhouse gas emissions through the point of production, as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Technologies—GREET—model. It is also my understanding of the intent of section 13204, is that in determining ''lifecycle greenhouse gas emissions'' for this section, the Secretary shall recognize and incorporate indirect book accounting factors, also known as a book and claim system, that reduce effective greenhouse gas emissions, which includes, but is not limited to, renewable energy credits, renewable thermal credits, renewable identification numbers, or biogas credits.

Is that the chairman's understanding as well?

Mr. WYDEN. Yes.

Mr. CARPER. Thank you, Mr. Chairman.

Additionally, I would like to clarify that the intent of section 13701 allows the Secretary to consider indirect book and claim factors that reduce effective greenhouse gas emissions to help determine whether the greenhouse gas rate of a qualified fuel cell property, which does not include facilities that produce electricity through combustion or gasification, is ''not greater than zero.''

Is that the chairman's understanding?

Mr. WYDEN. Yes.

Mr. CARPER. I thank the Senator from Oregon for his comments on these issues and his leadership.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN. I want to comment on the transferable tax credit provisions supporting sustainability in the bill and, in particular, the application of general limitations that already exist in current law for various tax credits. As the chairman knows, the bill includes a historic investment in tax credits and incentives to promote the development of various clean energy technologies and provides a broad regime to permit eligible credits to be transferred from the project owners to another unrelated taxpayer.

Under current law, the ability to claim general business tax credits is subject to a number of potential limitations in section 38 of the Tax Code based on the taxpayer's income tax liability. The bill language does not appear to apply the section 38 limitations to reduce the amount of the credit eligible to be transferred by the transferor of tax credits. This would be consistent with the goal of encouraging additional investment by expanding the availability of these tax credits to project owners without regard to their ability to claim the credits themselves.

I expect that the Treasury Department will develop technical guidance for these transferable credits in a manner that reflects the intent that the section 38 limitations under current law will not apply to the transferor.

Mr. WYDEN. I thank the Senator for his inquiry and can clarify that the Senator is correct that the current-law limitations that generally apply to tax credits under section 38 would not reduce the amount of credits eligible for transfer by the transferor of transferable tax credits under the bill and that the Treasury Department should issue technical guidance that reflects this intent.

Mr. CARDIN. I welcome the chairman's leadership and support to clarify this issue, ensuring that the amount of the tax credits eligible for transfer are not limited by section 38 so that they will, in fact, expand investment in projects that will achieve the broader climate goals of this bill.

Ms. HASSAN. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for clarification regarding a tax provision included in the bill currently before the Senate. Section 13704 of the bill, which concerns production credits for biofuels, defines ''transportation fuel'' that can qualify for the credit as a fuel that is suitable for use as a fuel in a highway vehicle or aircraft. The fuel must also be below a carbon emissions ceiling and meet a processing requirement.

Senator WYDEN, as chair of the Finance Committee, is it his understanding that, although a fuel must be suitable for use as a fuel in a highway vehicle or aircraft to qualify for this biofuel production credit, it may still actually be used for any business purpose, including as transportation fuel, industrial fuel, or for residential or commercial heat?

Mr. WYDEN. I thank the Senator for her inquiry. That is correct. The credit is intended to incentivize production of biofuels of a certain quality, usable as fuel for highway vehicles or aircrafts, but not limited only to fuels which are actually used in highway vehicles or aircrafts.

Ms. HASSAN. I thank the chair for that clarification and for engaging in this colloquy.

Mr. MENENDEZ. Mr. President, I rise to engage in a colloquy with my colleague, the chairman of the Senate Finance Committee, Senator WYDEN.

In the corporate alternative minimum tax, there is some question as to whether companies that operate in foreign countries with standard tax years that are different from the U.S. could lose foreign tax credits strictly because of these non-conforming years. This may especially be an issue in the very first year of the corporate alternative minimum tax's application.

Does Treasury have authority to issue regulations dealing with potential issues with foreign income taxes relating to nonconforming foreign tax years and how that impacts foreign tax credits in the corporate alternative minimum tax? This would include fair rules for the utilization of foreign tax credits in the law's first year.

Mr. WYDEN. Yes, regulations such as these would be in line with the legislative text and our intent for companies to be able to appropriately utilize foreign tax credits in the corporate alternative minimum tax.

Mr. MENENDEZ. I thank the chairman for this clarification of the provision.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN.

I want to ask for a clarification of the provision in the underlying bill regarding the corporate book minimum tax. Is it the chairman's understanding and intent that, because the corporate alternative minimum tax is based on financial statement income, it does not include Other Comprehensive Income?

Mr. WYDEN. I thank the Senator for his inquiry and can clarify that, for purposes of the corporate alternative minimum tax, Other Comprehensive Income is not included in financial statement income.

Mr. CARDIN. I thank the chairman for that clarification.

Mr. WARNER. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for clarification regarding a tax provision included in the bill currently before the Senate.

With regard to the advanced manufacturing tax credit, it is the intention that section 45X, as established by section 13502 of the Inflation Reduction Act, is intended to apply to components for which production was completed after December 31, 2022, and are sold to an unrelated party after December 31, 2022?

In other words, the credit should be available to the entirety of eligible components currently underway if those components are concluded after 2022. For example, an offshore wind vessel that began construction in 2019 and was completed at a date after December 31, 2022, would be eligible for the credit applied to the full cost of production of the vessel and not just for the portion completed after December 31, 2022.

Mr. WYDEN. I thank the Senator for his inquiry. That is correct. The credit is intended for any eligible components produced and sold after December 31, 2022, regardless of the portion of the component that was produced before January 1, 2023.

Mr. WARNER. Mr. President, I look forward to passing this important piece of legislation that will help fight inflation, invest in domestic energy production and manufacturing, reduce carbon emissions, and lower healthcare costs for millions of Americans.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN.

There is some question as to the proper ordering of the calculation of

the credit under section 53 and a taxpayer's liability under section 59A, the base erosion and anti-abuse tax. Does the Treasury have authority to issue regulations dealing with potential issues with the ordering of the calculation of the credit under section 53 and the tax under section 59A?

Mr. WYDEN. Yes, we believe that Treasury will have authority to issue regulations dealing with potential issues with the ordering of the calculation of the credit under section 53 and the tax under section 59A. Regulations such as these would be in line with our intent in drafting the BEAT interaction provisions in the corporate alternative minimum tax.

Mr. CARDIN. I thank the chairman for that clarification.

Mr. VAN HOLLEN. Mr. President, I would like to engage my friend the chairman of the Finance Committee, Senator WYDEN, in a colloquy.

One of the many vital investments made in the Inflation Reduction Act to reduce energy costs and confront the climate crisis is the qualified commercial clean vehicle credit. This provides a tax credit of up to $40,000 for qualified heavy commercial electric vehicles, or up to $7,500 for qualified commercial electric vehicles weighing less than 14,000 pounds, which includes both trucks and mobile machinery.

Mobile machinery is a vehicle that is unrelated to transportation, such as a forklift or bulldozer. The qualified commercial clean vehicle credit utilizes an existing statutory definition of mobile machinery, the purpose of which is to provide for an exemption from the excise tax on heavy trucks that is deposited into the highway trust fund.

The new application of the mobile machinery definition will raise novel questions about which types of vehicles qualify as mobile machinery, in cases where the determination was not necessary in the context of the excise tax on heavy trucks. One such case is commercial lawn mowers, most of which currently have gas-powered engines that are a significant source of pollution.

I ask the chairman of the Finance Committee whether commercial lawn mowers can fit the criteria of mobile machinery and, therefore, qualify for the qualified commercial clean vehicle credit, provided that the vehicle meets the other criteria for the credit.

Mr. WYDEN. A commercial lawn mower could qualify as mobile machinery, since it performs a similar operation to the purposes listed in the statute. Therefore, if such a vehicle met the other criteria for the qualified commercial clean vehicle credit, it would be eligible.

Mr. VAN HOLLEN. I thank the Senator for clarifying this point, and I share that understanding.

Mr. CARDIN. Mr. President, the legislation being considered today includes a historic expansion of the section 179D commercial buildings energy-efficiency tax deduction. The deduction, made permanent in 2020, is an important tool to tackle climate change by encouraging investments in energy-efficient buildings.

I have been made aware of a discouraging trend among those who use section 179D that some entities attempt to receive payments in exchange for providing section 179D allocation letters to private sector building designers.

As I have said before, entities seeking to avail themselves of the tax benefits of section 179D cannot seek, accept, or solicit payments from designers in exchange for providing section 179D allocation letters.

The issuance of a section 179D allocation letter shall not be used as leverage to request a payment from a designer; allocation letters should be duly issued once the applicable design services have been performed.

These actions run counter to the intent of section 179D(d)(4)'s express direction to allow the allocation of the section 179D deduction ''. . . to the person primarily responsible for designing the property in lieu of the owner of such property.''

Consistent with congressional intent, section 179D allocation letters are administrative in nature and serve to formalize the allocation of the tax deduction to the eligible designer.

As section 179D is rightly expanded in the legislation being considered in the Senate, it must be reaffirmed that it is congressional intent that entities cannot seek, accept, or solicit payments in exchange for providing 179D allocation letters.

Mr. GRASSLEY. Mr. President, this body has a long record of coming together to improve healthcare for Americans. In 2003, we worked in a bipartisan manner to establish the Medicare Part D benefit. More recently, I have worked with my Finance Committee colleagues on oversight investigations to hold: EpiPen manufacturers accountable who were misusing taxpayer dollars, insulin manufacturers and PBMs accountable who were unfairly increasing the list price of insulin, and our organ donation system accountable and investigate its troubling underperformance.

We can work together and meaningfully improve healthcare. This Congress, I have worked with my Democrat colleagues to introduce eight bills to lower drug costs. In the past year alone, we have passed five of my bills out of committee on a bipartisan basis. They will lower drug prices and create more competition while holding Big Pharma and PBMs accountable. Unfortunately, the leader hasn't brought any of these bills up for a vote, even though they would easily pass the Senate. But this hasn't stopped me from trying to find other ways to help bring down the cost of medications.

In 2019, as Finance Committee chairman, I began a bipartisan committee process with the ranking member from Oregon to lower the cost of prescription drugs. The bill is called the Prescription Drug Pricing Reduction Act. We held three committee hearings to learn from policymakers and advocates while also holding Big Pharma and PBMs accountable. We held a committee mark-up where the bill passed 19 to 9, on a bipartisan basis. We continued to hold additional negotiations to make improvements to the bill. It contained stuff I liked and didn't like. But that is bipartisan legislation. Today, it is still the only comprehensive prescription drug bill that can garner more than 60 votes on the Senate floor.

I recently outlined on the floor the bill's details in case the majority party has forgotten. I won't restate every part of my July 20 speech, but here are some of my bill's key measures: No. 1, it lowers costs for seniors by $72 billion and saves taxpayers $95 billion. No. 2, it establishes an out-of-pocket cap, eliminates the donut hole, and redesigns Medicare Part D. No. 3, it ends taxpayer subsidies to Big Pharma by capping price increases of Medicare Part B and D drugs at inflation. No. 4, it establishes accountability and transparency in the pharmaceutical industry. No. 5, and the bill is bipartisan. Believe it or not, a bipartisan bill limiting pharmaceutical increases is possible. Compare this to what the majority has offered: Their partisan bill includes more reckless spending and tax increases. Their partisan bill reduces the number of new cures and treatments. Their partisan bill fails to enact any bipartisan accountability for Big Pharma and PBMs.

Even while the majority party has decided to pursue a purely partisan bill in secret over the past 20 months, I have continued to meet with Democrats and Republicans to advance my bipartisan and negotiated bill. I have met or spoken with: President Biden and White House staff, Speaker PELOSI, Leader MCCARTHY, HHS Secretary Becerra, House Democrats who wanted a bipartisan bill, Problem Solvers Caucus Health Care Working Group, Congressman WELCH, Congresswoman McMorris Rodgers, Democrat Senators SINEMA and CARPER, and others.

I wanted a bipartisan bill to pass this Senate. We could still pass the Prescription Drug Pricing Reduction Act. My colleagues know it. Several of them have thanked me publicly on my bipartisan work to lower prescription drug prices. Sadly, they have chosen a different route. They have chosen a bill that contains zero PBM accountability. It gives middlemen a pass. They have chosen a bill that contains none of the 25 accountability and transparency provisions that had bipartisan consensus in my bill. This includes ending DIR clawbacks that are hurting patients pocketbooks and small/independent pharmacies; ending ''spread pricing'' in Medicaid that is drive up taxpayer costs; requiring sunshine on PBMs through financial audits, so we knows the true net cost of a drug; requiring sunshine on excessive drug

price increases and launch price of new high-cost drugs. None of these bipartisan accountability and transparency provisions—and more—are included in their bill.

Finally, one last thing I would like to address about my colleagues' reckless tax and spending bill: I have heard some of my colleagues on the other side say this bill's prescription drug provision is Grassley-Wyden. That is untrue. This is a reckless tax and spending bill. It is not bipartisan, and no reporter should accept or repeat that notion. I oppose the partisan bill because it is a long list of reckless tax increases and spending. This is not the bipartisan prescription drug bill that passed out of the Finance Committee 19 to 9.

I have filed the Prescription Drug Pricing Reduction Act as an amendment today. We could strike and replace this reckless tax and spending spree with comprehensive drug pricing reform that could garner more than 60 votes and lower drug prices while holding Big Pharma and PBMs accountable. We could actually enact meaningful accountability and transparency in the pharmaceutical industry. I have filed that amendment, too. We could pursue PBM transparency and accountability. I have filed that amendment, too.

I have said throughout this Congress, I will work with anyone who wants to pass the bipartisan and negotiated Prescription Drug Pricing Reduction Act.

The PRESIDING OFFICER. The Senator from Ohio.

H.R. 5376

Mr. PORTMAN. Mr. President, I come to the floor this evening to talk about the partisan reconciliation legislation that is before us tonight. It is named the Inflation Reduction Act, but that is misnamed because, unfortunately, it does not reduce inflation; it actually makes things worse.

When you are at the gas pump or at the grocery store or buying something anywhere today, you are feeling the sticker shock. Yet this legislation is going to make it even worse. It adds $700 billion more in spending and over $300 billion more in new taxes at the worst possible time, increasing costs to consumers and actually making inflation worse.

The nonpartisan Penn Wharton Budget Model that a lot of us have used over the years to look at various legislation predicts that it will actually increase inflation over the next 2 years.

While over time it says that may even out, it won't decrease inflation as the name suggests and the bill sponsors claim. Why? Well, primarily because when you put $300 billion-plus of new taxes in the economy, it actually hurts workers and it hurts consumers.

Yes, they are saying it is going to go to companies, but what happens then? Companies pass it along. And at a time when we have the worst inflation in over 40 years, that is bad for the economy.

The nonpartisan Joint Committee on Taxation that we have to rely on here in Congress—not a partisan group but nonpartisan—says this bill will hurt Americans in nearly every tax bracket. They say that more than half of the burden of the over $300 billion in new taxes is going to fall on folks making less than $400,000 a year.

Well, that directly contradicts promises made not to increase taxes on Americans at that level.

While I am glad the blow to manufacturers has been somewhat softened in the last 24 hours, with the latest version of the bill, what the Democrats did was essentially exchange one bad tax—the book tax on manufacturers—for another bad tax, a tax that will tax stock buybacks, that is going to hurt particularly Americans who are trying to save for retirement.

Let me start with the book tax. This is a proposed tax that is very different from the existing corporate income tax which is based on income that business report to the IRS when they file their taxes. That IRS income, by the way, is defined by the U.S. Congress. Here in the Senate, we debate that all the time: Is it good to have a particular tax incentive or another tax incentive, that is not in the book tax? The book tax, instead, looks at a company's financial statement. And that is what this new bill does.

In fact, it comes up with a whole other definition of tax and, therefore, another tax system called the adjusted financial statement income. This is broader than the IRS income. It is not fair. It is way too complicated, and it is going to hurt employees and consumers.

Taxable income owed the IRS is meant to raise revenue, and, again, it includes these incentives or disincentives for certain activity like being able to immediately deduct the cost of new equipment, if you are a manufacturer. We want to encourage that, particularly in periods of high inflation, so we allow them to do that.

The financial statement income is not determined by us. It is not determined by elected representatives at all. In fact, Congress does not have anything to do with it. It is actually determined by something called the Financial Accounting Standards Board, which is a private nonprofit recognized by the U.S. Securities and Exchange Commission as the accounting standard setting for private companies.

That may work fine for determining accounting standards, but this change effectively puts these people in control of what the corporate tax base is, even though they are not elected to anything. That doesn't make sense. Let's not set up a whole new tax system for some companies. Let's learn from the past.

Back in 1986, when we passed a big tax reform bill, they put a book tax in place, and it was repealed less than 3 years later. Why? Because it was viewed as unfair, way too complicated, and, actually, they thought that you shouldn't have these nonelected officials deciding what the taxes ought to be.

They said it was bad for the economy, too, because companies were managing to the book tax rather than the IRS tax. So let's learn from the past. Why would we want to do that again, set up a whole other tax system, tax the American economy, tax consumers, tax workers, and do so through something that in 1986, we looked at and decided this is not working?

So Democrats will say tonight, Well, this new complicated tax system is just going to affect big companies.

That is true. But you know what, big companies employ a lot of people, and a lot of people are going to be hurt. They also sell to a lot of consumers, all of us who will be hurt. Last year, there were over 200 companies listed on the Fortune 500 as meeting the criteria that is set out in this legislation. They employ over 18 million Americans. It is those employees and those who are customers who are going to bear the brunt of these tax increases as it is passed down to them in the form of lower wages, lower benefits, and higher prices for goods and services.

The Joint Committee on Taxation, a nonpartisan group, just last year said they expected 25 percent of these corporate taxes to fall on workers; again, this means lower wages. The nonpartisan Congressional Budget Office says that employees and workers bear more like 70 percent of the burden of income taxes, so there is a long list of analyses in-between.

Let's say between 25 percent and 70 percent of these taxes are going to fall on workers in the form of lower pay and lower benefits at a time when wages are not keeping up with inflation that is getting higher and higher.

And, by the way, it is not just wages I am talking about; families will now face even higher prices as the cost of corporate taxes get passed along to them. In a study last year performed by the business schools at the University of Chicago and Northwestern, they found that 31 percent of corporate taxes fall on consumers through higher retail prices. Aren't prices high enough?

Dems have just added another new tax in the past 24 hours. Democrats now say we are going to have this complicated tax called an excise tax on stock buybacks. Again, this is instead of some of the tax they had in the other new tax that they put forward called the book tax.

Now, Democrats tonight will talk about how taxing buybacks is good because it somehow hurts Wall Street fat cats. Here is the truth: It increases the price of stocks to allow buybacks, and by taking away that incentive by putting a tax on it, there will be less of it. So the reality is this is a tax on working families, including those trying to save for retirement when they are already dealing with the struggling portfolios due to the recent economic contraction and the record inflation we are experiencing.

Fifty-eight percent of Americans own stock, and 60 million investors invest in an IRA or a 401(k). We want people to save for retirement; it is a good thing. We want them to have healthy retirement. So when Democrats say they worry about stock prices going up, I have to ask: Are they worried about people having a healthy retirement account?

Again, when companies buy back stock, it generally causes that stock to go up, which means it makes Americans' retirement accounts that much larger. Why is that a problem? The Tax Foundation says retirement accounts own 37 percent of all corporate stock. That is about $8½ trillion in retirement funds, $8½ trillion of retirement funds own corporate stock. Americans lost about $2 trillion in their IRAs during the COVID crisis. Let's not encourage them to lose anymore.

Some will say, this is just 1 percent. Well, we know that once a tax is initiated, it tends to increase. This is the camel's nose under the tent. The first income tax in 1913, by the way, was 1 percent and just on top earners. I think a lot of middle-income earners right now would be happy to have a tax rate that low.

This type of proposal will impact families and their retirement, and for that reason, we should not even go down this path. Democrats will also tax employee stock ownership programs, or ESOPS, in this package. I think some of my colleagues might be surprised to hear that. ESOPS are plans to give employees ownership of their own companies, with tax incentives for the dividends to go to their retirement savings. They are really popular.

ESOPS work; they are great. They enjoy wide bipartisan support here in the Congress. Employees have this ownership stake, and because of that, those companies tend to do better. Employees are happier. They are more profitable. They are more productive. The companies benefit from it. I don't understand why Democrats want to punish this ownership structure. Doing so will, once again, discourage investment and hard work, and it could not come at a worse time.

That is why I want to introduce an amendment tonight that will exempt ESOPS from the minimum book tax. This is a commonsense amendment—nothing complicated about it. It will encourage savings and investment; it is good for the country; and I encourage my colleagues on both sides of the aisle who support ESOPS to support the amendment.

I also plan to offer an amendment that will increase funding for Customs and Border Patrol by $500 million that will be used for new technology to detect fentanyl and other dangerous drugs that are, unfortunately, flooding across our southern border.

Over 100,000 Americans died of drug overdoses last year, the worst year on record. Unfortunately, more and more people are dying of overdoses, and they are dying from this synthetic opioid called fentanyl. About two-thirds of those overdose deaths were due to fentanyl.

At a time when deadly fentanyl is flooding across the border, only 2 percent of cars and only 16 percent of commercial vehicles are being screened. Now, these drugs come across the ports of entry where only 2 percent of cars and 16 percent of trucks are being screened.

They also come between the ports of entry, but at a minimum, we should be able to do screening of these vehicles and trucks. It is a gaping hole in our border security, and it has got to be fixed.

This amendment will simply assure that the new funds in this bill for the Department of Homeland Security bureaucracy, for an office called Readiness, $500 million will be assigned to a higher priority, to have Customs and Border Protection be able to detect and stop deadly fentanyl that is being smuggled into this country at record levels.

So this money would stay at the Department of Homeland Security. It will instead be used for a more urgent priority. Let's be serious about our national security and this drug crisis we face, and let's give the Border Patrol what they need to counter the drug cartels and the traffickers.

Tonight, I also plan to offer an amendment to ensure the new postal electric vehicles are actually made in the United States of America. In this bill, there is a $3 billion appropriation to the Postal Service. We just went through postal reform, as some of you know, we provided them additional funding that they needed. This is an additional $3 billion appropriation to buy electric vehicles and charging infrastructure. However, there is no requirement that these vehicles be made in America, with U.S. batteries and other components.

In other words, the bill uses taxpayer funds to buy electric vehicles that can be made with Chinese batteries and Chinese critical minerals. We know that this is counter to everything we are trying to do around here. We just passed legislation to make us more competitive with China. Again, we just passed legislation to provide the Postal Service with funds for new vehicles, including electric vehicles. The Postmaster General just made a decision to go from 10 percent electric to 20 percent to 50 percent. That is already happening. But in that case, there are requirements; in this case, there are not.

We know that Democrats believe that when we are expanding electric vehicles, that we ought to ensure that these vehicles are being made in America. How do we know that? Because in another part of the bill, which is the expansion of the electric vehicle tax credit, Democrats included new requirements that the tax credit award EVs made in the United States with American components.

My amendment would simply apply these identical requirements to these new electric postal delivery vehicles. Both involve taxpayer subsidies. What is good for the American driver should be good for the Postal Service.

My hope is this misnamed "Inflation Reduction Act" can be stopped before it makes things worse, but at least I urge my colleagues on both sides of the aisle to look at these commonsense amendments and accept some of these amendments. Some, I have laid out, and some others, I have talked about tonight to improve a flawed bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we have just heard a discussion of the issue of tax reform, and my colleague across the aisle has said there should be no corporate minimum tax on corporations, and yet Americans know that billionaire companies one after the other—some of the most profitable companies in our entire country, companies like Amazon—don't pay a single cent in tax.

They use our legal system. They use our road system. They use our education system. They use it all in vast quantities and don't contribute a single dime. One single ordinary worker does more to pay for all of the infrastructure these massive companies utilize than the company does.

It is about time corporations that make massive profits pay something, and 15 percent isn't even their fair share. And it is part of a global agreement to hold corporations accountable, so they don't skip from one country to another, to another, to another, evading everyone everywhere.

My colleague also said a lot about why we should not put a 1 percent tax on stock buybacks. Let's understand what stock buybacks are. First of all, a president of a company works to get a board, and that board is compensated, and then that board makes lots of decisions about, well, the welfare of the top executives. They set the salaries for the top executives, and then they give them stock options.

Now, if you have a stock option and then your company buys back stock, every share gets more valuable; you make a massive amount of money. This is a corrupt system. It does nothing to further the investment of the company and the productivity of America. It does nothing to increase the R&D—research and development—that goes into new products. It does nothing to make their product more price competitive.

It is "enrich the rich" scheme, and putting a 1 percent fee on that to help pay for all of the infrastructure the companies use is certainly more than appropriate. In fact, we should simply ban the stock buybacks. This is a very, very modest reform in the right direction.

It is the case that in this Chamber, under the Republican stock provisions,

1 year after another under their tax provisions, they have basically enabled the billionaires and corporations to escape any contribution to the welfare of our country. That is wrong. These tax reforms are right, and the healthcare provisions will help.

They are not nearly as powerful as I would like to see, certainly. I want to negotiate every single drug, the way the Veterans' Administration does, the way every foreign country does, every developed country does. We should get the best prices, not the worst in the developed world.

And in climate, while this, again, doesn't do everything I want, the investments in solar and wind will drive a bold, determined transition from fossil fuel energy to renewable energy.

We have to electrify everything with renewable energy. If we do that, set that example for the world and work with the world, we have some chance of humanity tackling this massive problem of climate chaos that is causing so much trouble across our land—from the massive floods in Kentucky to the forest fires of the Pacific Northwest, town after town being burned down. It is really America that has to lead the way.

There is a lot more I would like to see in this bill, just as my colleague from Ohio has a whole series of ideas.

I filed a lot of amendments, but I can't pull them up tonight. I can't ask for a vote on them because under the structure that we are dealing with now, anything that changes may result in this bill never passing, and so this is why, when we come back in the next session of Congress, we have to reform this Senate so we can do legitimate amendments like my colleague from Ohio suggested in a process where they get due consideration and don't torpedo the bill under which we are discussing them.

Those reforms are so essential because the arc of this Chamber has been one in which individual amendments have been incredibly suppressed. It is unacceptable. We are all so frustrated with the fact that deals are made by basically four individuals leading the two Chambers off this floor rather than determined and responsible debate—public, transparent debate—on the floor of this Chamber.

So the right answer is to come back and make this place work so that all ideas—as my colleague from Ohio listed his, I have my list. I want to add in affordable housing. I want to stop all the drilling. I want to fund the community colleges. I want preschool to be counted. I want to fix so that we can take the electric vehicle tax credits and do even better with them. I want to include the two-wheel and the three-wheel vehicles. I want to put in the summer benefit for food that has been so effective in helping so many children make it through the summer. But I can't do these things.

Let's fix this Senate. Let's have the types of debates we should have, and tonight, let's pass this bill for the right steps in the right direction on tax reform, on healthcare, and on climate.

The ACTING PRESIDENT pro tempore. The Democratic whip.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that all remaining time on the bill be yielded back; that there be 2 minutes of debate, equally divided, prior to each vote with respect to the reconciliation bill; and that following the disposition of Sanders amendment No. 5210, the following amendments be the first Republican amendments in order: No. 1, amendment No. 5301, Senator GRAHAM; No. 2, amendment No. 5409, Senator BARRASSO; No. 3, amendment No. 5382, Senator CAPITO; No. 4, amendment No. 5384, Senator LANKFORD; and No. 5, amendment No. 5404, Senator CRAPO.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

There will now be 2 minutes of debate, equally divided.

The junior Senator from Vermont.

AMENDMENT NO. 5210

Mr. SANDERS. Madam President, the American people are sick and tired of being ripped off by the greed of the pharmaceutical industry, which makes tens of billions of dollars per year in profit, charging us by far the highest prices in the world for our medicine.

This bill as currently written allows Medicare to negotiate prices with the drug companies but not until 4 years from now and then for only 10 drugs—a tiny fraction of the total. That is a very weak proposal and not what the American people want. They want us to lower prescription drug costs now, not in 4 years, and they want all drugs covered. The VA has been negotiating drug prices for 30 years and pays half—half—as much as Medicare pays.

My amendment is simple. It says that Medicare should not pay any more than the VA for prescription drugs. If we do that, we will cut the cost of Medicare prescription drugs in half and save $900 billion.

Please support this amendment.

The ACTING PRESIDENT pro tempore. The senior Senator from South Carolina.

POINT OF ORDER

Mr. GRAHAM. Well, Madam President, we are off to the races, so I am going to make this easy.

I raise a point of order that the pending amendment violates section 313(b)(1)(C) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The junior Senator from Vermont.

VOTE ON MOTION TO WAIVE

Mr. SANDERS. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 313 of that act for purposes of this amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 1, nays 99, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—1

Sanders

NAYS—99

Baldwin	Grassley	Paul
Barrasso	Hagerty	Peters
Bennet	Hassan	Portman
Blackburn	Hawley	Reed
Blumenthal	Heinrich	Risch
Blunt	Hickenlooper	Romney
Booker	Hirono	Rosen
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Burr	Johnson	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Scott (FL)
Cardin	Kennedy	Scott (SC)
Carper	King	Shaheen
Casey	Klobuchar	Shelby
Cassidy	Lankford	Sinema
Collins	Leahy	Smith
Coons	Lee	Stabenow
Cornyn	Luján	Sullivan
Cortez Masto	Lummis	Tester
Cotton	Manchin	Thune
Cramer	Markey	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young

The PRESIDING OFFICER (Mr. MURPHY). On this vote, the yeas are 1, the nays are 99.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from South Carolina.

AMENDMENT NO. 5301 TO AMENDMENT NO. 5194

Mr. GRAHAM. Mr. President, I call up my amendment No. 5301 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 5301 to amendment No. 5194.

The amendment is as follows:

(Purpose: To strike a tax increase that would result in higher consumer prices for gasoline, heating oil, and other energy sources for Americans earning less than $400,000 per year)

Strike part 6 of subtitle D of title I and insert the following:

PART 6—LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES

SEC. 13601. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6) is amended by striking ''2026'' and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

The PRESIDING OFFICER. There will be 2 minutes, equally divided.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, to the Members of the body, if you think America needs a new gas tax, then your ship has come in. Vote for the Democratic bill because, believe it or not, these people over there want to raise gas taxes right now.

The last time they tried to help you was the American rescue act. And here is what the Vice President said: Help has arrived for the families who have struggled to put food on their table, for the small businesses that have struggled to keep their doors open. Help has arrived.

She said that in March. Inflation was 2.6 percent. Help has arrived. It is 9.1 percent.

This bill will increase gas taxes 16.4 cents on every barrel of imported oil and petroleum, and every barrel of crude oil found in America, to be refined in America, will have an additional 16.4 cents-per-barrel-tax increase.

This is insane. This is stupid. If you like high gas prices, vote for them. If you want to lower prices at the pump, vote for my amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this amendment would strike a four-tenths-of-a-cent-per-gallon fee on Big Oil refiners that helps pay for the cleanup of toxic waste spills, especially important to our low-income, historically disadvantaged communities.

One expert analysis found that our bill is going to decrease the average household's energy costs by $500 per year. So, for many consumers, the Superfund fee would be less than $10 a year, a fraction of the savings from our bill.

I urge my colleagues to oppose the amendment.

VOTE ON AMENDMENT NO. 5301

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5301) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 5469 TO AMENDMENT NO. 5194

Ms. HASSAN. Mr. President, I call up amendment No. 5469, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New Hampshire [Ms. HASSAN] proposes an amendment numbered 5469 to amendment No. 5194.

The amendment is as follows:

(Purpose: To eliminate the reinstatement of Superfund taxes)

Strike part 6 of subtitle D of title I.

The PRESIDING OFFICER. The are 2 minutes equally divided.

The Senator is recognized.

Ms. HASSAN. Mr. President, this is a commonsense, straightforward amendment to strike the surcharge on barrels of oil, and I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Thank you very much.

This gives phony and cynical a bad name. They wouldn't let you do this in professional wrestling. If you think people are this dumb, you are going to be sadly mistaken.

What she is doing is trying to strike the provisions that she just voted against, but it requires 60 votes. So she can vote for repealing a gas tax she just voted against so she will look good for the voters.

If you really wanted to repeal the gas tax, the new one indexed for inflation, you should have voted for my amendment. What you are doing is deceitful, dishonest, and we are going to call you out.

The PRESIDING OFFICER. Senators are reminded to address each other through the Chair and in the third person.

Ms. HASSAN. Mr. President, I will note the inaccuracy of what was said on the floor about the substance of this.

The PRESIDING OFFICER. The Senator from Vermont.

POINT OF ORDER

Mr. SANDERS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 313 for purpose of this amendment—

Wrong point of order. Let me try again.

Mr. President, I raise a point of order that the pending amendment violates section 4106 of the concurrent resolution on the budget for fiscal year 2018, H. Con. Res. 71 of the 115th Congress, the Senate pay-as-you-go point of order.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO WAIVE

Ms. HASSAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—55

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hassan	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kelly	Sinema
Cornyn	Kennedy	Sullivan
Cortez Masto	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Warnock
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

NAYS—45

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Rosen
Booker	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Luján	Shaheen
Carper	Manchin	Smith
Casey	Markey	Stabenow
Coons	Menendez	Tester
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Heinrich	Padilla	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment falls.

I would remind the Chamber that this is the beginning of a long night. Senators are reminded to address all remarks through the Chair in the third person and to be mindful of rule XIX.

Rule XIX provides that no Senator in debate shall, directly or indirectly, by any form or words impute to any Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

The Senator from Wyoming.

AMENDMENT NO. 5409 TO AMENDMENT NO. 5194

Mr. BARRASSO. I call up amendment No. 5409 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 5409 to amendment No. 5194.

The amendment is as follows:

(Purpose: To require certain additional onshore oil and gas lease sales in certain states)

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026__. MANDATORY ADDITIONAL ONSHORE OIL AND GAS LEASE SALES IN CERTAIN STATES.

(a) REQUIREMENT.—Subject to subsections (b) and (c), not later than December 31, 2022, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall conduct an oil and gas lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in each of the States in which the Bureau of Land Management conducted lease sales in June 2022.

(b) PARCELS.—The oil and gas lease sales required under subsection (a) shall include, at a minimum, all parcels—

(1) that were evaluated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process for the June 2022 sales; but

(2) that were deferred by the applicable Bureau of Land Management State Director.

(c) ADDITIONAL LEASE SALES.—The oil and gas lease sales required under subsection (a) shall be conducted in addition to the quarterly oil and gas lease sales required under section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

Mr. BARRASSO. I rise in support of the amendment to require the Secretary of the Interior to conduct supplemental onshore oil and gas lease sales by the end of 2022.

The Biden administration went 18 months without holding quarterly lease sales as required by the Mineral Leasing Act.

That failure to hold lease sales has contributed to high gasoline and natural gas prices, record inflation, and has increased our dependence on foreign adversaries.

When the Secretary finally was forced to hold sales in June, she reduced the available acreage by 80 percent.

This amendment would require the Secretary to hold supplemental lease sales this year, offering the previously deferred acreage, which has gone through multiple rounds already of environmental review.

Instead of pleading with dictators in other countries to increase oil and gas production, we should expand American production. My amendment will do just that for people who care about the pain at the pump.

I would ask other Senators to join in support.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. This amendment disrupts the carefully negotiated delicate balance of this agreement, putting really the entire reconciliation vehicle at risk.

Therefore, I would urge my colleagues to vote no on the amendment.

VOTE ON AMENDMENT NO. 5409

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5409) was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 5211, AS MODIFIED, TO AMENDMENT NO. 5194

Mr. SANDERS. Mr. President, I call up amendment No. 5211, as modified, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 5211, as modified, to amendment No. 5194.

The amendment is as follows:

At the end of subtitle B of title I, add the following

PART 6—MEDICARE COVERAGE OF DENTAL AND ORAL HEALTH CARE, HEARING CARE, AND VISION CARE

Subpart A—Mediare Coverage

SEC. 11502. COVERAGE OF DENTAL AND ORAL HEALTH CARE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (HH), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(II) dental and oral health services (as defined in subsection (lll));''.

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''(lll) DENTAL AND ORAL HEALTH SERVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'dental and oral health services' means the following items and services that are furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (3)) on or after January 1, 2025:

''(A) PREVENTIVE AND SCREENING SERVICES.—Preventive and screening services, including oral exams, dental cleanings, dental x-rays, and fluoride treatments.

''(B) BASIC PROCEDURES.—Basic procedures, including services such as minor restorative services, periodontal maintenance, periodontal scaling and root planing, simple tooth extractions, therapeutic pulpotomy, and other related items and services.

''(C) DENTURES.—Dentures and implants including related items and services.

''(2) EXCLUSIONS.—Such term does not include items and services for which, as of the date of the enactment of this subsection, coverage was permissible under section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10).

''(3) ORAL HEALTH PROFESSIONAL.—The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished.''.

(c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 13951(a)(1)), as amended by section 11101, is amended—

(A) in subparagraph (N), by inserting ''and dental and oral health services (as defined in section 1861(lll))'' after ''section 1861(hhh)(1))'';

(B) by striking ''and'' before ''(EE)''; and

(C) by inserting before the semicolon at the end the following: ''and (FF) with respect to dental and oral health services (as defined in section 1861(lll)), the amount paid shall be the payment amount specified under section 1834(z)''.

(2) PAYMENT AND LIMITS SPECIFIED.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—

''(1) PAYMENT.—The payment amount under this part for dental and oral health services (as defined in section 1861(lll)) shall be, subject to paragraphs (3) and (4), 80 percent of the lesser of—

''(A) the actual charge for the service; or

''(B)(i) in the case of such services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)), the amount determined under the fee schedule established under paragraph (2); or

''(ii) in the case of such services furnished by an oral health professional (as defined in section 1861(lll)(3)), 85 percent of the amount determined under the fee schedule established under paragraph (2).

''(2) ESTABLISHMENT OF FEE SCHEDULE FOR DENTAL AND ORAL HEALTH SERVICES.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary shall establish a fee schedule for dental and oral health services furnished in 2025 and subsequent years. The fee schedule amount for a dental or oral health service shall be equal 70 percent of the national median fee (as determined under subparagraph (B)) for the service or a similar service for the year (or, in the case of dentures, at the bundled payment amount under clause (iv) of such subparagraph), adjusted by the geographic adjustment factor established under section 1848(e)(2) for the area for the year.

''(ii) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult annually with organizations representing dentists and other providers who furnish dental and oral health services and shall share with such providers the data and data analysis used to determine fee schedule amounts under this paragraph.

''(B) DETERMINATION OF NATIONAL MEDIAN FEE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the Secretary shall apply the national median fee for a dental or oral health service for 2025 and subsequent years in accordance with this subparagraph.

''(ii) USE OF 2020 DENTAL FEE SURVEY.—

''(I) IN GENERAL.—Except as provided in clause (iii) or clause (iv), the national median fee for a dental or oral health service shall be equal to—

''(aa) for 2025, the median fee for the service in the table titled 'General Practitioners–National' of the '2020 Survey of Dental Fees' published by the American Dental Association, increased by the applicable percent increase for the year determined under subclause (II), as reduced by the productivity adjustment under subclause (III); and

''(bb) for 2026 and subsequent years, the amount determined under this subclause for the preceding year, updated pursuant to subparagraph (C)(i).

''(II) APPLICABLE PERCENT INCREASE.—The applicable percent increase determined under this subclause for a year is an amount equal to the percentage increase between—

''(aa) the consumer price index for all urban consumers (United States city average) ending with June of the previous year; and

''(bb) the consumer price index for all urban consumers (United States city average) ending with June of 2020.

''(III) PRODUCTIVITY ADJUSTMENT.—After determining the applicable percentage increase under subclause (II) for a year, the Secretary shall reduce such percentage increase by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(iii) DETERMINATION IF INSUFFICIENT SURVEY DATA.—If the Secretary determines there is insufficient data under the Survey described in clause (ii) with respect to a dental or oral health service, the national median fee for the service for a year shall be equal to an amount established for the service using one or more of the following methods, as determined appropriate by the Secretary:

''(I) The payment basis determined under section 1848.

''(II) Fee schedules for dental and oral health services which shall include, as practicable, fee schedules—

''(aa) under Medicare Advantage plans under part C;

''(bb) under State plans (or waivers of such plans) under title XIX; and

''(cc) established by other health care payers.

''(iv) SPECIAL RULE FOR DENTURES.—The Secretary shall make payment for dentures and associated professional services as a bundled payment as determined by the Secretary. In establishing such bundled payment, the Secretary shall consider the national median fee for the service for the year determined under clause (ii) or (iii) and the rate determined for such dentures under the Federal Supply Schedule of the General Services Administration, as published by such Administration in 2021, updated to the year involved using the applicable percent increase for the year determined under clause (ii)(II), as reduced by the productivity adjustment under clause (ii)(III), and shall ensure that the payment component for dentures under such bundled payment does not exceed the maximum rate determined for such dentures under the Federal Supply Schedule, as so published and updated to the year involved.

''(C) ANNUAL UPDATE AND ADJUSTMENTS.—

''(i) ANNUAL UPDATE.—The Secretary shall update payment amounts determined under the fee schedule from year to year beginning in 2026 by increasing such amounts from the prior year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year, reduced by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(ii) ADJUSTMENTS.—

''(I) IN GENERAL.—The Secretary shall, to the extent the Secretary determines to be necessary and subject to subclause (II), adjust the amounts determined under the fee schedule established under this paragraph for 2026 and subsequent years to take into account changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

''(II) LIMITATION ON ANNUAL ADJUSTMENTS.—The adjustments under subclause (I) for a year shall not cause the amount of expenditures under this part for the year to differ by more than $20,000,000 from the amount of expenditures under this part that would have been made if such adjustments had not been made.

''(3) LIMITATIONS.—With respect to dental and oral health services that are preventive and screening services described in paragraph (1)(A) of section 1861(lll)—

''(A) payment shall be made under this part for—

''(i) not more than 2 oral exams in a year;

''(ii) not more than 2 dental cleanings in a year;

''(iii) not more than 1 fluoride treatment in a year; and

''(iv) not more than 1 full-mouth series of x-rays as part of a preventive and screening oral exam every 3 years; and

''(B) in the case of preventive and screening services not described in subparagraph (A), payment shall be made under this part only at such frequencies determined appropriate by the Secretary.

''(4) INCENTIVES FOR RURAL PROVIDERS.—In the case of dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or an oral health professional (as defined in section 1861(lll)(3)) who predominantly furnishes such services under this part in an area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, in addition to the amount of payment that would otherwise be made for such services under this subsection, there also shall be paid an amount equal to 10 percent of the payment amount for the service under this subsection for such doctor or professional.

''(5) LIMITATION ON BENEFICIARY LIABILITY.—The provisions of section 1848(g) shall apply to a nonparticipating doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) who does not accept payment on an assignment-related basis for dental and oral health services furnished with respect to an individual enrolled under this part in the same manner as such provisions apply with respect to a physician's service.

''(6) ESTABLISHMENT OF DENTAL ADMINISTRATOR.—The Secretary shall designate one or more (not to exceed 4) medicare administrative contractors under section 1874A to establish coverage policies and establish such policies and process claims for payment for dental and oral health services, as determined appropriate by the Secretary.''.

(d) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) With respect to 2026 and each subsequent year, an oral health professional (as defined in section 1861(lll)(3)).''.

(e) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (O), by striking ''and'' at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(Q) in the case of dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(z)(3), which are furnished more frequently than is provided under such section.''; and

(2) in paragraph (12), by inserting before the semicolon at the end the following: ''and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II)''.

(f) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d), is amended—

(1) by striking ''or hearing aids'' and inserting ''hearing aids''; and

(2) by inserting '', or dental and oral health services (as defined in subsection (lll) of such section)'' after ''subsection (s)(8) of such section''.

(g) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) COVERAGE OF DENTAL AND ORAL HEALTH SERVICES.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by inserting ''and'' after the comma at the end; and

(iii) by inserting after subparagraph (C) the following new subparagraph:

''(D) dental and oral health services (as defined in subsection (lll)) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in subsection (lll)(3)) who is employed by or working under contract with a rural health clinic if such rural health clinic furnishes such services,''; and

(B) in paragraph (3)(A), by striking ''(C)'' and inserting ''(D)''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(i) in subsection (a)(3)(A), by inserting ''(which shall, in the case of dental and oral health services (as defined in section 1861(lll)), in lieu of any limits on reasonable costs otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848

until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2030, if no such determination has been made as of such date))'' after ''may prescribe in regulations''; and

(ii) by adding at the end the following new subsection:

''(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than dental and oral health services (as defined in section 1861(lll)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(B) PPS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

''(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2030, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such dental and oral health services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

SEC. 11503. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND HEARING AID EXAMINATION SERVICES BY QUALIFIED HEARING AID PROFESSIONALS.—

(1) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(A) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)'';

(ii) in subparagraph (A), as added by clause (i) of this subparagraph—

(I) by striking ''means such hearing and balance assessment services'' and inserting ''means—

''(i) such hearing and balance assessment services and, beginning January 1, 2024, such hearing aid examination services and treatment services (including aural rehabilitation, vestibular rehabilitation, and cerumen management)'';

(II) in clause (i), as added by subclause (I) of this clause, by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following new clause:

''(ii) beginning January 1, 2024, such hearing aid examination services furnished by a qualified hearing aid professional (as defined in paragraph (4)(C)) as the professional is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), as would otherwise be covered if furnished by a physician.''; and

(iii) by adding at the end the following new subparagraph:

''(B) Beginning January 1, 2024, audiology services described in subparagraph (A)(i) shall be furnished without a requirement for an order from a physician or practitioner.''; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

''(C) The term 'qualified hearing aid professional' means an individual who—

''(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

''(ii) is accredited by the National Board for Certification in Hearing Instrument Sciences or meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certifications or accreditations) taking into account any additional relevant requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and group health plans and health insurance issuers (as such terms are defined in section 2791 of the Public Health Service Act).''.

(2) PAYMENT FOR QUALIFIED HEARING AID PROFESSIONALS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101(b) and 11501, is further amended—

(A) by striking ''and'' before ''(FF)''; and

(B) by inserting before the semicolon at the end the following: ''and (GG) with respect to hearing aid examination services (as described in paragraph (3)(A)(ii) of section 1861(ll)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of the actual charge for such services or 85 percent of the amount for such services determined under the payment basis determined under section 1848''.

(3) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.—

(A) QUALIFIED AUDIOLOGISTS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 11502, is amended by adding at the end the following new clause:

''(viii) Beginning on January 1, 2024, a qualified audiologist (as defined in section 1861(ll)(4)(B)).''.

(B) QUALIFIED HEARING AID PROFESSIONALS.—Section 1842(b)(18) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended—

(i) in each of subparagraphs (A) and (B), by ''striking subparagraph (C)'' and inserting ''subparagraph (C) or, beginning on January 1, 2024, subparagraph (E)''; and

(ii) by adding at the end the following new subparagraph:

''(E) A practitioner described in this subparagraph is a qualified hearing aid professional (as defined in section 1861(ll)(4)(C)).''.

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting '', and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2024, to individuals with moderately severe, severe, or profound hearing loss'' before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraphs:

''(6) PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS.—Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related basis. The provisions of subparagraphs (A) and (B) of section 1842(b)(18) shall apply to hearing aids in the same manner as they apply to services furnished by a practitioner described in subparagraph (C) of such section.

''(7) LIMITATIONS FOR HEARING AIDS.—

''(A) IN GENERAL.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished by a qualified hearing aid supplier (as defined in subparagraph (B)) on or after January 1, 2024—

''(i) not more than once per ear during a 5-year period;

''(ii) only for types of such hearing aids that are determined appropriate by the Secretary; and

''(iii) only if furnished pursuant to a written order of a physician, qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practitioner, or clinical nurse specialist.

''(B) DEFINITIONS.—In this subsection:

''(i) HEARING AID.—The term 'hearing aid' means the item and related services including selection, fitting, adjustment, and patient education and training.

''(ii) QUALIFIED HEARING AID SUPPLIER.—The term 'qualified hearing aid supplier' means—

''(I) a qualified audiologist;

''(II) a physician (as defined in section 1861(r)(1));

''(III) a physician assistant, nurse practitioner, or clinical nurse specialist;

''(IV) a qualified hearing aid professional (as defined in 1861(ll)(4)(C)); and

''(V) other suppliers as determined by the Secretary.''.

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(i) in the header, by inserting ''AND HEARING AIDS'' after ''ORTHOTICS'';

(ii) by inserting ''or of hearing aids described in paragraph (2)(D) of such section,'' after ''2011,''; and

(iii) in clause (i), by inserting ''or such hearing aids'' after ''such orthotics''.

(B) CONFORMING AMENDMENTS.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) HEARING AIDS.—Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.''.

(iii) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

''(8) COMPETITION WITH RESPECT TO HEARING AIDS.—Not later than January 1, 2029, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(D).''.

(4) PHYSICIAN SELF-REFERRAL LAW.—Section 1877(b) of the Social Security Act (42 U.S.C. 1395nn(b)) is amended by adding at the end the following new paragraph:

''(6) HEARING AIDS AND SERVICES.—In the case of hearing aid examination services and hearing aids—

''(A) furnished on or after January 1, 2024, and before January 1, 2026; and

''(B) furnished on or after January 1, 2026, if the financial relationship specified in subsection (a)(2) meets such requirements the Secretary imposes by regulation to protect against program or patient abuse.''.

(c) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting ''(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))'' after ''hearing aids or examinations therefor''.

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period and inserting '', or''; and

(3) by adding at the end the following new clause:

''(iii) consisting of audiology services described in subsection (ll)(3) of section 1861, or hearing aids described in subsection (s)(8) of such section, that are payable under part B as a result of the amendments made by the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''.

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ''(including audiology services (as defined in subsection (ll)(3)))'' after ''physicians' services''.

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ''or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (ll)),'' after ''(as defined in subsection (hh)(1)),''.

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 13951), as amended by section 11502(g), is amended—

(i) in subsection (a)(3)(A), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''; and

(ii) in subsection (e), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11501(e), is amended—

(i) in the first sentence, by inserting '' and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll))''; and

(ii) in the second sentence, by inserting ''and such audiology services'' after ''such dental and oral health services''.

(f) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section for 2023, 2024, and 2025 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2032.

SEC. 11504. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 11502(a), is amended—

(1) in subparagraph (HH), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (II), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(JJ) vision services (as defined in subsection (mmm));''.

(b) VISION SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 11502(b), is amended by adding at the end the following new subsection:

''(mmm) VISION SERVICES.—The term 'vision services' means routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination, furnished on or after January 1, 2023, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations or procedures (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which the examinations or procedures are furnished.''.

(c) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 11502(c), is amended by adding at the end the following new subsection:

''(aa) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mmm)) and an individual, payment shall be made under this part for only 1 routine eye examination described in such subsection during a 2-year period.''.

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(JJ),'' before ''(3)''.

(e) COVERAGE OF CONVENTIONAL EYEGLASSES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)), as amended by section 11503(b), is amended by striking '', and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens'' and inserting '', including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens, if furnished before January 1, 2023, and including (as described in section 1834(h)(8)) conventional eyeglasses, whether or not furnished subsequent to such a surgery, if furnished on or after January 1, 2023''.

(f) SPECIAL PAYMENT RULES FOR EYEGLASSES.—

(1) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(8) PAYMENT LIMITATIONS FOR EYEGLASSES.—

''(A) IN GENERAL.—With respect to conventional eyeglasses furnished to an individual on or after January 1, 2023, subject to subparagraph (B), payment shall be made under this part only during a 2-year period, for one pair of eyeglasses (including lenses and the frame).

''(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, payment shall be made under this part for one pair of conventional eyeglasses furnished subsequent to such cataract surgery during such period.

''(C) NO COVERAGE OF CERTAIN ITEMS.—Payment shall not be made under this part for deluxe eyeglasses or conventional reading glasses.''.

(2) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)), as amended by section 11503(b), is amended—

(i) in the header, by striking ''**AND HEARING AIDS**'' and inserting ''**HEARING AIDS, AND EYEGLASSES**''

(ii) by striking ''or of hearing aids'' and inserting ''of hearing aids'';

(iii) by inserting ''or of eyeglasses described in paragraph (2)(E) of such section,'' after ''paragraph (2)(D) of such section,''; and

(iv) in clause (i), by striking ''or such hearing aids'' and inserting '', such hearing aids, or such eyeglasses''.

(B) CONFORMING AMENDMENT.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)), as amended by section 11503(b), is amended by adding at the end the following new subparagraph:

''(E) EYEGLASSES.—Eyeglasses described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(C) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(9) COMPETITION WITH RESPECT TO EYEGLASSES.—Not later than January 1, 2028, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(E).''.

(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 11502(e), is amended—

(1) in paragraph (1)—

(A) in subparagraph (P), by striking ''and'' at the end;

(B) in subparagraph (Q), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(R) in the case of vision services (as defined in section 1861(mmm)) that are routine eye examinations as described in such section, which are furnished more frequently than once during a 2-year period;''; and

(2) in paragraph (7)—

(A) by inserting ''(other than such an examination that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''eye examinations''; and

(B) by inserting ''(other than such a procedure that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''refractive state of the eyes''.

(h) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d) and amended by section 11503(f), is amended—

(1) by striking ''or dental'' and inserting ''dental''; and

(2) by inserting '', or vision services (as defined in subsection (mmm) of such section)''

after ''(as defined in subsection (lll) of such section)''.

(i) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF VISION SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)), as amended by section 11501(e), is amended by inserting ''and vision services (as defined in subsection (mmm))'' after ''(as defined in subsection (ll)(3))''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 13951), as amended by sections 11502(g) and 11503(e), is amended—

(i) in subsection (a)(3)(A)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', or vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in subsection (e)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11502(g) and amended by section 11503(e), is amended—

(i) in the first sentence—

(I) by striking ''and audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in the second sentence, by striking ''and such audiology services'' and inserting '', such audiology services, and such vision services''.

(j) EXPEDITING IMPLEMENTATION.—The Secretary shall implement this section for the period beginning on January 1, 2023, and ending on December 31, 2024, through program instruction or other forms of program guidance.

(k) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2031.

SEC. 11505. PHASE-IN OF IMPACT OF DENTAL AND ORAL HEALTH COVERAGE ON PART B PREMIUMS.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''and (7)'' and inserting ''(7), and (8)'';

(2) in paragraph (3), by striking ''The Secretary'' and inserting ''Subject to paragraph (8)(C), the Secretary''; and

(3) by adding at the end the following:

''(8) SPECIAL RULE FOR 2025 THROUGH 2028.—

''(A) DETERMINATION OF ALTERNATIVE MONTHLY ACTUARIAL RATE FOR EACH OF 2025 THROUGH 2028.—For each of 2025 through 2028, the Secretary shall, at the same time as and in addition to the determination of the monthly actuarial rate for enrollees age 65 and over determined in each of 2024 through 2027 for the succeeding calendar year according to paragraph (1), determine an alternative monthly actuarial rate for enrollees age 65 and over for the year as described in subparagraph (B).

''(B) ALTERNATIVE MONTHLY ACTUARIAL RATE DESCRIBED.—

''(i) IN GENERAL.—The alternative monthly actuarial rate described in this subparagraph is—

''(I) for 2025, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by section 11502 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' did not apply; and

''(II) for 2026, 2027, and 2028, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply, plus the applicable percent of the amount by which—

''(aa) the monthly actuarial rate for enrollees age 65 and over for the year determined according to paragraph (1); exceeds

''(bb) the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply.

''(ii) DEFINITION OF APPLICABLE PERCENT.—For purposes of this subparagraph, the term 'applicable percent' means—

''(I) for 2026, 25 percent;

''(II) for 2027, 50 percent; and

''(III) for 2028, 75 percent.

''(C) APPLICATION TO PART B PREMIUM AND OTHER PROVISIONS OF THIS PART.—For each of 2025 through 2028, the Secretary shall use the alternative monthly actuarial rate for enrollees age 65 and over for the year determined under subparagraph (A), in lieu of the monthly actuarial rate for such enrollees for the year determined according to paragraph (1), when determining the monthly premium rate for the year under paragraph (3) and subsection (j), the part B deductible under section 1833(b), and the premium subsidy and monthly adjustment amount under subsection (i).''.

Subpart B—Tax Provisions

SEC. 11511. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting 'the greater of specified net income or net investment income' for 'net investment income' in subparagraph (A) thereof.

''(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

''(A) the excess described in paragraph (1), bears to

''(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

''(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term 'high income threshold amount' means—

''(A) except as provided in subparagraph (B) or (C), $400,000,

''(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

''(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

''(4) SPECIFIED NET INCOME.—For purposes of this section, the term 'specified net income' means net investment income determined—

''(A) without regard to the phrase 'other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),' in subsection (c)(1)(A)(i),

''(B) without regard to the phrase 'described in paragraph (2)' in subsection (c)(1)(A)(ii),

''(C) without regard to the phrase 'other than property held in a trade or business not described in paragraph (2)' in subsection (c)(1)(A)(iii),

''(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

''(E) by treating paragraphs (5) and (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations,' in such paragraph (6)) as applying for purposes of subsection (c) of this section.''.

(b) APPLICATION TO TRUSTS AND ESTATES.—Section 1411(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''undistributed net investment income'' and inserting ''the greater of undistributed specified net income or undistributed net investment income''.

(c) CLARIFICATIONS WITH RESPECT TO DETERMINATION OF NET INVESTMENT INCOME.—

(1) CERTAIN EXCEPTIONS.—Section 1411(c)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

''(6) SPECIAL RULES.—Net investment income shall not include—

''(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

''(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(v)(2)), and

''(C) wages received from the performance of services earned outside the United States for a foreign employer.''.

(2) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) of such Code is amended by inserting ''(other than section 172)'' after ''this subtitle''.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) of such Code is amended by striking ''and'' at the end of clause (ii), by striking ''over'' at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over''.

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c) of such Code is amended by adding at the end the following new paragraph:

''(7) CERTAIN PREVIOUSLY TAXED INCOME.—The Secretary shall issue regulations or other guidance providing for the treatment of—

''(A) distributions of amounts previously included in gross income for purposes of chapter 1 but not previously subject to tax under this section, and

''(B) distributions described in section 962(d).''.

(d) DEPOSIT INTO MEDICARE HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the excess of—

''(A) the taxes imposed by 1411(a) of the Internal Revenue Code of 1986, as reported to

the Secretary of the Treasury or his delegate pursuant to subtitle F of such Code after December 31, 2022, over

''(B) the taxes which would have been imposed under such section after such date, determined as if the amendments made by section 11511 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') did not apply, as estimated by the Secretary of the Treasury.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(f) TRANSITION RULE.—The regulations or other guidance issued by the Secretary under section 1411(c)(7) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 1411(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2022, and

(2) taxable years beginning after such date.

SEC. 11512. INCREASE IN TOP MARGINAL INDIVIDUAL INCOME TAX RATE.

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last two rows and inserting the following: ''

''Over $400,000 but not over $450,000.	$91,379, plus 35% of the excess over $400,000
Over $450,000	$108,879, plus 39.6% of the excess over $450,000.''.

(2) HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(B) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $425,000.	$44,298, plus 35% of the excess over $200,000
Over $425,000	$123,048, plus 39.6% of the excess over $425,000.''.

(3) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(C) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $400,000.	$45,689.50, plus 35% of the excess over $200,000
Over $400,000	$115,689.50, plus 39.6% of the excess over $400,000.''.

(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(j)(2)(D) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $225,000.	$45,689.50, plus 35% of the excess over $200,000
Over $225,000	$54,439.50, plus 39.6% of the excess over $225,000.''.

(5) ESTATES AND TRUSTS.—The table contained in section 1(j)(2)(E) of such Code is amended by striking the last row and inserting the following: ''

''Over $12,500	$3,011.50, plus 39.6% of the excess over $12,500.''.

(b) APPLICATION OF ADJUSTMENTS.—Section 1(j)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) ADJUSTMENTS.—For taxable years beginning after December 31, 2022, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

''(A) except as provided in subparagraph (B), subsection (f)(3) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof,

''(B) in the case of adjustments to the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(E))—

''(i) no adjustment shall be made for taxable years beginning after December 31, 2022, and before January 1, 2024, and

''(ii) in the case of any taxable year beginning after December 31, 2023, subsection (f)(3) shall be applied by substituting 'calendar year 2022' for 'calendar year 2016',

''(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

''(D) subsection (f)(8) shall not apply.''.

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET FOR HIGH-INCOME TAXPAYERS AFTER 2025.—Section 1(i)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) MODIFICATIONS TO 39.6 PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2025—

''(A) IN GENERAL.—The rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in excess of the 39.6 percent rate bracket threshold shall be taxed at a rate of 39.6 percent.

''(B) 39.6 PERCENT RATE BRACKET THRESHOLD.—For purposes of this paragraph, the term '39.6 percent rate bracket threshold' means—

''(i) in the case any taxpayer described in subsection (a), $450,000,

''(ii) in the case of any taxpayer described in subsection (b), $425,000,

''(iii) in the case of any taxpayer described in subsection (c), $400,000, and

''(iv) in the case of any taxpayer described in subsection (d), $225,000.

''(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2025, each of the dollar amounts in subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(A)(ii) shall be applied by substituting '2022' for '2016'.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1(j)(1) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2022''.

(2) The heading of section 1(j) is amended by striking ''2018'' and inserting ''2023''.

(3) The heading of section 1(i) is amended by striking ''RATE REDUCTIONS'' and inserting ''MODIFICATIONS''

(4) Section 15(f) is amended by striking ''rate reductions'' and inserting ''modifications''.

(e) SECTION 15 NOT TO APPLY.—For rules providing that section 15 of the Internal Revenue Code of 1986 does not apply to the amendments made by this section, see sections 1(j)(6) and 15(f) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, in the richest country on Earth, millions of seniors should not have teeth rotting in their mouths or be unable to afford hearing aids or eyeglasses.

In America today, the reality is that a quarter of Americans 65 and older are missing all of their natural teeth, and 20 percent have untreated dental cavities.

Further, one in three seniors suffers from hearing loss, while 75 percent who need a hearing aid cannot afford one.

And further, it can cost seniors up to $300 for a routine eye exam and over $200 for a pair of glasses, which many seniors simply are unable to afford and do without.

This amendment is simple. It expands Medicare to provide dental, vision, and hearing benefits to our seniors.

This should not be a particularly tough vote, given the fact that the last poll I saw had 84 percent of the American people in support of this concept.

I urge a ''yes'' vote on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, yes, I would urge a ''no'' vote simply because we are living in a world where it is hard to get by. Growing the government, I think, will create more inflation. Everything can't be free because we all—it gets to be so free that you can't afford it.

So you are the same people that told us if we passed the American Rescue Plan, all would be well. We are at 9.1 percent inflation. You are increasing gas taxes. Now you want to expand Medicare. This is going to hurt the American people. Stop the madness. Vote no.

VOTE ON AMENDMENT 5211, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 5211, as modified.

Mr. BOOKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 3, nays 97, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—3

Ossoff	Sanders	Warnock

NAYS—97

Baldwin	Grassley	Peters
Barrasso	Hagerty	Portman
Bennet	Hassan	Reed
Blackburn	Hawley	Risch
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Scott (FL)
Capito	Kelly	Scott (SC)
Cardin	Kennedy	Shaheen
Carper	King	Shelby
Casey	Klobuchar	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Cornyn	Luján	Tester
Cortez Masto	Lummis	Thune
Cotton	Manchin	Tillis
Cramer	Markey	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Van Hollen
Daines	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Moran	Whitehouse
Ernst	Murkowski	Wicker
Feinstein	Murphy	Wyden
Fischer	Murray	Young
Gillibrand	Padilla	
Graham	Paul	

The amendment (No. 5211, as modified) was rejected.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 5382 TO AMENDMENT NO. 5194

Mrs. CAPITO. Mr. President, I call up my amendment No. 5382 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from West Virginia [Mrs. CAPITO] proposes an amendment numbered 5382 to amendment No. 5194.

The amendment is as follows:

(Purpose: To strike provisions concerning funding for certain activities under the Clean Air Act)

In section 60105, strike subsection (g).

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

There are 2 minutes, equally divided.

Mrs. CAPITO. Mr. President, this amendment would strike a provision that gives the EPA $45 million in a slush fund to use eight different sections of the Clean Air Act to regulate greenhouse gases. The EPA will undoubtedly try to use this money to develop rules targeting electricity generation, manufacturing, agriculture, and other sectors of our economy.

This will be the first time that Congress has told the EPA to carry out many of these Clean Air Act sections with respect to greenhouse gases. There is no doubt that EPA lawyers and environmental groups will point to this language when they try to convince courts to uphold future overreaching climate regulations.

After the EPA's recent loss before the Supreme Court on the illegal Clean Power Plan, we should not be providing funds to the Agency that it will inevitably use to undertake more expansive and unauthorized rulemakings. This $45 million slush fund would be used to impose billions of dollars in regulatory burdens on our economy and increase costs at the worst time for consumers.

This provision is bad for West Virginia, and it is bad for America. I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, the amendment by our colleague Senator CAPITO would strike $45 million in the bill that would fund the EPA to use its existing narrow Clean Air Act authorities to address greenhouse gas emissions.

Our colleague sought to argue that this provision did not comply with the Byrd rule, but the Parliamentarian ruled that it does. We are now presented with an amendment to strike the provision altogether.

The EPA has lots of authorities and tools already at its disposal to reach net-zero greenhouse gas emissions by no later than midcentury. The quickest way we can jump-start government-wide climate action is to help empower Agencies to use the tools that they already have. The $45 million in the bill before us would help the EPA to do just that.

I spoke earlier today about the urgent need for climate action. We are witnessing record heat, more extreme weather, and devastating floods on an almost daily basis. We should fund the EPA to use all of the authorities at its disposal to tackle the climate crisis. The urgency of this problem demands no less.

I urge my colleagues to join me in opposing the amendment.

VOTE ON AMENDMENT NO. 5382

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. FISCHER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5382) was rejected.

The ACTING PRESIDENT pro tempore. The junior Senator from Oklahoma.

AMENDMENT NO. 5384 TO AMENDMENT NO. 5194

Mr. LANKFORD. Madam President, I call up my amendment No. 5384 and ask that it be reported by number.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. LANKFORD] proposes an amendment numbered 5384 to amendment No. 5194.

The amendment is as follows:

(Purpose: To provide additional funding for implementation of title 42)

At the appropriate place in title IX, insert the following:

SEC. ______. FUNDING FOR TITLE 42 IMPLEMENTATION.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Centers for Disease Control and Prevention, out of amounts in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2023, for the purpose described in paragraph (2).

(2) USE OF FUNDS.—The Director of the Centers for Disease Control and Prevention shall use the amounts appropriated under paragraph (1) for the continued implementation of the orders by the Director pursuant to section 362 of the Public Health Service Act (42 U.S.C. 265) regarding the suspension of entry into the United States of persons from countries where a quarantinable communicable disease exists, until the date that is 120 days after the termination of the public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, including renewals of such emergency.

(b) PREVENTION AND PUBLIC HEALTH FUND.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) for fiscal year 2023, $999,000,000;''.

Mr. LANKFORD. Madam President, the Biden administration continues to declare that we are in a public health emergency because of COVID–19. This public health emergency, first declared in January 2020, has been renewed 10 times.

Title 42 is the health authority specifically designed to prevent people from coming into the country during a pandemic. It is nonsensical to say that we have a COVID health emergency everywhere but on our southern border. If there is a public health emergency in this country, then title 42 authority must remain in place.

Title 42 authority is the last line of defense that our Border Patrol agents have to protect our Nation, and my Democratic colleagues said they agreed with that idea back in April. The situation has only worsened since that time so surely they will agree with me more today.

I urge the adoption of this amendment, that we would remain consistent with title 42 authority in this Nation.

The ACTING PRESIDENT pro tempore. The senior Senator from Washington.

Mrs. MURRAY. Madam President, let's be clear about what is going on here. This amendment is an attempt by Republicans to derail our ability to get this bill across the finish line and deliver for families in our country.

Title 42 is a public health tool, and how it is used should be guided by public health experts—looking at data, looking at science—not politicians

looking to score political points or, in this case, Republicans trying to stop a bill that lowers costs, lowers emissions, and lowers the deficit.

I urge my colleagues to vote no.

VOTE ON AMENDMENT NO. 5384

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LANKFORD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5384) was rejected.

The ACTING PRESIDENT pro tempore. The senior Senator from Montana.

Mr. DURBIN. Would the Senator from Montana hold for just one moment, please? Thank you.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that following disposition of the Crapo amendment No. 5404, the following amendments be the next Republican amendments in order: No. 5358, Collins; motion to commit, Scott; No. 5389, Marshall; No. 5383, Capito; and No. 5421, Grassley.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The senior Senator from Montana.

AMENDMENT NO. 5480 TO AMENDMENT NO. 5194

Mr. TESTER. Madam President, I call up amendment No. 5480, and I ask that it be reported by number.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes amendment numbered 5480 to amendment No. 5194.

The amendment is as follows:

(Purpose: To establish a procedure for terminating a determination by Surgeon General to suspend certain entries and imports from designated places)

At the appropriate place, insert the following:

SEC. _____. PUBLIC HEALTH AND BORDER SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Public Health and Border Security Act of 2022''.

(b) TERMINATION OF SUSPENSION OF ENTRIES AND IMPORTS FROM DESIGNATED PLACES RELATED TO THE COVID–19 PANDEMIC.—

(1) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than 60 days after the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(2) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(A) PLAN.—Not later than 30 days after the date on which a written notification is provided under paragraph (1) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has a role in managing outcomes associated with the suspension, as determined by the Surgeon General (or the designee of the Surgeon General), shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(B) FAILURE TO SUBMIT.—If a plan under subparagraph (A) is not submitted to the appropriate committees of Congress within the 30-day period described in such subparagraph, not later than 7 days after the expiration of such 30-day period, the Secretary shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under subparagraph (A). The termination of order related to such plan shall be delayed until that date that is 30 days after the date on which such plan is submitted to such committees.

Mr. TESTER. Madam President, this amendment is actually quite simple. It is to make sure that we have a comprehensive plan in place before title 42 is lifted. Very straightforward. This is not whether title 42 should ever be lifted or not; rather, it is about making sure that we are doing the right thing at the right time, which I believe is when the COVID–19 national emergency is lifted and when we have a plan in place.

I would urge a ''yea'' vote.

The ACTING PRESIDENT pro tempore. The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, well, I anticipate there will be a few people who are going to vote for it before they vote against it, in this case. What this is, is this is actually my title 42 bill, except with one little tweak in it. It takes it out of Byrd compliance. So this allows any individual to be able to vote for this one but actually oppose the one that would have actually implemented the policy that was actually Byrd-compliant.

This is the reason people get so angry at Washington, DC, because people will say: Oh, I didn't really mean to do that; I meant to do this.

Here is my concern. I think anyone should ask everyone, if they voted one way one time and one way another, what is different on this, because here is what I think happens next. What I think is about to happen is, someone is going to stand and they are going to call a point of order on this and to say this is not compliant with the Byrd rule. And people are going to say: I tried to get it done, but that Parliamentarian just knocked it down. So that is what I bet happens next. We will see.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Democratic whip.

POINT OF ORDER

Mr. DURBIN. Madam President, I raise a point of order that the pending amendment does not produce a change in outlays or revenues and therefore violates section 313(b)(1)(A) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The senior Senator from Montana.

MOTION TO WAIVE

Mr. TESTER. Madam President, before I make my motion, I would just say we were here earlier this week on a different bill that had nothing to do with the Budget Act.

Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 313 of that act for the purpose of this provision, and I would ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—56

Barrasso	Cassidy	Cruz
Blackburn	Collins	Daines
Blunt	Cornyn	Ernst
Boozman	Cortez Masto	Fischer
Braun	Cotton	Graham
Burr	Cramer	Grassley
Capito	Crapo	Hagerty

Hassan
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kelly
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sinema
Sullivan
Tester
Thune
Tillis
Toomey
Tuberville
Warnock
Wicker
Young

NAYS—44

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Duckworth
Durbin
Feinstein
Gillibrand
Heinrich
Hickenlooper
Hirono
Kaine
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Smith
Stabenow
Van Hollen
Warner
Warren
Whitehouse
Wyden

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 56, and the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment falls.

The Senator from Idaho.

AMENDMENT NO. 5404 TO AMENDMENT NO. 5194

Mr. CRAPO. Madam President, I call up my amendment, No. 5404, and ask that it be reported by number.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 5404 to amendment No. 5194.

The amendment is as follows:

(Purpose: To prevent the use of additional Internal Revenue Service funds from being used for audits of taxpayers with taxable incomes below $400,000 in order to protect low- and middle-income earning American taxpayers from an onslaught of audits from an army of new Internal Revenue Service auditors funded by an unprecedented, nearly $80,000,000,000, infusion of new funds)

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used to audit taxpayers with taxable incomes below $400,000.

Mr. CRAPO. Madam President, my amendment will guard against squeezing middle-class taxpayers. Supersized IRS funding will squeeze billions from the middle-class workers and small businesses through ramped-up audits.

My colleagues on the other side and the President all say that that is not intended by the bill, and, in fact, the bill itself says that is not intended. But this is not enforceable language, and everyone knows that the targeted money in the bill cannot be achieved unless the middle class—people with incomes under $400,000—are hit with a wave of new audits.

We also know that the Congressional Budget Office will score that, showing that there is no way to accomplish the objectives of this bill unless you audit the middle class.

My bill simply puts in some teeth behind what is admitted by everyone to be the intention of the legislation, to say that none of the new IRS funding may be used to audit those earning below $400,000.

If my amendment is not adopted, billions in taxes will be squeezed out of taxpayers earning below $400,000, according to the CBO, including middle-income workers and small businesses.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I rise in opposition to my friend's amendment. We all agree here that taxpayers with less than $400,000 in taxable income should not face a tax increase. And there is language already—and I would like to note this—in the enforcement section of the bill that says just that.

But the Crapo amendment goes much further than that. It applies—and I quote here—''to taxpayers with taxable income.''

And as Americans have learned recently, billionaires often have little or no taxable income for years on end.

So under this amendment, the billionaires who live off their borrowings would be immune from audit, and that would invite further tax avoidance.

I urge my colleagues to oppose this amendment.

VOTE ON AMENDMENT NO. 5404

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CRAPO. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—50

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

The amendment (No. 5404) was rejected.

The ACTING PRESIDENT pro tempore. The majority whip.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that Collins amendment No. 5358 be in order following Grassley amendment No. 5421.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The junior Senator from Florida.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. SCOTT of Florida. Madam President, I have a motion at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. SCOTT] moves to commit the bill to the Committee on Finance with instructions.

The junior Senator from Florida.

Mr. SCOTT of Florida. Madam President, I ask that the reading be dispensed with.

[Mr. SCOTT of Florida] moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would prohibit the hiring of any additional Internal Revenue Service agents pursuant to section 10301(a)(1)(A)(i)(II) until such time as at least 18,000 additional agents (over the number of such agents employed as of the date of enactment) are hired by the United States Border Patrol.

Mr. SCOTT of Florida. Madam President, the historic crisis that the Biden administration has created on the southern border by failing to enforce our laws is threatening the national security of the United States every day.

Savage cartels own our U.S. border now. This fiscal year, more than 2 million people have illegally entered the United States. Drugs are pouring into our communities and killing thousands and thousands of Americans. It must end now.

Sadly, Democrats are still doing nothing to support the Border Patrol or actually securing the border. Instead, they want to supersize the IRS and add 87,000 more agents to hunt down and audit even more families and small businesses.

My amendment says that before one additional IRS agent is hired, we must give Border Patrol the support it needs and double its forces with 18,000 more Border Patrol agents. It is time to first secure the border and second, stop the Democrats from supersizing the IRS.

I urge my colleagues to vote for my commonsense amendment.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I gather that this is the first of the motions to commit this legislation back to committee.

I want my colleagues to understand what this is really all about. These motions to commit are motions to kill this bill, period. And what that means is: Let's try to do everything we can to delay Democrats from being able to deliver for the American people lower prescription drug costs for the elderly, lower healthcare premiums, lower carbon emissions, lower energy costs, less tax cheating by the wealthy.

The Senate ought to be moving this legislation forward instead of trying to kill the bill through these motions to commit.

One last point, I gather we are going to have a bit more of this discussion.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. WYDEN. I ask unanimous consent for 30 seconds of additional time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COTTON. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WYDEN. I urge opposition to the Scott proposal.

VOTE ON MOTION TO COMMIT

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to commit.

Mr. SCOTT of Florida. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hassan	Murray
Bennet	Heinrich	Ossoff
Blumenthal	Hickenlooper	Padilla
Booker	Hirono	Peters
Brown	Kaine	Reed
Cantwell	Kelly	Rosen
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Coons	Luján	Shaheen
Cortez Masto	Manchin	Sinema
Duckworth	Markey	Smith
Durbin	Menendez	Stabenow
Feinstein	Merkley	Tester
Gillibrand	Murphy	Van Hollen
Warner	Warnock	Whitehouse
Warren	Wyden	

The motion was rejected.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Kansas.

AMENDMENT NO. 5389 TO AMENDMENT NO. 5194

Mr. MARSHALL. Mr. President, I call up my amendment No. 5389 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. MARSHALL] proposes an amendment numbered 5389 to amendment No. 5194.

The amendment is as follows:

(Purpose: To protect patient access to current and future treatments for a range of serious conditions, such as cancer, Alzheimer's disease, HIV/AIDS, Parkinson's disease, and sickle cell disease, among numerous others)

At the end of title I, add the following:

Subtitle E—Ensuring Patient Access to Drugs and Biological Products That Treat Serious Conditions

SEC. 14001. ENSURING PATIENT ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT SERIOUS CONDITIONS.

Section 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraphs:

''(D) SIX PROTECTED CLASSES.—A covered part D drug in a category or class that is identified under section 1860D–4(b)(3)(G)(iv).

''(E) BREAKTHROUGH THERAPIES.—A drug or biological product designated under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) as a breakthrough therapy and approved under section 505 of such Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).''.

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT AND OPERATIONS.

Section 10301(a)(1)(A)(i) of this Act is amended—

(1) in subclause (II), by striking ''$45,637,400,000'' and inserting ''$10,326,400,000''; and

(2) in subclause (III), by striking ''$25,326,400,000'' and inserting ''$326,400,000''.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, this is a reckless inflation bill that will increase drug prices. Yes, you can write that down. Just like the ACA has driven up healthcare costs, this bill will increase drug prices.

With a limited window to recoup R&D, manufacturers will have to increase their launch prices. It will also eliminate incentives for generics to come to market and gain market share by pricing lower than the branded product.

Perhaps even worse, this bill will delay, if not eliminate, new innovative drugs for life-threatening illnesses, like Alzheimer's and cancers. This is why our amendment excludes two categories of drugs from price controls: Medicare Part D's six protected classes and the FDA's breakthrough therapy designation drugs.

By voting ''yes,'' you will be protecting patients with mental illness, organ transplants, Alzheimer's, cancers, and HIV. A ''no'' vote is a vote to never see a cure for Alzheimer's.

Rather than a healthcare system that offers Americans breakthrough medicines, this reckless tax-and-spend bill will force Americans to settle for end-of-life care, and that is just wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I oppose this amendment for two reasons. The first is, it would water down the new negotiations program, so it would be harder to negotiate over the most expensive drugs in Medicare today, including cancer drugs, which are at the top of our list. Second, it would water down the efforts at the Internal Revenue Service to beef up tax enforcement against wealthy tax cheats.

I would urge opposition to the Marshall amendment.

VOTE ON AMENDMENT NO. 5389

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MARSHALL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5389) was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 5209 TO AMENDMENT NO. 5194

(Purpose: To establish a Civilian Climate Corps.)

Mr. SANDERS. Mr. President, I call up amendment No. 5209, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5209 to amendment No. 5194.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the driving force behind the fight against climate change has been young people here in the United States and abroad.

They have marched. They have demonstrated. They demanded institutional disinvestment in fossil fuel companies. In short, they have fought for a world in which they and their kids and grandchildren could live in a healthy and habitable planet.

This legislation invests some $300 billion in energy efficiency and sustainable energy, and that is a good thing. But it invests very little in giving our younger generation the opportunities to roll up their sleeves and get to work in moving our energy system away from the fossil fuel which is destroying our planet.

This amendment invests $30 billion in a Civilian Conservation Corps, which would create 400,000 jobs for young people. They will be paid a living wage, given benefits toward higher education, and be trained for good union, clean-energy jobs.

Let us stand with the young people who have led the fight against climate change. I urge a ''yes'' vote for the Civilian Conservation Corps.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would urge a no. This has been tried before by my colleague Senator SANDERS. This would give hundreds of thousands of people enlisting free housing, free food, transportation, educational costs.

We have a weak economy. Every time I rise to speak, we ruin the government in a different way. If you really want to help the American people, secure their border. If you want to hire anybody new, hire a Border Patrol agent, not 87,000 IRS agents, not a climate corps.

I know these are well-intentioned, but we are living in a very tenuous time for the American people, and their needs are not being met tonight. Every problem they have is being made worse. We don't need a climate corps right now, quite frankly. We need to secure a broken border before terrorists come across and kill a bunch of us.

Vote no.

VOTE ON AMENDMENT NO. 5209

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SANDERS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 1, nays 98, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—1

Sanders

NAYS—98

Baldwin	Hagerty	Peters
Barrasso	Hassan	Portman
Bennet	Hawley	Reed
Blumenthal	Heinrich	Risch
Blunt	Hickenlooper	Romney
Booker	Hirono	Rosen
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Burr	Johnson	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Scott (FL)
Cardin	Kennedy	Scott (SC)
Carper	King	Shaheen
Casey	Klobuchar	Shelby
Cassidy	Lankford	Sinema
Collins	Leahy	Smith
Coons	Lee	Stabenow
Cornyn	Luján	Sullivan
Cortez Masto	Lummis	Tester
Cotton	Manchin	Thune
Cramer	Markey	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young
Grassley	Paul	

NOT VOTING—1

Blackburn

The amendment (No. 5209) was rejected.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 5383 TO AMENDMENT NO. 5194

(Purpose: To expedite consideration of permits and provide regulatory certainty for infrastructure and energy projects.)

Mrs. CAPITO. Mr. President, I call up my amendment No. 5383 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mrs. CAPITO], for herself and Mr. INHOFE, proposes an amendment numbered 5383 to No. Amendment No. 5194.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise to offer a commonsense permitting reform amendment. There has been a lot of talk and promises about a supposed deal or fixing our Nation's broken permitting system, but we have yet to see any legislative text.

My amendment delivers these reforms right now. Among these reforms are provisions that reduce delays and environmental reviews, generally to 2 years or less, while maintaining protections. Eliminating regulatory hurdles, which are now driving higher gasoline and energy costs, and implementing the one Federal decision—these are things Democrats say they will support eventually. Let's tackle inflation, permitting, and energy supply challenges right here tonight. Let's finish the Mountain Valley Pipeline now.

Americans can't wait, and no one can build back better if we can't build anything at all. I urge my colleagues to vote yes on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise to speak in opposition to this amendment, which would make sweeping changes to bedrock environmental laws. This amendment would modify the regulatory authorities of the Environmental Protection Agency and multiple other Agencies. It would undermine protection of our water quality, weaken air quality protections, harm wildlife, and would have significant impacts on vulnerable communities.

At a time when we need to be moving toward stable clean energy sources, it would focus instead on fracking and would prohibit us from considering the impacts of greenhouse gas emissions in Federal decisions.

And thus, I urge my colleagues to vote no.

POINT OF ORDER

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

MOTION TO WAIVE

Mrs. CAPITO. Mr. President, pursuant to section 904 of the Congressional Budget Act and relevant budget resolutions, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—49

Barrasso	Cramer	Hyde-Smith
Blackburn	Crapo	Inhofe
Blunt	Cruz	Johnson
Boozman	Daines	Kennedy
Braun	Ernst	Lankford
Burr	Fischer	Lee
Capito	Graham	Lummis
Cassidy	Grassley	Marshall
Collins	Hagerty	McConnell
Cornyn	Hawley	Moran
Cotton	Hoeven	Murkowski

Paul	Sasse	Toomey
Portman	Scott (FL)	Tuberville
Risch	Scott (SC)	Wicker
Romney	Sullivan	Young
Rounds	Thune	
Rubio	Tillis	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NOT VOTING—1

Shelby

The PRESIDING OFFICER (Mr. KELLY). On this vote, the yeas are 49, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment falls.

The Senator from Iowa.

AMENDMENT NO. 5421 TO AMENDMENT NO. 5194

(Purpose: To amend the Internal Revenue Code of 1986 to modify the maximum capital gains tax rate, to provide a partial exclusion for interest received by individuals, to provide inflation adjustments for certain tax benefits, and for other purposes.)

Mr. GRASSLEY. I ask to call up amendment No. 5421, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 5421 to amendment No. 5194.

(The amendment is printed in today's RECORD under ''Text of Amendments''.)

Mr. GRASSLEY. It is 4:50 a.m., and I want all the people who thought that inflation was going to be transitory to understand that it is persistent, and that persistence of inflation has hurt the Tax Code that tries to help middle-class America.

So my amendment fixes this by providing inflation relief to the middle class by increasing family and education tax provisions to account for Biden inflation.

Moreover, the bill includes important savings incentives that will enable middle-class Americans to save tax-free, ensuring that they aren't taxed on phantom income resulting from inflation.

So I urge my Members to support this. Particularly when you have in this Tax Code things that benefit the rich who can afford Teslas for $80,000, you can surely do something for middle-class America.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, unfortunately, this amendment is just bad news. This amendment lowers capital gains taxes, and it is more tax giveaways to the most fortunate.

And if you are a wealthy tax cheat, you can rest easy because Republican budget cuts at the IRS mean you can get away with breaking the law scot-free. I urge my colleagues to vote no.

Mr. GRASSLEY. Do I have some time left?

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 5421

The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Murkowski	
Fischer	Portman	

NAYS—51

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Luján	Sinema
Casey	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warnock
Gillibrand	Ossoff	Warren
Hassan	Padilla	Whitehouse
Heinrich	Paul	Wyden

The amendment (No. 5421) was rejected.

The PRESIDING OFFICER. The Senator from Maine.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. COLLINS. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] moves to commit the bill to the Committee on Finance with instructions.

Ms. COLLINS. Mr. President, I ask unanimous consent that the reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to commit is as follows:

[Ms. COLLINS] moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) that none of the amounts made available under section 10301 shall be used to hire any new employee until 90 percent of Internal Revenue Service employees employed as of the date of the enactment of this Act are working in person at an Internal Revenue Service office or job site.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the underlying bill provides billions of dollars to the IRS to hire 87,000 additional auditors, yet more than 50 percent of the current IRS employees have yet to return to their offices or work sites.

Here are the consequences: Four out of five phone calls from taxpayers go unanswered; 21 million returns have not been processed; refunds are taking 6 months or more.

My motion would simply prohibit the IRS from using these billions of dollars to add 87,000 new employees prior to bringing 90 percent of their workforce back to the office.

I would note that that 87,000 number is more than the combined employees at the Pentagon, the State Department, the FBI, and the Border Patrol agents combined.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. PETERS. Mr. President, this motion is meant to delay or kill this bill. If adopted, it would harm the IRS's ability to carry out its duties by preventing the Agency from hiring new workers.

Federal employees are returning to in-person work, but Agencies need flexibility that telework and remote work provide to compete with the private sector, retain qualified workers, and serve the American people effectively.

Telework can also ensure Federal employees can continue to serve the people and stay safe if COVID variants or other public health threats disrupt in-person work.

Remote and telework options allow the IRS to hire the workforce they need across the entire country so they can crack down on tax cheats and make sure big corporations are paying their fair share.

I urge my colleagues to oppose this motion so we can pass this bill today.

ORDER OF BUSINESS

Mr. President, I ask unanimous consent that following disposition of the Collins motion to commit, the following amendments be the next Republican amendments in order: Kennedy amendment No. 5387, and Rubio motion to commit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

VOTE ON MOTION

Ms. COLLINS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The motion was rejected.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Louisiana.

AMENDMENT NO. 5387 TO AMENDMENT NO. 5194

Mr. KENNEDY. Mr. President, I call up my amendment No. 5387 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 5387 to amendment No. 5194.

The amendment is as follows:

(Purpose: To require oil and gas lease sales in the outer Continental Shelf)

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502____. MANDATORY OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALES.

(a) GULF OF MEXICO OIL AND GAS LEASE SALES.—

(1) REQUIREMENT.—Subject to paragraph (2), the Secretary of the Interior (acting through the Director of the Bureau of Ocean Energy Management) (referred to in this section as the ''Secretary'') shall conduct not fewer than 10 area-wide oil and gas lease sales under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the period beginning on July 1, 2022, and ending on June 30, 2027.

(2) SCHEDULE.—Not fewer than 2 area-wide oil and gas lease sales required under paragraph (1) shall be held each year during the period described in that paragraph in the following planning areas of the Gulf of Mexico Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(A) The Central Gulf of Mexico Planning Area.

(B) The Western Gulf of Mexico Planning Area.

(b) COOK INLET OIL AND GAS LEASE SALES.—The Secretary shall conduct not fewer than 1 oil and gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in the Cook Inlet Planning Area of the Alaska Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016), during the period beginning on July 1, 2022, and ending on June 30, 2027.

Mr. KENNEDY. Mr. President, on March 31 of this year, my two friends Senator JOE MANCHIN and Senator MARK KELLY wrote to President Biden:

We are writing to urge you to develop and implement a new 5-year program for oil and gas production in the Gulf of Mexico without delay.

My amendment would fulfill that request and make it a congressional directive.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, this leasing requirement would be in addition to the leasing that is already required by this bill, with 75 percent of offshore leased acres not yet being used to produce oil and gas. Opening up more acres to leasing is unnecessary. The main thing is that the passage of this amendment would jeopardize the whole package.

Therefore, I urge a ''no'' vote.

Mr. KENNEDY. Mr. President, do I have any time left?

The PRESIDING OFFICER. Twenty seconds.

Mr. KENNEDY. Mr. President, all my amendment does is to take Senator MANCHIN's letter and Senator KELLY's letter—well-written, well-reasoned—and make it a congressional directive. That is all it does.

VOTE ON AMENDMENT NO. 5387

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. BLACKBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—50

Barrasso	Burr	Cotton
Blackburn	Capito	Cramer
Blunt	Cassidy	Crapo
Boozman	Collins	Cruz
Braun	Cornyn	Daines
Ernst	Lee	Sasse
Fischer	Lummis	Scott (FL)
Graham	Marshall	Scott (SC)
Grassley	McConnell	Shelby
Hagerty	Moran	Sullivan
Hawley	Murkowski	Thune
Hoeven	Paul	Tillis
Hyde-Smith	Portman	Toomey
Inhofe	Risch	Tuberville
Johnson	Romney	Wicker
Kennedy	Rounds	Young
Lankford	Rubio	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5387) was rejected.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Florida [Mr. RUBIO] moves to commit the bill to the Committee on the Judiciary with instructions.

Mr. RUBIO. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

Mr. RUBIO moves to commit the bill H.R. 5376 to the Committee on the Judiciary of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would increase funding to ensure that—

(A) prosecutors are addressing violent crime by ensuring the appropriate pretrial detention of dangerous criminals; and

(B) law enforcement is addressing crime.

Mr. RUBIO. Mr. President, I don't think I need to tell anybody here that our work is at its best when it is focused on what people care about. Let me tell you what people care about. They don't care as much about buying solar panels and electric cars as they do about not having to live in a community where violent crime is rampant and you have some crazy prosecutor who refuses to put people in jail, who refuses to prosecute entire categories of crime.

People are worried about that, and rightfully so. And it is happening. We have these beautiful cities that were once world-class cities that have become unlivable all over this country because we have these lunatic prosecutors that have decided that there are entire categories of crime they will not prosecute.

That is the kind of stuff we should be working on here tonight, all night long. If you want to spend all night working on something, work on that. Don't waste time on stuff that doesn't matter to real people working every single day who are not going to be driving an electric car next year or the year after that, but they might get mugged, but they might be a victim of a violent crime.

So what this does is it sends it to the Judiciary Committee and asks them, in 3 days, come back with some ideas about how you can spend just a little bit of these billions of dollars that we are throwing away on this garbage—how we can spend a little bit of that money to put criminals in jail so Americans no longer have to live in fear in their communities.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, the senior Senator from Florida says we should stop our efforts on reconciliation until we put money in law enforcement. So we checked the record. When we put billions in local communities for law enforcement in the American Rescue Plan, the senior Senator from Florida voted no.

And when it came to the Omnibus bill and Byrne grants and COPS money that local organizations and law enforcement needed so they could be stronger and fight crime, 31 Republicans voted no, including the senior Senator from Florida.

So I would suggest we vote no on his amendment.

Mr. RUBIO. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

VOTE ON MOTION TO COMMIT

The question is on agreeing to the motion.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The motion was rejected.

The PRESIDING OFFICER (Mr. LUJÁN). The majority whip.

ORDER OF BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the following amendments be the next Republican amendments in order: 5316, Lee; 5418, Shelby; Motion to Commit, Tim Scott; 5263, Cruz; 5425, Daines; 5361, Ernst; 5360, Fischer; 5265, Cruz; 5385, Kennedy; motion to waive budget with respect to insulin; 5472, Thune; 5406 Hagerty; 5224, Portman; motion to commit, Hoeven; Cruz motion to commit on vaccines; Cruz motion to commit on targeting parents; further, that the Sanders amendment No. 5208 occur following the Scott motion to commit; and Sanders No. 5281 following the Daines amendment No. 5425.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

AMENDMENT NO. 5316 TO AMENDMENT NO. 5194

Mr. LEE. Mr. President, I call up my amendment No. 5316 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 5316.

The amendment is as follows:

(Purpose: To reduce funding for home energy performance based, whole-house rebates and to provide funding for supplemental payments under the payments in lieu of taxes program)

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502___. SUPPLEMENTAL PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2031, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.

SEC. 502___. REDUCTION OF APPROPRIATION FOR HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

Notwithstanding section 50121(a)(1), the amount appropriated under that section shall be $3,840,000,000.

Mr. LEE. Mr. President, across the Nation, local governments are struggling to support their constituents. These frontline public servants provide for the safety and well-being of their friends and neighbors, typically using funds derived from local property taxes.

However, in many counties, these Federal neighbors of sorts don't pay property taxes, but they draw heavily on the resources made available by these local governments. Rescuing hikers, paving roads, addressing forest fires—these are just a few of the vital services that these communities honorably provide even though they receive little to no compensation for them.

My amendment would institute a supplemental PILT Program—payment in lieu of taxes—an additional PILT payment increasing funds by nearly 10 percent. It would not make these communities completely whole by providing true tax equivalency, but it would make a huge difference. If Americans want to continue to safely enjoy our national parks, monuments, forests, and general landscape, we must ensure this program, PILT, continues to serve as a reliable source of income as property taxes would were Federal lands subject to property tax.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I urge my colleagues to oppose the amendment from the Senator of Utah. This would take out one of the provisions in the bill which will directly help homeowners save money on their heating bills and on their cooling bills. It does so by giving them a rebate for home energy efficiency improvements, and then they will save for the rest of their lives in their home.

I also find it a little ironic this would put money in local governments, which our Republican colleagues said have received too much money under the American Rescue Plan, and you have been trying to claw that back.

I would urge my colleagues to stick with the provision in the bill. It is an important part of the bill that both provides consumers with savings and to address the climate crisis.

I urge my colleagues to reject the amendment.

VOTE ON AMENDMENT NO. 5316

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEE. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—49

Barrasso	Braun	Cassidy
Blackburn	Burr	Cornyn
Boozman	Capito	Cotton

Cramer	Johnson	Rounds
Crapo	Kennedy	Rubio
Cruz	Lankford	Sasse
Daines	Lee	Scott (FL)
Ernst	Lummis	Scott (SC)
Fischer	Marshall	Shelby
Graham	McConnell	Sullivan
Grassley	Moran	Thune
Hagerty	Murkowski	Tillis
Hawley	Paul	Toomey
Hoeven	Portman	Tuberville
Hyde-Smith	Risch	Wicker
Inhofe	Romney	Young

NAYS—51

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Blunt	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Luján	Stabenow
Casey	Manchin	Tester
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	
Hassan	Peters	

The amendment (No. 5316) was rejected.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 5418 TO AMENDMENT NO. 5194

Mr. SHELBY. Mr. President, I call up my amendment No. 5418 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 5418 to amendment No. 5194.

The amendment is as follows:

(Purpose: To end the President's War on Coal through the approval of coal leases)

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026________. MANDATORY LEASING FOR CERTAIN QUALIFIED APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ''coal lease'' means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400-012.

(2) QUALIFIED APPLICATION.—The term ''qualified application'' means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on October 1, 2021), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

Mr. SHELBY. Mr. President, my amendment requires that the Secretary of the Interior—requires that he complete, or she, pending coal lease applications under the Bureau of Land Management.

I believe we cannot allow the Biden administration to block the mining of our own essential energy resources and building materials.

I urge my colleagues to support our coal miners and vote ''yes'' on this amendment.

Basically, the amendment would require that the Secretary of the Interior to complete pending coal lease processes for both metallurgical and thermal coal.

Currently, the administration has paused the Lease by Application program for Federal coal leases at the Bureau of Land Management and so forth.

It does not change the law. It simply seeks to raise revenue by accelerating and ensuring approval of leases that are currently paused by the Department of the Interior.

It makes a lot of sense to the American people, and it will put a lot of people back to work.

I urge adoption. Amen.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, this amendment does require that the Secretary of the Interior grant leases for coal mining, but granting more leases for coal mining is going to do nothing for our coal miners today because we are in the situation where the existing coal mines are looking for more customers. That is the challenge; not more leases.

So I know that if this was something that would help the coal miners, that it would already be in this bill, given the knowledge and understanding of my colleague from West Virginia.

So jeopardizing the employment of existing coal miners is certainly not in the interest of any of us, and I urge my colleagues to vote no on this amendment.

VOTE ON AMENDMENT NO. 5418

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5418) was rejected.

The PRESIDING OFFICER. The Senator from South Dakota.

UNANIMOUS CONSENT AGREEMENT

Mr. THUNE. Mr. President, I ask unanimous consent that all remaining votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina.

MOTION TO COMMIT

Mr. SCOTT of South Carolina. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. SCOTT] moves to commit the bill to the Committee on Finance with an instruction to report.

Mr. SCOTT OF South Carolina. Mr. President, I ask unanimous consent that the reading be dispensed with.

The motion to commit is as follows:

Mr. SCOTT of South Carolina moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) eliminate additional Internal Revenue Service funding for enforcement; and

(3) establish a child opportunity tax credit for individuals that—

(A) addresses the learning loss of students as a result of prolonged school closures; and

(B) does not result in a projected revenue loss over the 10-year budget window of more than $45,637,400,000.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT of South Carolina. Mr. President, in this underlying bill, there is $87 billion for the IRS. The Democrats want to make the IRS—the three

letters you never want to see in your mailbox—bigger than the Pentagon, the State Department, the FBI, and the Border Patrol combined.

Instead, what my motion does is that it would take $45 billion from enforcement and give it to parents so that they can help their kids make up for the learning loss that occurred during the pandemic.

And oh, by the way, when you think about the size of the IRS and when you think about the enforcement, realize that according to the CBO, 90 percent of the targeting would be on household incomes under $200,000.

I urge my colleagues to support my motion.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, once again, this sends the bill back to committee and kills Democratic efforts to reduce the cost of prescription medicine, reduce health insurance premiums, reduce carbon emissions, and crack down on wealthy tax cheats. And if you are a wealthy tax cheat, you can rest easily because Republican budget cuts at the IRS mean that you can get away with breaking the law scot-free.

I urge my colleagues to vote no.

Mr. SCOTT of South Carolina. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two seconds.

Mr. SCOTT of South Carolina. Two seconds or 22 seconds?

The PRESIDING OFFICER. Two seconds.

Mr. SCOTT of South Carolina. Mr. President, what we know already is that 9.1 percent of inflation is already ravaging middle-income Americans. I cannot believe that we will not take the time and do what is best for the American people, and especially those making under $200,000.

VOTE ON MOTION TO COMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion to commit.

Mr. SCOTT of South Carolina. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—50

Barrasso	Ernst	McConnell
Blackburn	Fischer	Moran
Blunt	Graham	Murkowski
Boozman	Grassley	Paul
Braun	Hagerty	Portman
Burr	Hawley	Risch
Capito	Hoeven	Romney
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Cruz	Lummis	Sullivan
Daines	Marshall	
Thune	Toomey	Wicker
Tillis	Tuberville	Young

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The motion was rejected.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Vermont.

AMENDMENT NO. 5208, AS MODIFIED, TO AMENDMENT NO. 5194

Mr. SANDERS. Madam President, I call up amendment No. 5208, as modified, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5208, as modified, to amendment No. 5194.

The amendment is as follows:

(Purpose: To extend the special rules for the child tax credit that applied for 2021 and to increase the corporate tax rate)

At the end of title I, insert the following:

Subtitle E—Other Provisions

SEC. 14001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CHILD TAX CREDIT

SEC. 14101. EXTENSIONS AND MODIFICATIONS.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(i) is amended—

(A) by striking ‘‘January 1, 2026’’ in the matter preceding paragraph (1) and inserting ‘‘January 1, 2026’’, and

(B) by inserting ‘‘AND 2022’’ after ‘‘2021’’ in the heading thereof.

(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking ‘‘December 31, 2021’’ in the matter preceding clause (i) and inserting ‘‘December 31, 2025’’, and

(ii) by striking ‘‘AFTER 2021’’ in the heading thereof and inserting ‘‘AFTER 2025’’.

(B) Section 24(k)(3)(C)(ii) is amended—

(i) in subclause (I), by striking ‘‘in 2021’’ and inserting ‘‘after December 31, 2020, and before January 1, 2026’’ after ‘‘2021,’’, and

(ii) in subclause (II), by striking ‘‘December 31, 2021’’ and inserting ‘‘December 31, 2026’’.

(C) The heading of section 24(k)(2)(A) is amended by inserting ‘‘THROUGH 2025’’ after ‘‘2021’’.

(b) EXTENSION AND MODIFICATION OF ADVANCE PAYMENT.—

(1) IN GENERAL.—Section 7527A is amended—

(A) in subsection (b)(1), by striking ‘‘50 percent of’’ and inserting ‘‘100 percent (25 percent in the case of calendar year 2022) of’’,

(B) in clauses (i) and (ii) of subsection (e)(4)(C), by striking ‘‘in 2021’’ and inserting ‘‘after December 31, 2020, and before January 1, 2026’’, and

(C) in subsection (f)—

(i) in paragraph (1), by striking ‘‘or’’,

(ii) in paragraph (2), by striking the period at the end and inserting ‘‘, or before October 1, 2022, or’’, and

(iii) by adding at the end the following new paragraph:

‘‘(3) any period after December 31, 2025.’’.

(2) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ‘‘or based on any other information known to the Secretary’’ after ‘‘reference taxable year’’,

(ii) in subparagraph (C), by inserting ‘‘unless determined by the Secretary based on any information known to the Secretary,’’ before ‘‘the only children’’, and

(iii) in subparagraph (D), by inserting ‘‘unless determined by the Secretary based on any information known to the Secretary,’’ before ‘‘the ages of’’, and

(B) in paragraph (3)(A)(ii), by striking ‘‘ provided by the taxpayer’’ and inserting ‘‘provided, or known,’’.

(3) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

‘‘(a) IN GENERAL.—The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to *1/12* of the annual advance amount with respect to such taxpayer.’’.

(B) MODIFICATIONS DURING CALENDAR YEAR.—Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended—

(i) by amending subparagraph (A)(ii) to read as follows:

‘‘(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) with respect to the taxpayer for the reference taxable year.’’, and

(ii) in subparagraph (B), by striking ‘‘periodic payment’’ both places it appears and inserting ‘‘monthly payment’’.

(C) CONFORMING AMENDMENT.—Section 7527A(c)(2) is amended by striking ‘‘subsection (b)(3)(B)’’ and inserting ‘‘subsection (b)(3)’’.

(4) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b) is amended by adding at the end the following new paragraph:

‘‘(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

‘‘(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer (as defined in section 24(i)(4)(B)), the annual advance amount with respect to such taxpayer shall be zero.

‘‘(B) EXCEPTION FOR MODIFICATIONS MADE DURING THE CALENDAR YEAR.—Subparagraph (A) shall not apply to a reference taxable year taken into account by reason of paragraph (3)(A)(i) or subsection (c) if the taxpayer received one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.’’.

(5) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking ‘‘The advance’’ and inserting ‘‘Except as provided in subparagraph (D), the advance’’, and

(B) by adding at the end the following new subparagraph:

''(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR CERTAIN YEARS.—For the period beginning on October 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i).''.

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

''(5) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—In the case of a taxpayer who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph for any taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to the modified adjusted gross income (as defined in subsection (b)) for the taxpayer's preceding taxable year.''.

(d) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

(1) IN GENERAL.—Section 24(j)(2)(B) is amended—

(A) by striking ''qualified'' each place it appears in clause (iv)(II) and inserting ''qualifying'', and

(B) by adding at the end the following new clause:

''(v) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—For purposes of determining the safe harbor amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if the Secretary determines that such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

''(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (I), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected, another taxpayer to take such individual into account in determining the credit allowed under this section for the taxable year.''.

(2) ADDITIONAL MODIFICATION.—Section 24(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

''(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term 'safe harbor amount' means, with respect to any taxpayer for any taxable year, the sum of—

''(I) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

''(II) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children not described in clause (I), and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year.''.

(e) RULES RELATING TO RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24(j) is amended by adding at the end the following new paragraphs:

''(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, payments made under section 7527A include payments made by any jurisdiction other than the United States under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa pursuant to a plan described in subsection (k)(3)(B). In carrying out this section, the Secretary shall coordinate with each possession of the United States to prevent any application of this paragraph that is inconsistent with the purposes of this subsection.''.

(f) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—Section 6103(e) is amended by adding at the end the following new paragraph:

''(12) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—In the case of an individual to whom the Secretary makes payments under section 7527A, if the reference taxable year (as defined in section 7527A(b)(2)) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly with another individual, the Secretary may disclose to such individual any return information of such other individual which is relevant in determining the payment under section 7527A and the individual's eligibility for such payment, including information regarding any of the following:

''(A) The number of specified children, including by reason of the birth of a child.

''(B) The name and TIN of specified children.

''(C) Marital status.

''(D) Modified adjusted gross income.

''(E) Principal place of abode.

''(F) Any other factor which the Secretary may provide pursuant to section 7527A(c).''.

(g) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 24(h) is amended by striking paragraph (7).

(2) CONFORMING AMENDMENTS.—

(A) Section 24(h)(1) is amended by striking ''paragraphs (2) through (7)'' and inserting ''paragraphs (2) through (6)''.

(B) Section 24(h)(4) is amended by striking subparagraph (C).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) PAYMENTS.—

(A) The amendments made by paragraphs (1), (2), (4), and (5) of subsection (b) shall apply to payments after September 30, 2022.

(B) The amendments made by paragraph (3) of subsection (b) shall apply to payments after December 31, 2022.

(3) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendment made by subsection (f) shall take effect on the date of the enactment of this Act.

SEC. 14102. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

''(l) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

''(1) subsection (d) shall not apply, and

''(2) so much of the credit determined under subsection (a) (after application of paragraph (1)) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subpart C (and not allowed under this subpart)''.

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) PUERTO RICO.—Section 24(k)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

''(B) APPLICATION TO TAXABLE YEARS AFTER 2022.—For application of refundable credit to residents of Puerto Rico for taxable years after 2022, see subsection (l).''.

(2) AMERICAN SAMOA.—Section 24(k)(3)(C)(ii)(II), as amended by the preceding provisions of this Act, is amended to read as follows:

''(II) if such taxable year begins after December 31, 2022, subsection (l) shall be applied by substituting 'Puerto Rico or American Samoa' for 'Puerto Rico'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 14103. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, that such amount shall be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, the District of Columbia, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation and low income taxpayer clinics funded under section 7526 of the Internal Revenue Code of 1986.

PART 2—CORPORATE TAX RATE

SEC. 14201. INCREASE IN CORPORATE TAX RATE.

(a) IN GENERAL.—Section 11(b) is amended to read as follows:

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 18 percent of so much of the taxable income as does not exceed $400,000,

''(B) 21 percent of so much of the taxable income as exceeds $400,000 but does not exceed $5,000,000, and

''(C) 28 percent of so much of the taxable income as exceeds $5,000,000.

In the case of a corporation which has taxable income in excess of $10,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 3 percent of such excess, or (ii) $362,000.

''(2) CERTAIN PERSONAL SERVICE CORPORATION NOT ELIGIBLE FOR GRADUATED RATES.—Notwithstanding paragraph (1), the amount of the tax imposed by subsection (a) on the taxable income of a qualified personal service corporation (as defined in section 448(d)(2)) shall be equal to 28 percent of the taxable income.''.

(b) PROPORTIONAL ADJUSTMENT OF DEDUCTION FOR DIVIDENDS RECEIVED.—

(1) IN GENERAL.—Section 243(a)(1) is amended by striking ''50 percent'' and inserting ''60 percent''.

(2) DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.—Section 243(c)(1) is amended—

(A) prior to amendment by subparagraph (B), by striking ''65 percent'' and inserting ''72.5 percent'', and

(B) by striking ''50 percent'' and inserting ''60 percent''.

(c) CONFORMING AMENDMENT.—Section 1561 is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

''(1) amounts in each taxable income bracket in the subparagraphs of section 11(b)(1) which do not aggregate more than the maximum amount in each such bracket to which a corporation which is not a component member of a controlled group is entitled, and

''(2) one $250,000 ($150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3).

The amounts specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amounts. The amounts specified in paragraph (2) shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amounts. Notwithstanding paragraph (1), in applying the last sentence of section 11(b)(1) to such component members, the taxable income of all such component members shall be taken into account and any increase in tax under such last sentence shall be divided among such component members in the same manner as amounts under paragraph (1).'', and

(2) by striking ''**ACCUMULATED EARNINGS CREDIT**'' in the heading and inserting ''**CERTAIN MULTIPLE TAX BENEFITS**''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(e) NORMALIZATION REQUIREMENTS.—

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the tax reserve deficit less rapidly or to a lesser extent than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX RESERVE DEFICIT.—The term ''tax reserve deficit'' means the excess of—

(i) the amount which would be the balance in the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986, or section 167(l)(3)(G)(ii) of such Code as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) if the amount of such reserve were determined by assuming that the corporate rate increases provided in the amendments made by this section were in effect for all prior periods, over

(ii) the balance in such reserve as of the day before such corporate rate increases take effect.

(B) AVERAGE RATE ASSUMPTION METHOD.—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, if timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) ALTERNATIVE METHOD.—The ''alternative method'' is the method in which the taxpayer—

(i) computes the tax reserve deficit on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the tax reserve deficit ratably over the remaining regulatory life of the property.

(4) TREATMENT OF NORMALIZATION VIOLATION.—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting, such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

(5) REGULATIONS.—The Secretary of the Treasury, or the Secretary's designee, shall issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or other guidance to provide appropriate coordination between this subsection, section 13001(d) of Public Law 115-97, and section 203(e) of the Tax Reform Act of 1986.

Mr. SANDERS. Madam President, pathetically, the United States has the highest child poverty rate of almost any major country on Earth, and it is especially high among young people of color. This is the wealthiest Nation on Earth; we should not have the highest rate of childhood poverty of almost any country.

The American Rescue Plan included a $300-a-month child tax credit, which ended up lowering the child poverty rate in America by over 40 percent—over 40 percent reduction in childhood poverty, which, in my view, was an extraordinary achievement. Unfortunately for the millions of working parents who benefited from this program, it expired in December.

This amendment would restore the expanded child tax credit for 4 years and give millions of working families the opportunity to raise their children in dignity and security, and it would be fully paid for by restoring the top corporate tax rate from 21 percent to 28 percent.

Let us reduce child poverty in America. Let us demand that the largest corporations start paying their fair share of taxes.

I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, Senator SANDERS is right. The child tax credit is one of the most important things this body did. It brought down the child poverty rate by 40 percent almost immediately. We passed it in March. The Secretary of the Treasury had it up and running by July. It made a huge difference in people's lives.

I appreciate especially the work that Senator BENNET and also Senator BOOKER and Senator WARNOCK have done on this. But I ask my colleagues to vote no because this will bring the bill down—a very good bill. We will continue to work hard on this every step of the way.

I yield to Senator BENNET.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, last year, we demonstrated to the American people that we don't have to accept this outrageous, shameful level of childhood poverty in our Nation.

We have 38 out of 41 industrialized countries in the world in terms of childhood poverty. The poorest people in our country are our children. And because we passed this bill last year, we demonstrated that doesn't have to be a permanent feature of our economy or our democracy.

We have to fight to make this enhanced child tax credit permanent, and that is what I will do with people on both sides of the aisle. But this does not advance that cause because we

could lose the underlying bill. Therefore, we should vote against the amendment.

Mr. SANDERS. Madam President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. If I could ask my friend from Ohio, why would passage of this amendment or getting 48 votes on this amendment bring the overall bill down?

Mr. BROWN. Madam President, Senator SANDERS, the arrangement on this is that all 50 Democrats are for this. We know every single Republican has voted against the child tax credit—not once last March but twice. We know that this is a fragile arrangement, and we have to pass it. As much as I like—

The PRESIDING OFFICER. The Senator from Ohio, all time has expired.

VOTE ON AMENDMENT NO. 5208, AS MODIFIED

The question is on agreeing to the amendment.

Mr. KING. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The result was announced—yeas 1, nays 97, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—1

Sanders

NAYS—97

Baldwin	Grassley	Peters
Barrasso	Hagerty	Portman
Bennet	Hassan	Reed
Blackburn	Hawley	Risch
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Scott (FL)
Capito	Kelly	Scott (SC)
Cardin	Kennedy	Shaheen
Carper	King	Sinema
Casey	Klobuchar	Smith
Cassidy	Lankford	Stabenow
Collins	Lee	Sullivan
Coons	Luján	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Tillis
Cotton	Markey	Toomey
Cramer	Marshall	Tuberville
Crapo	McConnell	Van Hollen
Cruz	Menendez	Warner
Daines	Merkley	Warnock
Duckworth	Moran	Warren
Durbin	Murkowski	Whitehouse
Ernst	Murphy	Wicker
Feinstein	Murray	Wyden
Fischer	Ossoff	Young
Gillibrand	Padilla	
Graham	Paul	

NOT VOTING—2

Leahy Shelby

The amendment (No. 5208), as modified, was rejected.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 5263 TO AMENDMENT NO. 5194

Mr. CRUZ. Madam President, I call up my amendment No. 5263 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 5263 to amendment No. 5194.

The amendment is as follows:

(Purpose: To strike the $80,000,000,000 slush fund for the Internal Revenue Service to prevent the hiring of 87,000 new Internal Revenue Service employees that will surveil and audit the private account information and transaction data of innocent Americans and small businesses)

Strike part 3 of subtitle A of title I.

Mr. CRUZ. Madam President, there are a lot of bad things in this bill, but few are worse than the proposal by Democrats in this bill to double the size of the IRS and create 87,000 new IRS agents. I guarantee you citizens in every one of our States, if you ask them what do they want, they don't want 87,000 new IRS agents.

And they are not being created to audit billionaires or giant corporations; they are being created to audit you. The House Ways and Means Committee, the minority has put out an estimate that, under this bill, there will be 1.2 million new audits per year, with over 700,000 of those new audits falling on taxpayers making $75,000 or less.

I believe, personally, we should abolish the IRS, but, at a minimum, we shouldn't make the IRS larger than the Pentagon, the State Department, the FBI, and the Border Patrol all combined. That is what the Democrats are proposing here. It is a terrible idea.

If you don't want 87,000 new IRS agents, vote yes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, what Americans don't want is wealthy tax cheats to be able to rest easy because Republican budget cuts to the IRS mean that they can get away with breaking the law scot-free.

And I want everybody in this body to understand that, on our watch at the Finance Committee, we are watchdogging this Agency every single day because there is no evidence of what the Senator from Texas has said is going on with respect to the privacy of innocent Americans, and on our watch it is never going to.

I urge opposition.

VOTE ON AMENDMENT NO. 5263

The PRESIDING OFFICER. The question is on the amendment.

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5263) was rejected.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 5262

(Purpose: To make health care coverage available to low-income adults in States that have not expanded Medicaid.)

Mr. WARNOCK. Madam President, I call up amendment No. 5262, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant executive clerk read as follows:

The Senator from Georgia [Mr. WARNOCK], for himself and others, proposes an amendment numbered 5262 to amendment No. 5194.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. WARNOCK. Madam President, I rise on behalf of nearly 4½ million Americans in 12 States, including 646,000 Georgians who, a decade after the Affordable Care Act became law, still do not have access to affordable healthcare. They are the working poor. They are being blocked by Governors and legislatures.

But, sadly, today they are being betrayed by this body. The bill we are about to pass will rightly strengthen healthcare access for millions of Americans, but how do we justify doing that while leaving the hard-working families in Georgia who gave us this power in the first place and the other 11 nonexpansion States in the cold? My amendment would simply extend the same subsidies to them.

If in this bill we can extend tax relief to hedge fund managers, then, surely, we can extend tax credits as a lifeline to the working poor.

This is a moral moment. The scripture says: Woe to those who crush the poor.

I am asking my Democratic colleagues to do the right thing and close this gap.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senator from Georgia is absolutely right in his description of this moral abomination where the citizens he represents have no healthcare decency. And he is right that it stems from the decisions of Republican Governors. He is talking about individuals with too much to qualify for Medicaid and not enough to get ACA subsidies.

Tragically—and I have talked with my colleague about this—to preserve the rest of this bill's health, climate, and tax policy, it is just not possible—as much as I want it—to get this fixed today.

I will just close by saying to my colleague that I will work with him every day, day in and day out, until his citizens get the healthcare decency he so correctly calls for this morning.

Reluctantly, I oppose the amendment.

Mr. GRAHAM. I don't want to get in the middle off you all's fight over here, but am I supposed to read this or not?

The PRESIDING OFFICER. The Senator from South Carolina.

POINT OF ORDER

Mr. GRAHAM. The pending amendment No. 5262 offered by Senator WARNOCK contains matters outside the jurisdiction of the Finance Committee. Therefore, the amendment is extraneous, and I raise a point of order against this amendment pursuant to Section 313(b)(1)(C) of the Congressional Budget Act of 1974.

MOTION TO WAIVE

Mr. WARNOCK. Madam President, pursuant to Section 904 of the Congressional Budget Act of 1974 and waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and the nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will a call the roll.

The senior assistant executive clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The result was announced—yeas 5, nays 94, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—5

Baldwin
Collins
Ossoff
Sanders
Warnock

NAYS—94

Barrasso
Bennet
Blackburn
Blumenthal
Blunt
Booker
Boozman
Braun
Brown
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Coons
Cornyn
Cortez Masto
Cotton
Cramer
Crapo
Cruz
Daines
Duckworth
Durbin
Ernst
Feinstein
Fischer
Gillibrand
Graham
Grassley
Hagerty
Hassan
Hawley
Heinrich
Hickenlooper
Hirono
Hoeven
Hyde-Smith
Inhofe
Johnson
Kaine
Kelly
Kennedy
King
Klobuchar
Lankford
Leahy
Lee
Luján
Lummis
Manchin
Markey
Marshall
McConnell
Menendez
Merkley
Moran
Murkowski
Murphy
Murray
Padilla
Paul
Peters
Portman
Reed
Risch
Romney
Rosen
Rounds
Rubio
Sasse
Schatz
Schumer
Scott (FL)
Scott (SC)
Shaheen
Sinema
Smith
Stabenow
Sullivan
Tester
Thune
Tillis
Toomey
Tuberville
Van Hollen
Warner
Warren
Whitehouse
Wicker
Wyden
Young

NOT VOTING—1

Shelby

The PRESIDING OFFICER (Ms. HASSAN). On this vote, the yeas are 5, the nays are 94.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The majority whip.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the following amendments and motions be the next amendments and motions in order: 5265, Cruz; 5281, Sanders; 5385, Kennedy; motion to waive the budget with respect to insulin; Cruz motion to commit on vaccines; Cruz motion to commit targeting parents; and that all provisions under the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas.

AMENDMENT NO. 5265

Mr. CRUZ. Madam President, I call up my amendment No. 5265 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant executive clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 5265 to amendment No. 5194.

The amendment is as follows:

(Purpose: To provide for certain conditions on the export to China of crude oil from the Strategic Petroleum Reserve)

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026___. CONDITION ON AUCTION OF CRUDE OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) BIDDER.—The term "bidder" means an individual or entity bidding or intending to bid at an auction of crude oil from the Strategic Petroleum Reserve.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(3) STRATEGIC PETROLEUM RESERVE.—The term "Strategic Petroleum Reserve" means the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

(b) BIDDING REQUIREMENTS ON EXPORT OF SPR CRUDE OIL TO CERTAIN COUNTRIES.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), and subject to paragraph (2), with respect to the drawdown and sale at auction of any crude oil from the Strategic Petroleum Reserve after the date of enactment of this Act, the Secretary shall require, as a condition of any such sale, that in the case of a bid submitted by a bidder that intends to export the crude oil to the People's Republic of China, the bid will not be considered by the Secretary to be a valid bid unless the bidder has submitted a bid 10 times higher than the next highest bid received.

(2) WAIVER.—

(A) IN GENERAL.—On application by a bidder, the Secretary may waive, prior to the date of the applicable auction, the condition described in paragraph (1) with respect to the sale of crude oil to that bidder at that auction.

(B) REQUIREMENT.—The Secretary may issue a waiver under subparagraph (A) only if the Secretary determines that the waiver is in the interest of the national security of the United States.

(C) APPLICATIONS.—A bidder desiring a waiver under subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

Mr. CRUZ. Madam President, this bill represents the most significant assault on U.S. energy production the Senate has ever considered.

It is designed to bankrupt every coal miner in America, to dramatically increase gas prices consumers are paying, and to permanently harm U.S. oil and gas production.

There is, however, one group Senate Democrats do not oppose having more oil, and that is the Chinese communists.

In the past year, President Biden has sold over 2 million barrels of oil to the Chinese communist Government from America's Strategic Petroleum Reserve. That oil was paid for by U.S. taxpayers.

My bill would block the President from selling our oil to the Chinese communists.

I would note also that it was sold to a Chinese company owned by the communist government in which a significant stake was owned by a private equity firm owned in significant part by the President's own son, Hunter Biden.

If the Democrats don't want to see millions of barrels of U.S. oil sold to the Chinese communists, they should support my amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

POINT OF ORDER

Mr. SCHATZ. Madam President, I raise a point of order that the pending amendment violates section 4106 of the concurrent resolution on the budget for fiscal year 2018, H. Con. Res. 71, of the 115th Congress, the Senate pay-as-you-go point of order.

VOTE ON MOTION TO WAIVE

Mr. CRUZ. Madam President, pursuant to section 904 of the Congressional

Budget Act and relevant budget resolutions, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—54

Barrasso	Graham	Paul
Blackburn	Grassley	Portman
Blunt	Hagerty	Risch
Boozman	Hassan	Romney
Braun	Hawley	Rounds
Burr	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cortez Masto	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Warnock
Ernst	Murkowski	Wicker
Fischer	Ossoff	Young

NAYS—46

Baldwin	Hirono	Rosen
Bennet	Kaine	Sanders
Blumenthal	Kelly	Schatz
Booker	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Sinema
Cardin	Luján	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Padilla	Wyden
Heinrich	Peters	
Hickenlooper	Reed	

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 54, the nays are 46.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained, and the amendment falls.

The Senator from Vermont.

AMENDMENT NO. 5281 TO AMENDMENT NO. 5194

(Purpose: To modify the bill.)

Mr. SANDERS. Mr. President, I call up my amendment No. 5281 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5281 to amendment No. 5194.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SANDERS. Mr. President, let me quote from a July 29 letter from over 350 environmental organizations, including Friends of the Earth, Food and Water Watch, and the Climate Justice Alliance, sent to President Biden and Senator SCHUMER, expressing concerns about this bill.

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas, and coal production are the core drivers of the climate and extinction crisis. There can be no new fossil fuel leases, exports or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are ripping across the country as we speak. Therefore, we're calling on you to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

This was from 350 environmental organizations, and I agree with those organizations.

My amendment would eliminate all of the provisions in this bill that would benefit the fossil fuel industry, including opening up to 700 million acres of public lands and waters for oil and gas drilling.

There is a reason why BP and Shell—some of the largest oil companies in this country—are supporting this bill, and it is not for a good reason.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, in the night or day—or whatever we have been doing as the night has turned into day—of extremes, this is the most extreme idea yet, and that is saying a lot.

Senator SANDERS wants to destroy fossil fuel exploration at a time you have got to get a mortgage on your house to fill up your car. So I want you to understand what is being proposed: Shutting down American fossil fuel exploration will make us more dependent on fossil fuels that are in the hands of the bad guys. Gas is $4.08 a gallon right now.

This is the most dangerous idea tonight, today, for the American consumer. If you are tired of paying high gas prices, then vote Republican.

VOTE ON AMENDMENT NO. 5281

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 1, nays 99, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—1

Sanders

NAYS—99

Baldwin	Burr	Cortez Masto
Barrasso	Cantwell	Cotton
Bennet	Capito	Cramer
Blackburn	Cardin	Crapo
Blumenthal	Carper	Cruz
Blunt	Casey	Daines
Booker	Cassidy	Duckworth
Boozman	Collins	Durbin
Braun	Coons	Ernst
Brown	Cornyn	Feinstein
Fischer	Lummis	Schatz
Gillibrand	Manchin	Schumer
Graham	Markey	Scott (FL)
Grassley	Marshall	Scott (SC)
Hagerty	McConnell	Shaheen
Hassan	Menendez	Shelby
Hawley	Merkley	Sinema
Heinrich	Moran	Smith
Hickenlooper	Murkowski	Stabenow
Hirono	Murphy	Sullivan
Hoeven	Murray	Tester
Hyde-Smith	Ossoff	Thune
Inhofe	Padilla	Tillis
Johnson	Paul	Toomey
Kaine	Peters	Tuberville
Kelly	Portman	Van Hollen
Kennedy	Reed	Warner
King	Risch	Warnock
Klobuchar	Romney	Warren
Lankford	Rosen	Whitehouse
Leahy	Rounds	Wicker
Lee	Rubio	Wyden
Luján	Sasse	Young

The amendment (No. 5281) was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 5385 TO AMENDMENT NO. 5194

Mr. KENNEDY. Mr. President, I call up my amendment No. 5385 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 5385 to amendment No. 5194.

The amendment is as follows:

(Purpose: To provide for discounted insulin for low- and middle-income Americans)

At the appropriate place, insert the following:

SEC. _____. PROVIDING DISCOUNTED INSULIN TO LOW- AND MIDDLE-INCOME AMERICANS.

(a) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), out of any monies in the Treasury not otherwise appropriated, $3,100,000,000 for fiscal year 2023, to remain available through September 30, 2026, for making payments to Federally-qualified health centers for purposes of covering direct costs incurred by such centers for making discounted insulin and epinephrine available to qualifying center patients, as described in subsection (b).

(b) INSULIN AND EPINEPHRINE AFFORDABILITY.—

(1) IN GENERAL.—If a Federally-qualified health center participates in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) and makes insulin or injectable epinephrine available to its patients, such center shall provide insulin and injectable epinephrine at or below the discounted price paid by the center or subgrantee of the center under the drug discount program under such section 340B (plus a minimal administration fee) to qualifying center patients through fiscal year 2026.

(2) LIMITATION.—As applicable, the cost of insulin and injectable epinephrine made available to patients pursuant to this subsection shall not exceed the cost of such insulin and injectable epinephrine pursuant to the schedule of fees or payment under section 330(k)(3)(G) of the Public Health Service Act (42 U.S.C. 254b(k)(3)(G)).

(c) PAYMENTS.—The Secretary shall make prospective quarterly payments to Federally-qualified health centers in an amount that equals the sum of the following:

(1) The product of—

(A) the number of units of insulin furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of insulin at the discounted rate provided for under this section.

(2) The product of—

(A) the number of units of injectable epinephrine furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of injectable epinephrine at the discounted rate provided for under this section.

(d) USE OF PAYMENTS.—Payments made to Federally-qualified health centers under this section shall be used for the sole purpose of covering direct costs incurred by such centers in making insulin and injectable epinephrine available to qualifying center patients under subsection (b).

(e) DEFINITIONS.—In this section:

(1) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ''Federally-qualified health center'' has the meaning given such term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(2) QUALIFYING CENTER PATIENT.—The term ''qualifying center patient'' means a patient of a Federally-qualified health center whose household income is equal to or less than 350 percent of the Federal poverty line and who—

(A) has a cost-sharing requirement under a health insurance plan for insulin or injectable epinephrine under which the patient out-of-pocket share is more than 20 percent of the total amount charged by the center for insulin or epinephrine;

(B) has a high unmet deductible under a health insurance plan; or

(C) has no health insurance.

(f) PREVENTION AND PUBLIC HEALTH FUND OFFSET.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by striking paragraphs (7) and (8);

(3) by redesignating paragraph (9) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

''(7) for fiscal year 2027, $1,800,000,000; and''.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, my amendment, which I also offer on behalf of many of my Republican colleagues, would substantially and dramatically lower the cost of insulin for millions of Americans.

As you know, we have 1,403 federally qualified healthcare centers in America, sometimes called community health centers. They have 16,000 sites of service.

My amendment would reimplement a rule that President Biden repealed. My amendment would make insulin available at federally qualified health centers for pennies on the dollar, and it would pay for itself by redirecting existing money from the ObamaCare Public Health and Prevention Fund.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, lifesaving medicines don't do any good if people can't afford them. That is why it is so important that we do help people get the medicine they need, especially insulin. It is exactly why we need to pass the Inflation Reduction Act, which does take historic steps to lower costs, and it caps patients' insulin costs at $35 a month.

If Republicans really want to help patients get insulin, they will help us get this bill signed into law instead of trying to derail it with amendments and trying to weaken the insulin provision Democrats want to pass.

We are fighting to make sure that no one has to ration their insulin and put their life at risk. I hope some Republicans will join us in working to make this lifesaving medicine affordable and pass this bill—hopefully soon—here today. But I do urge my colleagues to reject this amendment so we can get to that point.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENNEDY. Do I have any time left?

The PRESIDING OFFICER. You do not.

Mr. KENNEDY. Thank you.

VOTE ON AMENDMENT NO. 5385

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5385) was rejected.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask consent to speak for 1 minute prior to the Senator from South Carolina moving to waive the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, 37 million people in our country have diabetes. And it is absolutely wrong that many of them cannot afford the insulin they need to live. I have heard from people in my State who risk their life and ration their insulin to make ends meet. All the while, drug companies are jacking up prices.

The cost of insulin has tripled over the last decade, and it is not like it is three times better. The reality is, the cost of insulin isn't just out of control; it is devastating people and not just seniors but workers and students and parents who are just trying to get insulin for their kids.

We have an opportunity here to make a difference and permanently cap insulin at $35 a month. It will save money. It will save lives. This should not be a hard vote to cast. A budget waiver will continue allowing people to get insulin at $35 a month.

I urge my colleagues on both sides of the aisle not to remove this provision from the underlying bill.

The PRESIDING OFFICER. The Senator from South Carolina.

POINT OF ORDER

Mr. GRAHAM. Mr. President, I believe this violates the rules of reconciliation. I make a point of order against page 744, line 7, through page 755, line 4, in the substitute. This language violates 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Washington.

MOTION TO WAIVE

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—57

Baldwin	Hassan	Murkowski
Bennet	Hawley	Murphy
Blumenthal	Heinrich	Murray
Booker	Hickenlooper	Ossoff
Brown	Hirono	Padilla
Cantwell	Hyde-Smith	Peters
Cardin	Kaine	Reed
Carper	Kelly	Rosen
Casey	Kennedy	Sanders
Cassidy	King	Schatz
Collins	Klobuchar	Schumer
Coons	Leahy	Shaheen
Cortez Masto	Luján	Sinema
Duckworth	Manchin	Smith
Durbin	Markey	Stabenow
Feinstein	Menendez	Sullivan
Gillibrand	Merkley	Tester

Van Hollen	Warnock	Whitehouse
Warner	Warren	Wyden

NAYS—43

Barrasso	Graham	Romney
Blackburn	Grassley	Rounds
Blunt	Hagerty	Rubio
Boozman	Hoeven	Sasse
Braun	Inhofe	Scott (FL)
Burr	Johnson	Scott (SC)
Capito	Lankford	Shelby
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Paul	Young
Ernst	Portman	
Fischer	Risch	

The PRESIDING OFFICER (Mr. KAINE). On this vote, the yeas are 57, the nays are 43.

Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the language will be stricken from the amendment.

The Senator from Texas.

MOTION TO COMMIT

Mr. CRUZ. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] moves to commit the bill H.R. 5376 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—(1) are within the jurisdiction of such committee, and (2) in order to guarantee that no student is prohibited from attending school, or accrues more pandemic induced learning loss, ensure no funding be made available to enforce a COVID–19 vaccine mandate on any student eligible to attend a District of Columbia public or charter school for the 2022–2023 school year.

The motion to commit is as follows:

Mr. CRUZ moves to commit the bill H.R. 5376 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) in order to guarantee that no student is prohibited from attending school, or accrues more pandemic induced learning loss, ensure no funding be made available to enforce a COVID–19 vaccine mandate on any student eligible to attend a District of Columbia public or charter school for the 2022–2023 school year.

Mr. CRUZ. Mr. President, with the support of every Senate Democrat in this Chamber, schools across this country shut down over the past 2 years. Tens of millions of children were harmed.

Today, Senate Democrats will have a choice whether or not they will harm thousands of schoolkids in Washington, DC, and, in particular, whether they will harm African-American children in Washington, DC.

In DC, the rate of vaccination for students 12 to 15 is 85 percent. For African-American students, the rate drops to 60 percent. The DC public schools have announced that any student who is not vaccinated is not allowed to come to school.

If Democrats vote no on this motion to commit, they will be voting to tell thousands of African-American students in DC: You are not allowed to come to school. Your education doesn't matter.

The right choice, to use a mantra used by Democrats often, is ''your body, your choice,'' and we should not be denying children education because DC Democrats want to force them to get a COVID vaccine against their wishes or their parents' wishes.

The PRESIDING OFFICER. All time has expired.

The Senator from Michigan.

Mr. PETERS. Mr. President, this motion is just another effort to delay or kill this incredibly important bill and would effectively remove the requirement for students to be vaccinated against COVID–19 in DC public schools.

Vaccines have proven to be effective at preventing the spread of this harmful disease, and DC public schools now require FDA-approved COVID–19 vaccines for eligible students, just like they do for measles and hepatitis A and hepatitis B.

The requirement for DC public school students to be vaccinated against this virus was enacted by the District of Columbia's City Council, a body that was duly elected by 700,000 Americans living in our Nation's Capital. This motion would unnecessarily meddle with local, Washington, DC, government and delay or kill this vital bill we are here to pass today.

I urge my colleagues to oppose this measure.

VOTE ON MOTION TO COMMIT

The PRESIDING OFFICER. The question is on the motion.

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—49

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

NAYS—51

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

The motion was rejected.

The PRESIDING OFFICER. The Senator from Texas.

MOTION TO COMMIT

Mr. CRUZ. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] moves to commit the bill, H.R. 5376, to the Committee on the Judiciary of the Senate, with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that, one, are within the jurisdiction of such committee and, two, would ensure that the Department of Justice does not use resources to inappropriately target parents or classify them as domestic terrorists based on their engagement with public school officials as it relates to their child's education unless such engagement with officials is already otherwise illegal.

The motion to commit is, as follows:

Mr. CRUZ moves to commit the bill H.R. 5376 to the Committee on the Judiciary of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would ensure that the Department of Justice does not use resources to inappropriately target parents or classify them as ''domestic terrorists'' based on their engagement with public school officials as it relates to their child's education unless such engagement with officials is already otherwise illegal.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, one of the worst aspects of the Biden administration has been the deep politicization of the Department of Justice and the FBI.

We saw that with the National Association of School Boards sending a letter to the White House and to the Attorney General asking that the Biden administration target parents as domestic terrorists and use the PATRIOT Act to go after them for going to school boards and complaining about policies that are unfair to parents, including the teaching of critical race theory, including in the case of Loudoun County, a 14-year-old girl who was sexually assaulted in a bathroom, and the school covered it up.

Within 4 days of receiving that letter, the Attorney General wrote a memo directing the FBI to target parents.

Just this last week, the Director of the FBI testified at the Judiciary Committee that they had been interviewing multiple parents—moms and dads—and the House has categorized it as upward of 20 moms and dads.

This amendment says: Don't target parents as domestic terrorists—

The PRESIDING OFFICER. All time is expired.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, the FBI has told us repeatedly that domestic extremism is a very real threat in America. Last November, 60 percent of America's school leaders said that someone in their schools had been verbally or physically threatened over school policy.

There is no evidence—none—that the Department of Justice is threatening the constitutional right of parents to peaceful, free speech. But there is no excuse—none—for violence against school teachers or board members.

If you believe there is nothing peaceful or legitimate about threatening teachers, school board members or their families, vote no on this amendment.

VOTE ON MOTION TO COMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—50

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

The motion was rejected.

The PRESIDING OFFICER (Mr. BENNET). The Senator from North Dakota.

MOTION TO COMMIT

Mr. HOEVEN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from North Dakota [Mr. HOEVEN] moves to commit the bill to the Committee on Finance with instructions to report.

Mr. HOEVEN. I ask unanimous consent that the reading of the names be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to commit is as follows:

Mr. HOEVEN moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would prohibit the implementation of the provisions of the bill H.R. 5376 until the date on which—

(A) grocery prices (as reported by the Bureau of Labor Statistics as annual CPI–U for ''food at home'') decrease below the food at home annual inflation level (as reported by the Bureau of Labor Statistics for January 2021);

(B) gasoline prices (as reported by the Bureau of Labor Statistics as annual CPI–U for ''gasoline (all types)'') decrease below the gasoline (all types) annual inflation level (as reported by the Bureau of Labor Statistics for January 2021);

(C) diesel prices (as reported by the Bureau of Labor Statistics as annual CPI–U for ''other motor fuels'') decrease below the other motor fuels annual inflation level (as reported by the Bureau of Labor Statistics for January 2021);

(D) home heating oil prices (as reported by the Bureau of Labor Statistics as annual CPI–U for ''fuel oil'') decrease below the fuel oil annual inflation level (as reported by the Bureau of Labor Statistics for January 2021); and

(E) housing expenses (as reported by the Bureau of Labor Statistics as annual CPI–U for ''shelter'') decrease below the shelter annual inflation level (as reported by the Bureau of Labor Statistics for January 2021).

Mr. HOEVEN. Mr. President, the American people are hurting. Inflation has soared to the highest we have seen in 40 years, and the Consumer Price Index is now 9.1 percent. Americans are seeing increased prices on everything from the grocery store to the gas pump. Gas prices have gone up $2.25 a gallon just since the President took office. Diesel prices since this administration took office are up $2.81—that means 60 percent more since President Biden took office. The cost of food is up more than 12 percent.

We not only have inflation, we have our economy stagnating as well—stagflation. It is something we haven't had since the late 1970s, early 1980s. We have the resources and the capabilities to reduce that inflation to address the stagnation. This tax-and-spend bill is not the way to do it.

I ask that we return this to committee and come up with a plan that will actually get our economy going and reduce inflation. I ask for support on this motion.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to this amendment.

This, again, is about delay, about postponing, about putting off the job that needs to be done. What the focus of this bill is all about is cutting costs.

What I have said to colleagues—and my friend, the Presiding Officer of the Senate, knows this—is that our bill on prescription drugs kicks in this fall. We really kick in on the efforts to hold down price gouging when medicine is going up faster than the rate of inflation.

I urge my colleagues to oppose this. We can't afford any further delay in priorities like saving senior citizens from their medicine costs.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, the bill increases taxes and increases spending. It will not bring down costs, and it will not bring down inflation.

VOTE ON MOTION TO COMMIT

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—50

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

The motion was rejected.

PRAYER

The PRESIDING OFFICER. Pursuant to rule IV, paragraph 2, the hour of 12 noon having joyously arrived and the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

The Senate Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, who rules the raging of the sea, our weekend work gently reminds us that freedom's price must be paid. As our Senators provide the currency of perseverance to protect and defend this land we love, strengthen them for the challenges and empower them for the vicissitudes. Remind them, as they strive to pay liberty's recurring bill, that You will never leave or forsake them.

Rouse Yourself, O Lord, and help them.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO COMMIT

Mrs. BLACKBURN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mrs. BLACKBURN] moves to commit the bill to the Committee on Agriculture, Nutrition, and Forestry with instructions to report.

Mrs. BLACKBURN. Mr. President, I ask that we waive the reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

Mrs. BLACKBURN moves to commit the bill H.R. 5376 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would ensure that no funding made available by the bill for the environmental quality incentives program, the conservation stewardship program, the agricultural conservation easement program, or the regional conservation partnership program may be provided to—

(A) an agricultural producer located in the United States who is a nonresident alien, foreign business, agent, trustee, or fiduciary associated with the Government of the People's Republic of China; or

(B) an entity partially or wholly owned hy such an agricultural producer.

Mrs. BLACKBURN. Mr. President, right now, Chinese owners control more than 194,000 acres of farm and forestry land valued at $1.9 billion, as of the last accounting, right here in the United States. Now, much of this farmland is located in close proximity to our military institutions, and a lot of this farmland is being used so that Chinese-owned farm operations can compete with U.S. farmers.

My amendment would stop funds from this bill from ending up in the hands of agents of the Chinese Government and their businesses. This is a commonsense motion to commit.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, this motion to commit is a red herring and a complete distraction.

The Department of Agriculture already has strict rules that all producers must meet before they can participate in USDA conservation programs.

These dollars go to farmers who are American citizens or legal permanent residents for conservation practices that help protect and improve American soil and water. Farmers are only reimbursed after the practices are in place.

This would add burdensome paperwork, unnecessary bureaucracy that would really bog our farmers down. This is different than circumstances that were just talked about with state-owned Chinese companies. This is not the same thing. This amendment goes right at our farmers and the conservation practices they are asking us to support for them.

Again, the only reason for this amendment is to stop us from passing this bill, which, among other things, will cut prescription drug costs, create jobs, and tackle the climate crisis.

I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator's time has expired.

VOTE ON MOTION

The question is on agreeing to the motion.

Mrs. BLACKBURN. Mr. President, I ask for the yeas and nays.

I urge a ''yes'' vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The motion was rejected.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Florida.

MOTION TO COMMIT

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. RUBIO] has a motion to commit to bill H.R. 5376 to the Committee on Health, Education, Labor, and Pensions of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—(1), are within the jurisdiction of such committee; and, (2) would contain a definition for the term ''pregnancy'' that limits maternal and infant-related program resources to biological females.

The motion is as follows:

Mr. RUBIO moves to commit the bill H.R. 5376 to the Committee on Health, Education, Labor, and Pensions of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would contain a definition for the term ''pregnancy'' that limits maternal and infant-related program resources to biological females.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, the only people who are capable of being pregnant are biological females; and, therefore, I think Federal pregnancy programs should be limited to biological females and that is what this would do.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, let's be clear about what is going on here. This is a procedural attempt by Republicans to derail our ability to get this bill across the finish line and deliver for families in our country.

It is actually outrageous that Republicans are trying to talk about pregnancy when in this country, right now, they are forcing women to stay pregnant no matter their circumstances, pushing cruel and extreme abortion bans.

Republicans are now resorting to tactics like this to distract from the fact that they don't have any serious reasons for working so hard to oppose this bill that lowers costs, lowers emissions, and lowers the deficit.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Florida has 40 seconds.

Mr. RUBIO. Mr. President, a few minutes ago, I looked back across 5,500 years of human history. So far, every single pregnancy has been a biological female. Therefore, the only thing I am trying to do is make sure that the Federal law is clear that since every pregnancy that has ever existed has been in a biological female, that our Federal laws reflect that and pregnancy programs are available to the only people who are capable of getting pregnant—biological females. Very simple.

I would accept a unanimous consent if they want to offer it, and we can move on and not waste any time.

The PRESIDING OFFICER. Senator MURRAY has 10 seconds left.

Mrs. MURRAY. When we are facing the challenges in this country and helping our constituents to lower costs, it is outrageous that Republicans are trying to define pregnancy, of all things, on this floor on this day after hours of voting on amendments.

I urge a ''no'' vote.

VOTE ON MOTION

The PRESIDING OFFICER. The question is agreeing to the motion.

Mr. RUBIO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The motion was rejected.

The PRESIDING OFFICER. The Senator from South Carolina.

POINTS OF ORDER EN BLOC

Mr. GRAHAM. Mr. President, I ask consent to make the following four points of order en bloc.

The first point of order concerns page 43, lines 3 through 8. This language violates section 313(b)(1)(A).

The second point concerns page 1, lines 3 through 5. This language violates 313(b)(1)(A).

The third point concerns page 547, line 18, through page 548, line 25. This language violates section 313(b)(1)(A).

And the fourth point of order concerns page 689, lines 8 through 16. This language violates section 313(b)(1)(D).

The PRESIDING OFFICER. The points of order are sustained; the provisions are stricken under 313(b), 313(e).

The Senator from Alaska.

AMENDMENT NO. 5435

Mr. SULLIVAN. Mr. President, I call up my amendment No. 5435, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant executive clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 5435 to amendment No. 5194.

Mr. SULLIVAN. Mr. President, I ask that the reading be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To replace the funding for the Office of the Chief Readiness Support Officer with a $500,000,000 appropriation for the construction or improvement of primary pedestrian fencing and barriers along the southwest border)

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, for necessary expenses relating to the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, we have a true crisis—a humanitarian crisis, a national security crisis—right now on our southern border.

It is a huge tragedy that my Democratic colleagues want to ignore, and that tragedy has spread across our Nation—crime; victims of human trafficking, many of them children; a fentanyl epidemic killing our young people; chaos—all fueled by a lawless border.

Secure borders work. Walls work. Just ask the Biden administration, as they are quietly building sections of the wall in Arizona right now.

The Democrats' partisan reconciliation bill does nothing—nothing—to address this crisis.

Instead, it gives DHS $500 million for sustainability and environmental programs when our kids are dying from drugs streaming in from the border, when our communities are under siege. This should not be the priority for DHS.

My amendment would take this half a billion dollars and recommit it—this DHS money—to building the wall and securing our border, which is DHS's primary mission, not environmental programs.

I ask that all my colleagues vote yes on this commonsense amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, communities all across the country are suffering from exposure to PFAS—commonly used chemicals that do not break down and have been linked to serious health problems.

This amendment would strike a provision in the bill that would help DHS repair and upgrade its facilities to protect surrounding communities and frontline DHS personnel from these harmful chemicals.

This amendment, instead, seeks to continue the past administration's efforts to fund and construct an ill-conceived border wall on the southern border.

I agree that we need secure borders, but we need smart and cost-effective security measures, including technology and adequate personnel levels to meet our border security needs.

We should be working together in a bipartisan manner to develop smart investments in border security.

Let's secure our southern and northern borders instead of throwing taxpayer dollars to build a costly and ineffective wall.

I urge my colleagues to vote no.

Mr. SULLIVAN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Time is expired on both sides.

VOTE ON AMENDMENT NO. 5435

The question is on agreeing to the amendment.

Mr. SULLIVAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

The amendment (No. 5435) was rejected.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

AMENDMENT NO. 5487

Mr. DAINES. Mr. President, I ask unanimous consent that the following amendments be considered as one amendment, No. 5487: No. 5425, Mr. DAINES; No. 5361, Ms. ERNST; No. 5360, Mrs. FISCHER; No. 5224, Mr. PORTMAN; No. 5411, Mr. BARRASSO; and No. 5454, Ms. MURKOWSKI. I further ask that there be 2 minutes of debate, equally divided, on each division prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. DAINES], for Mr. GRAHAM and others, proposes an amendment numbered 5487.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, my amendment would strike the anti-energy provisions that snuck into this bill behind closed doors.

This partisan bill before us has a slew of provisions that raises royalty rates, fees, rents, and taxes that hurt our small oil and gas producers in America the most. By the way, it is those small oil and gas producers that produce over 80 percent of our supply. I guarantee you, if there is a rebuttal, they will talk about Big Oil, but this is not Big Oil; 80 percent is from the small guys. These producers don't have the ability to absorb the large increases from the government, so if you raise prices for energy producers, you raise energy prices for Americans.

It is not that complicated. If you want lower gas prices, vote yes.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Mr. President, this one should be simple.

My amendment eliminates subsidies for slave and child labor. The price of buying a car has reached a record high, and what is the Democrats' answer? A tax break for wealthy coastal elites to buy electric vehicles produced with slave and child labor.

Currently, this bill already prevents vehicles containing any part sourced or assembled in foreign entities of concern, like China or Russia, from being eligible for the tax credit. My amendment doesn't change that. My amendment simply ensures that our tax dollars don't subsidize EVs from any countries using child or slave labor.

We all know the critical minerals that comprise EV batteries are largely mined in sub-Saharan Africa by companies abusing children, which are then assembled in Chinese-owned factories, many of which use slave labor. Subsidizing, to the tune of $7,500 per person, the purchase of a luxury vehicle for wealthy coastal elites that utilizes slave or child labor is a direct contradiction of our American values.

We shouldn't be sacrificing a clean conscience in exchange for a so-called cleaner car.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, my Democratic colleagues say wealthy Americans should pay their fair share. Yet they want to expand the electric vehicle tax credit for the rich once again.

In this bill, there are two separate EV tax credits: one for people who want to buy new $80,000 vehicles and one for those who want to buy used EVs.

Why two separate credits? The tax credit for new EVs is available to the wealthy, while the credit for the new EVs is limited to the folks with lower incomes. Why do my colleagues from the other side keep giving bigger tax breaks to their rich donors?

My change would at least prevent taxpayer dollars from subsidizing the wealthy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, this is a really easy one. Let's trade bureaucracy and more funding in this bill for bureaucracy at the Department of Homeland Security for desperately needed technology along the southern border to stop deadly fentanyl from coming into our communities.

Tragically, over 100,000 Americans were killed last year, which is a record, from drug overdoses. Two-thirds of those overdoses were from these synthetic opioids, like fentanyl.

We know that the vast majority of that fentanyl originates with drug cartels in Mexico now, and there is a surge of these deadly drugs coming across our southern border.

This amendment increases funding for Customs and Border Protection by $500 million for badly needed technology to detect fentanyl and other drugs. If you can believe it, right now, only 2 percent of cars—2 percent—and 14, 15, 16 percent, maybe, of commercial vehicles are being screened. Both GAO and the Department of Homeland Security IG have done reports saying we badly need this technology, and it is available. We need the funding.

The funding is more than offset by reducing huge funding increases in this bill for this Office of Chief Readiness at the Department of Homeland Security. So this money stays at DHS.

Let's make it a higher priority to stop and detect these deadly poisons coming into our communities.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, this is an amendment from Senator BARRASSO and me. It is very straightforward.

If you are a restaurant, you can deduct your business expenses. That is normal tax code. If you are a hardware store, you can deduct your business expenses. That is normal operation.

Since 1913, intangible drilling costs have been the tax deductions for oil and gas. IDCs, or intangible drilling costs, since 1913, have been set aside for preparing the space, doing all the labor costs, the services, the normal business operations, for 100 years, until now.

Slipped into this bill yesterday, into the base tax, strips away the tax deductions for oil and gas companies, what has been in place for over 100 years. If you are a wind farm, you can use renewable energy credits to take your tax rate down to zero because you can deduct your normal business expenses as well. If you are a coal company, you can use 45Q, but if you are oil and gas, your prices are going up.

Americans should remember this bill when they fill up in the days ahead and when the people in their communities are trying to get a job with oil and gas.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the United States' mineral security has really become our Achilles' heel. It is a significant threat to our economy, to our competitiveness, to our security, and to our geopolitical leverage, all at the same time.

We know that mineral demand is skyrocketing, and yet it is harder than ever to produce minerals here in this country. So what we have done is that we have turned to imports to fill the gaps in our supply.

We are seeking, through this amendment, to put some limited assistance on the table to make sure that projects for the most critical minerals can move forward in a timely manner. That is what my amendment does for cobalt and for nickel.

Right now, we import 76 percent of our cobalt, 48 percent of our nickel, but demand is growing so dramatically for both as a result of EVs, of energy storage systems, and other clean technologies. So what we are seeking to do with this is repurpose $400 million for States to implement energy efficiency codes to instead ensure that domestic nickel and cobalt projects can advance.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New Mexico.

Mr. HEINRICH. Mr. President, these are all problematic amendments that would jeopardize the underlying legislation and the progress on climate, on prescription drugs, and on a whole host of other things. So we should all vote no. We should pass this important bill, and we should be done with this.

VOTE ON AMENDMENT NO. 5487

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—50

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

The amendment (No. 5487) was rejected.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO COMMIT

Mr. HAGERTY. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. HAGERTY] moves to commit the bill to the Committee on the Judiciary with instructions to report.

Mr. HAGERTY. Mr. President, I ask to dispense with the reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

Mr. HAGERTY moves to commit the bill H.R. 5376 to the Committee on the Judiciary of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would ensure that U.S. Immigration and Customs Enforcement has sufficient resources to detain and deport a higher number of illegal aliens who have been convicted of a criminal offense in the United States.

Mr. HAGERTY. Mr. President, in fiscal year 2021, Immigration and Customs Enforcement arrested more than 12,000 illegal aliens with aggravated felony convictions. An alltime record number of illegal border crossers entered our country last year. This is an unprecedented national security crisis.

Before we spend billions of dollars on Green New Deal programs, the Department should first do its core job of securing the homeland.

This same policy was adopted 53 to 46 during the budget resolution process last August, with four of my Democratic colleagues joining me. Now, 1 year later, we have a worse crisis and an opportunity to provide real funding to protect our citizens from individuals who endanger our communities.

I hope my colleagues on the other side of the aisle will maintain their previous support for this commonsense approach to fund law enforcement and put public safety and national security over partisan politics. We have a chance to address this in a real manner right now. Solving a major crisis like this is worth taking a little more time.

I urge my colleagues to support this motion.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, Members, the Senator from Tennessee just provided us with this copy of his new amendment, and I hope you will take a look at it because it is recommitting this motion for 3 days. End of conversation, end of debate, end of any possibility of passing what we consider to be a major piece of legislation, from prescription drugs, dealing with environmental issues, and the list goes on. We have faced this so many times already in the last 12 or 14 hours.

But the second thing I would like to note is, we understand the seriousness of this challenge, so much so that we have already decided it is a crime, and it is a crime that can be prosecuted. And it is a crime that is investigated and enforced by an Agency of the Federal Government which we funded just 4 months ago. Four months ago, we gave $8 billion to ICE for this purpose. Thirty-one Republicans voted against funding this purpose. One of them was the Senator from Tennessee.

So now we are told we need the money, but 4 months ago he wouldn't vote for it. I think we know what we have here. We have a challenge that really is important to this motion that both parties share, but we have a political challenge with an effort to derail this measure today. Stick together and vote against this amendment.

Mr. HAGERTY. Mr. President, do I have more time left?

The PRESIDING OFFICER. The Senator's time has expired.

VOTE ON MOTION TO COMMIT

The question occurs on agreeing to the Hagerty motion to commit.

Mr. HAGERTY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—50

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul
Portman
Risch
Romney
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NAYS—50

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

The motion was rejected.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Dakota.

AMENDMENT NO. 5472

Mr. THUNE. Mr. President, I call up my amendment No. 5472 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 5472 to amendment No. 5194.

The amendment is as follows:

(Purpose: To remove harmful small business taxes, and for other purposes)

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13904. REMOVAL OF HARMFUL SMALL BUSINESS TAXES; EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES.—Subparagraph (D) of section 59(k)(1), as added by section 10101, is amended to read as follows:

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).''.

(b) EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6) is amended—

(A) in the heading, by striking ''2025'' and inserting ''2026'', and

(B) by striking ''2026'' and inserting ''2027''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

Mr. THUNE. Mr. President, Democrats say that the book minimum tax will apply only to very large corporations with a 3-year average financial statement income in excess of $1 billion, but as their bill is currently proposed—and this change occurred basically in the last 24 hours—the bill

would now require unrelated companies of any size held by funds or partnerships to combine their otherwise unrelated income to determine if they meet an aggregate $1 billion income threshold, subjecting each respective company to the book minimum tax even if its own income is far too low. This significant expansion of the tax has the potential to subject thousands of American businesses to the book minimum tax's administrative and financial burdens.

The nonpartisan Joint Committee on Taxation said this change would raise $35 billion in taxes on potentially thousands of small- and medium-size businesses, not merely a hundred or so large companies as our Democratic friends would have you believe.

My amendment is fully offset by extending for 1 year the cap on the State and local tax deduction enacted in the Tax Cuts and Jobs Act.

I encourage my colleagues to support this amendment and help ensure our Nation's small- and medium-size businesses aren't hit with a misguided and entirely inappropriate $35 billion tax hike.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, there are no tax increases on small businesses in our bill. The only companies that are paying under our bill are corporations with at least $1 billion in profit per year.

Republicans are calling private equity giants and foreign corporations with at least $1 billion in profits small businesses because they want private equity and foreign corporations to get more favorable treatment. Rather than close loopholes for billion-dollar private equity firms, Republicans would raise taxes on those making less than $400,000 per year.

I urge a ''no'' vote.

VOTE ON AMENDMENT NO. 5472

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—57

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cortez Masto
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer
Graham
Grassley
Hagerty
Hassan
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kelly
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Ossoff
Paul
Portman
Risch
Romney
Rosen
Rounds
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sinema
Sullivan
Thune
Tillis
Toomey
Tuberville
Warnock
Wicker
Young

NAYS—43

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Duckworth
Durbin
Feinstein
Gillibrand
Heinrich
Hickenlooper
Hirono
Kaine
King
Klobuchar
Leahy
Luján
Manchin
Markey
Menendez
Merkley
Murphy
Murray
Padilla
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Smith
Stabenow
Tester
Van Hollen
Warner
Warren
Whitehouse
Wyden

The amendment (No. 5472) was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 5488

Mr. WARNER. Mr. President, I call up my amendment, No. 5488, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5488.

Mr. WARNER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the extension of the limitation on State and local taxes and extend the limitation on excess business losses of noncorporate taxpayers, and for other purposes)

On page 545, strike line 1 and all that follows through page 547, line 17, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES; EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6), as amended by section 13904, is further amended—

(A) in the heading, by striking ''2026'' and inserting ''2025'', and

(B) by striking ''2027'' and inserting ''2026''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

(b) EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

(1) IN GENERAL.—Section 461(l)(1) is amended by striking ''January 1, 2027'' each place it appears and inserting ''January 1, 2029''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2026.

Mr. WARNER. Mr. President, the end is near—I hope. For those of us on this side of the aisle who have worked long and hard, this is the last substantive action we have to take before final passage of a historic piece of legislation.

Recognizing—and I want to thank the Senators on both sides of the aisle for the productive discussions in the last vote on a difficult issue that my amendment would address.

My amendment would simply strike the offset in the previous amendment known as the State and local tax deduction and replace it with a 2-year extension of a so-called loss limitation policy that has bipartisan support over many years.

This was first employed under President Trump, then employed by the Democrats. Everyone on this side of the aisle has voted for this pay-for, $52 billion, which more than offsets the $35 billion that were taken from the previous amendment.

This amendment will allow us to move forward on this historic legislation, on drug prices, climate change,

reform the tax code, and bring down inflation and make sure we have got a true comprehensive energy policy.

I urge all my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I would urge my colleagues to oppose this amendment. The amendment we just voted on and passed has an offset in there, and it is a provision that works very, very well and covers getting rid of this tax on private equity on small businesses and larger businesses in this country.

And what the Senator from Virginia is proposing is an offset loss limitation. And he is right, we have voted for it. We voted for it because we put it in the tax bill in 2017 as an offset, and what it offset and paid for was the 199A deduction that benefits all our passthrough businesses, small businesses, across this country, which expires in 2026.

That very offset is how we are going to pay for extending the 199A deduction for passthrough businesses in this country. So if you want to rob it and use it here, it is not going to be available when it comes time to help out those small businesses, all of whom you represent, passthrough businesses across this country. The offset, the pay-for in my amendment is the right way to do this.

I urge you to oppose the amendment.

Mr. WARNER. Do I have any time remaining?

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 5488

The question is on agreeing to the amendment.

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Cassidy	Daines
Blackburn	Collins	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Graham
Braun	Cramer	Grassley
Burr	Crapo	Hagerty
Capito	Cruz	Hawley
Hoeven	Moran	Scott (SC)
Hyde-Smith	Murkowski	Shelby
Inhofe	Paul	Sullivan
Johnson	Portman	Thune
Kennedy	Risch	Tillis
Lankford	Romney	Toomey
Lee	Rounds	Tuberville
Lummis	Rubio	Wicker
Marshall	Sasse	Young
McConnell	Scott (FL)	

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50.

The Senate being equally divided, the Vice President votes in the affirmative, and the amendment is agreed to.

The amendment (No. 5488) was agreed to.

The VICE PRESIDENT. The majority leader.

Mr. SCHUMER. Madam President, I know of no further amendments to the substitute.

The VICE PRESIDENT. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 5194), as amended, was agreed to.

The VICE PRESIDENT. The clerk will read the title of the bill for the third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The majority leader.

Mr. SCHUMER. Madam President, it has been a long, tough, and winding road, but at last—at last—we have arrived.

I know it has been a long day and a long night, but we have gotten it done. Today, after more than a year of hard work, the Senate is making history.

I am confident the Inflation Reduction Act will endure as one of the defining legislative feats of the 21st century.

Our bill reduces inflation, lowers costs, creates millions of good-paying jobs, and is the boldest climate package in U.S. history.

This bill will kick start the era of affordable clean energy in America. It is a game changer. It is a turning point, and it has been a long time in coming.

To Americans who have lost faith that Congress can do big things, this bill is for you. To seniors who face the indignity of rationing medications or skipping them altogether, this bill is for you. And to the tens of millions of young Americans who have spent years marching, rallying, demanding that Congress act on climate change, this bill is for you.

The time has come to pass this historic bill.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—50

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the bill, as amended, is passed.

The bill (H.R. 5376), as amended, was passed.

(Cheers and applause.)

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Madam President, I have got to compose myself a little here. Every Senator knows an undeniable truth: We can never do what we do without our amazing, incredible staff. They work behind the scenes; they never fall under the spotlight. But they do incredible work, nonetheless.

Now that we finished passing the Inflation Reduction Act, I want to applaud all of the staffers—we already applauded them, but that is good—who made this possible. The hundreds of staffers who served in Senate offices across the various committees. I want to thank every single one of them for their remarkable work in passing the Inflation Reduction Act.

I will submit their names into the RECORD to honor their achievements and preserve forever the role they played in bringing this bill to life. And I ask unanimous consent to have the names of all of the committee staff who contributed printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE STAFF WHO CONTRIBUTED TO THE PASSAGE OF THE INFLATION REDUCTION ACT OF 2022—AUGUST 7TH, 2022

COMMITTEE ON FINANCE

Bobby Andres, Chris Arneson, Shawn Bishop, Adam Carasso, Ryan Carey, Ursula

Clausing, Drew Crouch, Michael de la Guardia, Liz Dervan, Jack Dolgin, Eva DuGoff, Mary Ellis, Grace Enda, Mike Evans, Peter Fise, Jon Goldman, Taylor Harvey, Josh Heath, Melanie Jonas, Anna Kaltenboeck.

Rachael Kauss, Sally Laing, Nadia Laniyan, Kimberly Lattimore, Michael Osbourn-Grosso, Virginia Lenahan, Eric LoPresti, Kristen Lunde, Sarah Schaefer, Ashley Schapitl, Josh Sheinkman, Arthur Shemitz, Sarguni Singh, Tiffany Smith, Ryder Tobin.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ron Storhaug, Justin Pelletier, Sean Moore.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Joe Shultz, Jacqlyn Schneider, Chu- Yuan Hwang, Lucy Hynes, Susan Keith, Mikayla Bodey, Callie Eideberg, Kirin Kennedy, Lauren Wustenberg, Mary Beth Schultz, Sean Babington, Adam Tarr, Katie Naessens, Khadija Jahfiya, Alex Noffsinger, Claire Borzner, Kyle Varner, Patrick Delaney, Lillie Zeng, Elizabeth Rivera.

COMMITTEE ON THE JUDICIARY

Joe Zogby, Dan Swanson, Phil Brest, Sara Zdeb, Sarah Bauer, Stephanie Trifone, Sonia Gill, Chastidy Burns, Doug Miller, Alexandra Gelber, Ami Shah, Manpreet Teji, Matt Joseph, Wilson Osorio, Joe Charlet, Vaishalee Yeldandi, Mady Reno, Rachel Martinez, Katya Kazmin, Yashi Gunawardena, David McCallumo.

COMMITTEE ON INDIAN AFFAIRS

Jennifer Romero, Breann Nuuhiwa, Kim Moxley, Lenna Aoki, Connie Tsosie de Haro, Manu Tupper, Denae Benson, Darren Modzelewski.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Beth Cooper, John Richards, Phil Rudd, Megan Cheney, Homer Carlisle, Emily Blaydes, Jeremy Hekhuis, Elisha Tuku, Laura Swanson.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Nicole Teutschel, Jennifer Quan, Grace Bloom, Ronce Almond, Alex Simpson, Gigi Slais, Tricia Enright, Melissa Porter, Lila Helms, Christianna Barnhart, Mary Huang, Richard-Duane Chambers, Jonny Pellish, Emma Stohlman, Rosemary Baize, Hunter Hudspeth-Blackburn, Michael Davisson, Shannon Smith.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Renae Black, Sam Fowler, Adam Berry, Luke Bassett, Brie Van Cleve, Rory Stanley, Zahava Urecki, CJ Osman, Jack McGee, David Rosner, David Brooks, Bryan Petit, Peter Stahley, Melanie Thornton, Charlotte Bellotte, Jeannie Whitler, Jeremy Ortiz, Sarah Kessel, Lance West, Wes Kungel, Sam Runyon.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jake Abbott, Janine Barr, Jordan Baugh, Mayely Boyce, Annie D'Amato, Greg Dotson, Brian Eiler, Maureen French, Laura Haynes Gillam, Beth Hammon, Rebecca Higgins, Dylan Hoff, Tyler Hofmann-Reardon, Caroline Jones, John Kane, Susan Kimball, Trevor Lalonde, Rachel Levitan, Elizabeth Mabry, Carolyn Mack, Kenneth Martin, Matthew Marzano, Yasmeen Moten, Mary Frances Repko, Alex Smith, Hanna Sweet, Christophe Tulou.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Evan Schatz, John Righter.

HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Michelle Benecke, Lena Chang, Chris Mulkins, Annika Christensen, Matthew Cornelius, Ben Schubert, Emily Manna, Allison Green, Naveed Jazayeri, Chelsea Davis, David Weinberg.

Mr. SCHUMER. Madam President, to the floor staff, particularly the Parliamentarian, who worked so hard under not easy conditions. And especially because we had to do so much in such a short period of time, we thank you so.

The clerks, the doorkeepers, the reporters—thank you.

Thank you to the pages who worked over time to help us in this historic endeavor. You will tell your grandchildren you were here. You were here.

Thank you to the cafeteria workers, custodial staff, and Capitol Police. The Senate can't function without all of you. And I thank the Office of Legislative Counsel, the Joint Committee on Taxation, the Congressional Budget Office. And, of course, I cannot forget my own staff—the best staff ever on Capitol Hill—and my Members know it. The Members know how good my staff is. I am so dedicated to them, the best in the business. Of course, every Senator thinks their staff is the best on Capitol Hill; but in my case, it happens to be true.

To Mike Lynch, who has been with me all these years and is so strong and steadfast and steady; to his deputy chief and my deputy chief Erin Sager Vaughn, another person who has been here a very long time and is just amazing. We praise her for her EQ, among other talents. She told me that.

To Martin Brennan, another like Mike Lynch—Mike Lynch and Martin Brennan have been with me just about since I started to be a Senator, and they are just such rocks in our office—incredible. Probably the team of husband and wife who have done more to save the Earth this year than just about anybody else is Gerry Petrella and Meghan Taira. They met and got married on my staff. They have a beautiful little boy, George. And when you have two people so important as policy director and legislative director and a little child at home, it is tough. But they managed to be great parents at the same time as being great and amazing staffers. And they are brilliant. They are just brilliant.

My executive team is world class: Emily Sweda, Kellie Karney, Abby Kaluza, and Raisa Shah—who just left a few weeks ago; an amazing press team, Justin Goodman, Alex Nguyen—nicknamed ''Win,'' of course—Monica Lee, Alice Nam, Ken Meyer, Cyre Velez, Jasmine Harris, Jonathan Uriarte, Natalia Cardenas, and everyone on the digital team, the Senate Media Center who worked day and night, to record, edit, finalize photos, graphics and videos of every sort. They are a blessing.

And I want to recognize my press staff up in New York. They are just incredible. Amazing. I am just so blessed: Angelo Roefaro, Ally Biasotti, Paige Tepke; my speechwriter, Tony Rivera; my rapid response director, Dan Yoken; the amazing team of researchers: Hanna Talley, Thaha Sherwani, Mikael Tessema. And to our talented press assistants, thank you so much: Gabriel Avalos, Gracie Kanigher, Riya Vashi, and Sidney Johnson.

Two people who do an amazing job reaching out to the community: Cietta Kiandoli and Julietta Lopez—incredible. They talk to all the groups and make them feel part of what we are doing and they know what we are doing. It is so wonderful, the job they do. And a brilliant legislative team—brilliant. ''Brilliant'' is an overused word, but it is not overused in the case of my staff. The ideas they come up with, the way they manage to get everything done. It is amazing.

So there is Adrian Deveny and Tim Ryder, Matt Fuentes, Dili—it is a hard, long last name. I always call him Dili. I'm glad it is just Dili. It is Sundaramoorthy. How did I—Where is he? Oh, he is not here to correct me. Good.

Anna Taylor. Anna Taylor is so damn dedicated. She had a baby 2 days ago, and she is still on the phone talking. And I said: Anna, stop.

No, no, no. She was so dedicated and put so much time into this that she kept working. And her little beautiful child, Posey. We heard her crying happily in the background as we were moving through all of this. Jon Cardinal—an amazing guy who worked so hard on this and on CHIP fab—Reggie Babin on counsel, Rob Hickman, Annie Daly, Ramon Carranza, Catalina Tam, Sam Rodarte, Jillian McGrath, Justine Revelle, Ryan Eagan, Didier Barjon, Grace Magaletta, Bre Sonnier-Thompson, Vandan Patel, Leela Najafi, Leeann Sinpatanaskul, Jeff Dickson, Mike Kuiken, Lane Bodian, Reza Zomorrodian, Yazeed Abdelhaq, Beth Vrabel, Kai Vogel, Josh Gutmaker, and Gunnar Haberl.

And the floor staff—you know, there are certain people you say: We couldn't have done it without you, and a bunch of the names I have mentioned fall in the ''couldn't have done it without you'' category. But we all know that just the wisdom and the knowledge and the history that is in his bones and brain just make him indispensable, and that is Gary Myrick.

Is he here? He is very modest. So I am going to make him mad. We should all applaud him. He hates it.

(Cheers and applause.)

And, of course, Tricia Engle, his great deputy, and the wonderful team on the floor and in the cloakroom: Stephanie Paone, Rachel Jackson, Nate Oursler, Daniel Tinsley, Brad Watt, Jacky Usyk, Maalik Simmons, and Miriam Wheatley.

And, of course, my tech and IT team, what a great bunch. And for someone who is not very tech-oriented, his team is indispensable, too: Scott Rodman, Hemen Mehta, Jon Housley, and Amy Mannering.

And more staffers who work here every day in Washington—and we didn't name a lot of my staff in New York. I will just throw in the name of Steve Mann, who has been our deputy director since I started in the Senate and does a wonderful job. They all do, but I just wanted to mention him. And we commiserate with Mike Lynch over the Yankees, who are losing a lot of games these days.

Today, as I conclude, I ask unanimous consent to have the names of my entire staff printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADER SCHUMER SENATE STAFF, AUGUST 2022

Abdelhaq, Yazeed, Legislative Correspondent; Ahiable, Immanuel, Graphic Designer; Aguilar, Joseph, Digital Communications Assistant; Allbrooks, Joshua, Community Outreach Assistant; Armwood, Garrett, Deputy State Director; Ashraf, Azmain, Digital Organizing Assistant; Avalos, Gabriel, Press Assistant; Babin, Reggie, Chief Counsel; Banez, Robert, Photographer; Barjon, Didier, Legislative Assistant; Barton, Steve, Director of Intergovernmental Relations; Battle, Sharon, Mailroom Assistant; Benavides, Jackie, Deputy Immigration Director/Community; Outreach; Biasotti, Allison, Senior Press Secretary; Bodian, Lane, Legislative Assistant; Bowman, Quinn, Director of the SDMC; Brennan, Martin, State Director; Brutus, Gerdine, Staff Assistant; Cardinal, Jon, Director of Economic Development; Cardenas, Natalia, Deputy Director of Hispanic Media.

Carranza, Ramon, Legislative Assistant; Chang Prepis, Joyce, Director of Constituent Services; Clark, Bella, Staff Assistant; Cole, Emily, Staff Assistant; Cook, Andrew, Staff Assistant; Cooke, Dave, Videographer; Corbett, Hiram, Deputy Rapid Response Video Editor; Coutavas, Sophie, Deputy NY Scheduler; Daly, Annie, Legislative Aide; Dayal, Tushar, Engineer; Deveny, Adrian, Director of Energy and Environmental; Policy; Dickson, Jeff, LC Supervisor/Grants Coordinator; Dixon, Kara, Deputy Director of Video Production; Dirienzo, Lindsay, Art Director; Donovan, Patrick, Community Outreach Coordinator; Doumit, Yara, Staff Assistant/Flag Coordinator; Eagan, Ryan, Legislative Aide; Eikner, Brooks, Video Producer; Emanuel, Marissa, Director of Youth Programs; Engle, Tricia, Assistant Democratic Secretary.

Flood, Sam, Research Aide; Fuentes, Matt, Legislative Assistant; Geertsma, Joel, Platform Director; Glander, Megan, Hudson Valley Regional Director; Goodman, Justin, Communications Director; Gutmaker, Joshua, Policy Aide; Haberl, Gunnar, Policy Aide; Harris, Jasmine, Director of African American Media; Hickman, Rob, Transportation Counsel; Housley, Jon, Systems Administrator; Hsi, Alex, Capitol Staff Assistant; Huus, Amber, Administrative Assistant; Iannelli, Mike, Long Island Regional Director; Jackson, Rachel, Cloakroom Assistant; Jamaica, Jessica, Digital Organizing Assistant; Jean, Mike, Special Assistant; Johnson, Sidney, Press Assistant; Kaluza, Abby, Executive Assistant; Kanigher, Gracie, Press Assistant; Karney, Kellie, Deputy Director of Scheduling.

Kiandoli, Cietta, Director of Engagement; Kuiken, Mike, National Security Advisor; Lee, Monica, Director of Strategic Communications; Lopez, Julietta, Dir. of Community and External Affairs; Lynch, Mike, Chief of Staff; Magaletta, Grace, Legislative Correspondent; Mann, Steve, Deputy State Director; Mannering, Amy, Director of Operations; Marcojohn, Anneliese, Staff Assistant; Martin, Ryan, Upstate Press Assistant; Maslin, Evan, Staff Assistant; McGrath, Jillian, Legislative Aide; Mehta, Hemen, IT Principal Architect; Meyer, Ken, Director of Digital Media; Moore, Catey, Mailroom Coordinator; Morgan, Rachel, Mailroom Assistant; Murphy Vlasto, Megan, NY Scheduling Director; Myrick Gary, Democratic Secretary; Najafi, Leela, Nominations Aide.

Nam, Alice, Deputy National Press Secretary; Nehme, Joe, Regional Director; Nguyen, Alex, National Press Secretary; Nicholson, Jordan, Regional Director; Oursler, Nate, Cloakroom Assistant; Paone, Stephanie, Senior Cloakroom Assistant; Patel, Vandan, Legislative Correspondent; Petrella, Gerry, Policy Director; Reese, William, Dep Dir of the Senate Diversity Initiative; Revelle, Justine, Associate Counsel; Rivera, Tony, Director of Speechwriting; Rodarte, Sam, Legislative Assistant; Rodman, Scott, Director of Information Technology; Rodriguez, Crisitian, Capitol Staff Assistant; Roefaro, Angelo, New York Press Secretary; Ryder, Tim, Legislative Assistant for Disaster Policy; Seijas, Nelson, Mailroom Assistant; Sharbaugh, Tyson, Rapid Response Video Editor; Shaw, Savannah, Staff Assistant; Sherwani, Thaha, Research Assistant.

Sinpatanasakul, Leeann, Legislative Aide; Smith, Hannah, Staff Assistant; Sonnier-Thompson, Bre, Legislative Correspondent; Spellicy, Amanda, Regional Director; Sundaramoorthy, Dili, Legislative Aide; Sweda, Emily, Director of Scheduling; Talley, Hanna, Deputy Research Director; Taira, Meghan, Legislative Director; Tam, Catalina, Legislative Aide; Taylor, Anna, Director of Economic Policy; Taylor, Terri, Executive Assistant; Tepke, Paige, New York Press Assistant; Tessema, Mikael, Research/Rapid Response Assistant; Timothy, Kimarah, Constituent Liaison; Tinsley, Dan, Senior Floor Staff; Uriarte, Jonathan, Director of Hispanic Media; Vashi, Riya, Press Assistant; Vaughn, Erin Sager, Deputy Chief of Staff; Velez, Cyre, Deputy Director of Digital Media; Virgona, Nicole, Staff Assistant; Vogel, Kai, Legislative Correspondent; Vorperian-Grillo, Karine, Dir of Foreign Affairs and Immigration; Vrabel, Beth, Budget Counsel; Watt, Brad, Floor Staff; Yoken, Dan, Director of Rapid Response; Younkin, Nora, Video Production Director; Zeltmann, Chris, Regional Director; Zomorrodian, Reza, Legislative Aide.

Mr. SCHUMER. Madam President, I want them to know how much I appreciate their work, how great a difference they have made. This bill is going to change America for decades, and you did it. Wherever you go, whatever you do, you should never forget how much you have helped make the world and the globe a better place—never forget it.

So, to every single staffer on my team, to staffers in other offices, committees here on the floor: Thank you, thank you, thank you, very, very much.

I yield the floor because Mr. PADILLA has some important words about a New Yorker.

The ACTING PRESIDENT pro tempore. The junior Senator from California.

TRIBUTE TO VINCENT ''VIN'' SCULLY

Mr. PADILLA. Madam President, as Mr. SCHUMER said, I rise today to honor the life and mourn the passing of Vincent ''Vin'' Scully, who will be remembered as the greatest broadcaster in sports history, and a true ambassador for Los Angeles, the Dodgers, and the game of baseball.

Born in 1927 in the Bronx, he grew up near the Polo Grounds and actually became a big fan of the New York Giants baseball team as a child—and I never held that against him.

He served our Nation as a member of the U.S. Navy for 2 years before attending Fordham University. And at Fordham—listen to this—at Fordham, he managed to play on the baseball team, work on the school paper, and broadcast many of the university's football, baseball, and basketball teams.

His career as a broadcaster took off soon after he graduated from college. By 1950, he joined the Brooklyn Dodgers broadcast team. And in 1954, he became the team's principal announcer—a position he would hold until his retirement in 2016. He was the longest tenured announcer for any team in any professional sport.

In 1953, at only age 25, Vin became the youngest person to ever broadcast a World Series—a record that remains to this day.

When the Dodgers moved from New York to Los Angeles in 1958, Vin moved with the team, and he quickly became the voice of baseball in Southern California.

Vin was the voice of the Dodgers for 67 years, but his unparalleled storytelling and love of sports allowed him to transcend baseball. Many fans will recall Vin's unique calls on some of the most memorable football games and golf tournaments of the 20th century.

He was also a presence in pop culture, appearing in dozens of movies, TV shows, and documentaries. Vin lent his talents to everything ranging from the sketch comedy series ''Laugh-In'' to the iconic science fiction show ''The X-Files,'' to the classic baseball movie—and one of my favorites—''For the Love of the Game''; and he relished serving as grand marshal of the 125th Rose Parade ahead of the 2014 Rose Bowl.

In 2016, President Obama awarded Vin Scully the Presidential Medal of Freedom, recognizing Vin as one of the signature sounds of America's pastime. Ever humble, when Vin was informed that he would be receiving the honor, he asked: ''Are you sure?''

From Opening Day to the World Series, and every inning in between, Vin made every game memorable with his love of baseball, and for generations of fans—generations—hearing Vin Scully's soothing voice meant it was time for Dodgers baseball.

Now, I grew up in the San Fernando Valley. As a child, growing up in the 1980s, I spent many evenings dreaming of growing up to play professional baseball while listening to Vin's voice narrate the action.

While he became a legend for his talents behind the microphone, he will actually be remembered best for his decency beyond the broadcast booth. I remember a few years ago, when I was

serving as California's secretary of state, I had an opportunity to introduce Angela and two of our sons to Vin at a voter registration event before the game at Dodgers Stadium. He was just so incredibly gracious with my family; it is a memory that we will cherish.

But I also know that we weren't unique in that interaction with Vin. He always made time for fans—regardless of age, regardless of occupation—wherever and whenever he met them. You see, he wasn't just a sports broadcaster; he was a figure larger than life, and he made all of us feel like family.

Angela and I certainly join the Los Angeles community, the Dodgers organization, and baseball fans around the world in mourning the passing of Vin Scully. Our hearts go out to the entire Scully family.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 985.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Z. Lee, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 985, John Z. Lee, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Charles E. Schumer, Richard J. Durbin, Ben Ray Luján, Jack Reed, Jacky Rosen, Tina Smith, Angus S. King, Jr., Patrick J. Leahy, Robert P. Casey, Jr., Christopher A. Coons, Alex Padilla, Chris Van Hollen, Margaret Wood Hassan, Elizabeth Warren, Jeff Merkley, Catherine Cortez Masto, Tim Kaine, Cory A. Booker.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 736.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 736, Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Charles E. Schumer, Mazie K. Hirono, Martin Heinrich, Tim Kaine, Jack Reed, Jacky Rosen, Ben Ray Luján, Christopher A. Coons, Alex Padilla, Sheldon Whitehouse, Sherrod Brown, Debbie Stabenow, Christopher Murphy, Patrick J. Leahy, John W. Hickenlooper, Tammy Baldwin, Angus S. King.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, August 7, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Carrin F. Patman, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Carrin F. Patman, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the Patman nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

APPOINTMENTS AUTHORITY

Mr. SCHUMER. Madam President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COLOMBIA

Mr. LEAHY. Madam President, on August 7, Colombia's newly elected President Gustavo Petro and Vice President Francia Marquez will begin their 4-year term. Their election represents a sharp break from the past.

The new government is inheriting every imaginable problem. Regrettably, the country has made minimal progress since the signing of the 2016 Peace Accord that ended five decades of armed conflict with the FARC, and in some parts of the country, narcotics-related violence is worse. The previous government failed to make a dent in the number of assassinations of social leaders or to hold members of the armed forces and police accountable for past atrocities. Compounded by the public health and economic shocks caused by the Covid-19 pandemic and a flood of Venezuelan refugees, Colombia remains a highly polarized society, divided between urban elites and the impoverished countryside. It will take many years to reverse decades of deeply rooted neglect, discrimination, poverty, and lawlessness.

Since 2020, the United States has invested more than $11 billion in a

counter-drug strategy in Colombia that was never sustainable and has largely failed, as it has failed in Mexico and Central America. As long as the demand for illegal drugs in this country remains high, the only solution in source countries like Colombia is a strategy based on sustainable social and economic development, a professional, accountable police force, and a judiciary that is independent, accessible, and that the people trust.

Colombia has the advantage of being a democracy with exceptionally talented people and extraordinary geographic and biological diversity. But if the underlying causes of conflict and poverty are not addressed, the country's future stability is far from assured. I urge the White House, the State Department, and the Defense Department against pursuing the same old failed strategies. With a new government in Bogota, there is the chance to avoid repeating past mistakes and to measure progress not in the short term by the amount of money spent or the number of hectares of coca destroyed, but by long-term investments in institutions and local communities. The people of rural Colombia need our support, but not in the form of myopic approaches that have consistently failed to get at the root of the injustice, impunity, and inequality they have been struggling with for generations.

The U.S. Congress will do its part to support a strategy designed by the Colombians that is not just more of the same, that is consistent with the peace accord, that has the support of civil society, and, most importantly, that has the support of rural Colombians who have paid the highest price of past policies that have failed them.

SOUTH SUDAN

Mr. LEAHY. Madam President, I have spoken twice this year about the despair and insecurity that are a daily reality for the people of South Sudan, despite independence 11 years ago that held so much promise and hope for that country.

On January 6 and 31, I noted that the country's independence was a result of the Comprehensive Peace Agreement—CPA—which took years of negotiations facilitated in part by the United States, Norway, and the United Kingdom. It provided a roadmap for political stability, economic development, respect for human rights, and justice. I further noted that since then, two former warlords, President Kiir and First Vice President Machar—who were never elected—have dominated the political landscape. It is they, throughout these formative years, who have had the executive power and the responsibility to turn the aspirations of independence into meaningful improvements in the lives of their people.

Eleven years later, the country is in a state of political paralysis, and its people are coping with a widening humanitarian crisis, brought on by violence instigated by government security forces, severe flooding, skyrocketing fuel costs, and acute food shortages compounded by the war in Ukraine which was a major source of grain imports for South Sudan. Millions of people have been displaced from their homes by the fighting, flooding, and hunger.

I will not take time today to recount the litany of failures of the Kiir-Machar government which I enumerated in January and which have only worsened since then. Rather, I want to call the Senate's attention to a Vatican mission of peace, unity, and reconciliation to South Sudan in early July. The visit by Cardinal Pietro Parolin came at a time when the country's leaders are apparently, though not surprisingly, seeking to evade elections and extend their stay in office illegitimately, even though the peace agreement mandated that elections be held this December.

Kiir and Machar have now proposed extending their unpopular authoritarian rule for 3 years without the consent of the people of South Sudan. The parliamentary faction of President Kiir has passed a political parties bill in which they have changed political parties' registration requirements in order to limit those who could pose a serious challenge to their continued hold on power. The text of the bill that was negotiated and agreed to by the parties was changed by Kiir's parliamentary caucus and rammed through the Parliament despite boycott and serious objections from the other parties. All these actions provide sufficient evidence to suggest that President Kiir and Machar are determined to cling to power by any means necessary.

It is no secret that President Kiir and his Deputy Machar have made the conditions for holding free and fair elections impossible, for all the reasons noted earlier. The country's leaders have done nothing to prepare for elections, preferring instead to retain power by default. By fomenting civil unrest and violence and threatening and arresting their critics, they have transformed the peace agreement into a meaningless document. Rather than peace and prosperity, it has brought dictatorship, corruption, violence, and misery.

As I said on January 31:

> The sad reality is that while the South Sudanese people won their independence from Sudan, they remain captives of the same ruthless and corrupt warlords who created so much ethnic conflict, bloodshed, and misery during the civil war and who have not been held accountable.
>
> They simply reinvented themselves as political leaders, with a stamp of legitimacy from the international community, while continuing to act like the warlords they are and always were.
>
> They have shown no interest in implementing the R-ARCSS or any other peace agreement.
>
> They have shown no interest in the welfare of their people.
>
> They have shown no interest in anything except holding onto power, avoiding justice, and enriching themselves.

Real peace requires justice, and it requires respect for fundamental rights regardless of ethnicity, race, or religion. It requires free and fair elections and equitable economic development. Cardinal Pietro Parolin conveyed a clear message to President Kiir and Vice President Machar. Their churches played an indispensable role in the international effort that culminated in the 2005 comprehensive peace agreement, and they, too, have a stake in its success. Above all, President Kiir and Vice President Machar should know that the world is watching.

The ethnic and political violence, displacements, and destruction of villages and food stocks perpetrated against South Sudanese civilians in different parts of the country, including by forces loyal to them, must stop.

The arbitrary arrests, sexual assaults and rape, forced disappearance, and killings of religious, civil society, and political leaders must stop and justice done for the victims.

Those currently detained arbitrarily must be released, including Kuel Aguer Kuel, the former governor of Northern Bahr El-Ghazal, and Pastor Abraham Chol Maketh.

The daily corruption in South Sudan, including illegal loans and growing debt burden that has impoverished the current and future generations, must end, and South Sudan must begin to feed and care for its own people from its existing resources, which are sufficient if used prudently.

President Kiir and Riek Machar are responsible for the chronic hunger, insecurity, economic, and political crises in the country, and they have the power to bring peace and stability to South Sudan, which is a matter of urgent priority.

But the country is certain to disintegrate further if Kiir and Machar continue to hold it hostage to their individual interests at the expense of the lives and livelihoods of the South Sudanese people. They must prepare to step down and allow the country to recover and rebuild from the ruins of their policies.

I commend South Sudanese civil society and pro-democracy movements, such as the People's Coalition for Civic Action—PCCA—for their efforts in creating awareness about the plight of the people of South Sudan and for their nonviolent campaign for freedom and democracy. They have our support.

Finally, I want to again urge the Biden administration to listen to the people of South Sudan. I commend recent steps by the State Department to recognize the fallacy of continuing to support a failed peace agreement that South Sudan's own leaders do not support, and I urge the European Union and Intergovernmental Authority for Development—IGAD—countries to take similar action. There is no point in admonishing two failed leaders to

implement a peace agreement they have no intention of implementing. That is not a policy. It is a dead end.

Instead, the administration should join with other key governments and stakeholders in exploring the possibility of recreating a new political forum for South Sudan to address the challenge of the looming end of the transitional government and the reality of the impracticality of conducting democratic elections in the current environment. Given the failure of the leaders of the current transitional government, it is unacceptable to extend its mandate. It should be brought to an end. I also urge the IGAD governments, particularly President Museveni of Uganda and President Uhuru Kenya of Kenya, and the other regional leaders, to face the fact that the Revitalized Agreement on the Resolution of Conflict in South Sudan—R-ARCSS—they helped mediate has been sabotaged by South Sudan's leaders. The time has come to do what is needed to help the South Sudanese people get back on a path to achieve their democratic aspirations and freedoms.

South Sudan needs a new broad-based political dialogue that is inclusive of all political forces and civil society. This political dialogue, which many political parties and organizations have endorsed, should focus on peace and stability in South Sudan beyond the confines of power sharing, taking into account key provisions of the R-ARCSS, combined with the outcomes of the South Sudan national dialogue. Such a broad-based political dialogue should aim at reaffirming a shared vision for South Sudan and building consensus on political and constitutional matters, ending violence, saving lives, uniting the nation, and preparing for elections.

The dialogue process should culminate in the establishment of an interim administration led by persons of consensus, technocrats, and individuals not politically aligned with the warring parties and not entangled in corruption and political violence. Such an administration should have a limited mandate to further political dialogue, rebuild public trust in government, strengthen the unified forces, deliver the constitution, return the IDPs and refugees, conduct a census, and culminate in free and fair elections.

The Biden administration should articulate a new policy that reinvigorates U.S. engagement and supports peace, stability, and democracy in South Sudan. No one should be under any illusion that this can achieved quickly or easily. But without a competent or credible government to engage with, we must shift our focus to providing strong support to pro-democracy, nonviolent organizations to create the grassroots pressure necessary for a genuine political dialogue to take place and build the foundation for a better future.

TRIBUTE TO NORMAN LEAR

Mr. LEAHY. Madam President, a remarkable American marked his 100th birthday last month. Marcelle and I were delighted to be able to wish Norman Lear our best on this milestone.

His achievements throughout his impactful life have broken important new ground at just about every turn. We all know Norman's credits in television, such as ''All in the Family,'' ''The Jeffersons,'' and ''Maude.'' They helped shape 20th century American culture.

Norman's influence on America did not start in television. He was an U.S. Army Air Force pilot in World War II, flying more than 50 combat missions over Italy and Germany, and his heroism garnered the Air Medal with four oak leaf clusters.

Norman's patriotism and public service continued throughout his television career. He addressed pressing social issues in ways others were not willing to do, touching hearts, and changing lives. The core of his message was always to bring people together on common ground, an idea which is so desperately needed today in all facets of our culture and media.

He founded People For The American Way, to champion American ideals that often were under fire or diminished by apathy.

Norman Lear has always understood that more things unite us than divide us as Americans, and to quote him, ''we are all in this life together.''

I was moved by his reflections, published in the New York Times on July 27, 2022, his 100th birthday, and ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 27, 2022]

ON MY 100TH BIRTHDAY, REFLECTIONS ON ARCHIE BUNKER AND DONALD TRUMP

(By Norman Lear)

Well, I made it. I am 100 years old today. I wake up every morning grateful to be alive.

Reaching my own personal centennial is cause for a bit of reflection on my first century—and on what the next century will bring for the people and country I love. To be honest, I'm a bit worried that I may be in better shape than our democracy is.

I was deeply troubled by the attack on Congress on Jan. 6, 2021—by supporters of former President Donald Trump attempting to prevent the peaceful transfer of power. Those concerns have only grown with every revelation about just how far Mr. Trump was willing to go to stay in office after being rejected by voters—and about his ongoing efforts to install loyalists in positions with the power to sway future elections.

I don't take the threat of authoritarianism lightly. As a young man, I dropped out of college when the Japanese attacked Pearl Harbor and joined the U.S. Army Air Forces. I flew more than 50 missions in a B–17 bomber to defeat fascism consuming Europe. I am a flag-waving believer in truth, justice and the American way, and I don't understand how so many people who call themselves patriots can support efforts to undermine our democracy and our Constitution. It is alarming.

At the same time, I have been moved by the courage of the handful of conservative Republican lawmakers, lawyers and former White House staffers who resisted Mr. Trump's bullying. They give me hope that Americans can find unexpected common ground with friends and family whose politics differ but who are not willing to sacrifice core democratic principles.

Encouraging that kind of conversation was a goal of mine when we began broadcasting ''All in the Family'' in 1971. The kinds of topics Archie Bunker and his family argued about—issues that were dividing Americans from one another, such as racism, feminism, homosexuality, the Vietnam War and Watergate—were certainly being talked about in homes and families. They just weren't being acknowledged on television.

For all his faults, Archie loved his country and he loved his family, even when they called him out on his ignorance and bigotries. If Archie had been around 50 years later, he probably would have watched Fox News. He probably would have been a Trump voter. But I think that the sight of the American flag being used to attack Capitol Police would have sickened him. I hope that the resolve shown by Representatives Liz Cheney and Adam Kinzinger, and their commitment to exposing the truth, would have won his respect.

It is remarkable to consider that television—the medium for which I am most well-known—did not even exist when I was born, in 1922. The internet came along decades later, and then social media. We have seen that each of these technologies can be put to destructive use—spreading lies, sowing hatred and creating the conditions for authoritarianism to take root. But that is not the whole story. Innovative technologies create new ways for us to express ourselves, and, I hope, will allow humanity to learn more about itself and better understand one another's ideas, failures and achievements. These technologies have also been used to create connection, community and platforms for the kind of ideological sparring that might have drawn Archie to a keyboard. I can only imagine the creative and constructive possibilities that technological innovation might offer us in solving some of our most intractable problems.

I often feel disheartened by the direction that our politics, courts and culture are taking. But I do not lose faith in our country or its future. I remind myself how far we have come. I think of the brilliantly creative people I have had the pleasure to work with in entertainment and politics, and at People for the American Way, a progressive group I co-founded to defend our freedoms and build a country in which all people benefit from the blessings of liberty. Those encounters renew my belief that Americans will find ways to build solidarity on behalf of our values, our country and our fragile planet.

Those closest to me know that I try to stay forward-focused. Two of my favorite words are ''over'' and ''next.'' It's an attitude that has served me well through a long life of ups and downs, along with a deeply felt appreciation for the absurdity of the human condition.

Reaching this birthday with my health and wits mostly intact is a privilege. Approaching it with loving family, friends and creative collaborators to share my days has filled me with a gratitude I can hardly express.

This is our century, dear reader, yours and mine. Let us encourage one another with visions of a shared future. And let us bring all the grit and openheartedness and creative spirit we can muster to gather together and build that future.

PREVENTING CHILD SEX ABUSE ACT

Mr. GRASSLEY. Madam President, I have long fought to protect victims of violent crime. Victims of sexual assault, especially children who are victimized by sexual predators, must be safeguarded. I have worked to ensure the Violence Against Women Act is funded. I steered through the Senate and into law the Survivor's Bill of Rights in the States Act. And I have introduced the Trafficking Victims Protection Act to support victims of human trafficking. I have fought and will continue to fight for victims of violent crime.

When I was the chairman of the Senate Judiciary Committee, I convened the first congressional hearing on protecting young athletes from sexual abuse. I conducted aggressive oversight into the U.S. Olympic Committee's response following the scandal involving disgraced Olympic physician Larry Nassar. And I worked to ensure that the Protecting Young Victims from Sexual Abuse Act became law, which requires instructors, coaches, and others who work with young athletes to report cases of child sexual abuse to the authorities. But more needs to be done.

I continue to press the Department of Justice for more answers on the FBI's handling of the Nassar case and why Nassar wasn't federally charged for his heinous physical abuse against our Olympic gymnasts. My oversight in this area has brought to the surface more information about how our legal system fails victims of abuse, especially children. Our outdated laws aren't keeping pace with how predators develop new tricks and use new technology.

Children are a gift, but they are vulnerable. They must be protected—not taken advantage of. As a father and a grandfather, the safety and welfare of the next generation is a deeply personal issue to me.

Today, I am pleased to announce that I, along with Senator OSSOFF, am introducing the Preventing Child Sexual Abuse Act. We are confident this bill will make children—both at home and around the world—safer from the predators who want to sexually abuse them.

I have worked extensively with the Department of Justice's Child Exploitation and Obscenity Section to get their feedback and hear about what legislative tools they need to protect children. I look forward to continuing this partnership with them as we improve this legislation.

Victims and advocacy groups focused on this issue endorse this bill, including: U.S. Olympic medalist Tasha Schwikert, the Army of Survivors, the National and International Centers for Missing and Exploited Children, the National Center on Sexual Exploitation, Stop Child Predators, Rights4Girls, the Keep Kids Safe Movement, the National Association of Assistant United States Attorneys, and the Iowa County Attorneys Association. I appreciate their contributions and suggestions in improving this bill and their tireless efforts to keep children safe from the scourge of this kind of abuse.

This bill gives prosecutors more tools in their toolbox to get child abusers away from children. One of the sections in my bill will now make it possible for Federal prosecutors to charge the likes of Larry Nassar with a Federal crime for his abuse of our gymnasts. Another section ensures that Americans who travel abroad under the guise of business or charitable work to abuse children will be held accountable. The final section of this bill modernizes our understanding of child sexual abuse in the digital age.

I wish legislation like this wasn't necessary, but it is. We have to crack down on violent crime against children, and we shouldn't wait another minute to act. I look forward to working with my fellow Senators to pass this legislation quickly and keep our children safe from predators.

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5194, as modified, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am revising the allocations for nine of the reconciled committees and revising other enforceable budgetary levels to account for the budgetary effects of the amendment.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022
Current Spending Aggregates:	
Budget Authority	4,176.690
Outlays	4,503.198
Adjustment:	
Budget Authority	204.734
Outlays	2.378
Revised Aggregates:	
Budget Authority	4,381.424
Outlays	4,505.576

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Current Revenue Aggregates	3,409.875	17,817.016	39,007.541
Adjustments	−0.416	72.977	90.863
Revised Revenue Aggregates	3,409.459	17,889.993	39,098.404

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Agriculture, Nutrition, and Forestry			
Budget Authority	169.301	739.376	1,502.313
Outlays	156.545	681.230	1,370.549
Adjustments:			
Budget Authority	23.694	36.547	36.747
Outlays	−0.622	9.305	34.676
Revised Allocation:			
Budget Authority	192.995	775.923	1,539.060
Outlays	155.923	690.535	1,405.225
Banking, Housing, and Urban Affairs			
Budget Authority	22.106	123.886	245.422
Outlays	16.131	59.645	65.228
Adjustments:			
Budget Authority	1.500	1.500	1.500
Outlays	0.000	0.680	1.465
Revised Allocation:			
Budget Authority	23.606	125.386	246.922
Outlays	16.131	60.325	66.693
Commerce, Science, and Transportation:			
Budget Authority	18.161	91.223	183.890
Outlays	32.945	95.536	165.865
Adjustments:			
Budget Authority	3.607	3.607	3.607
Outlays	0.000	2.521	3.554
Revised Allocation:			
Budget Authority	21.768	94.830	187.497
Outlays	32.945	98.057	169.419
Energy and Natural Resources:			
Budget Authority	7.410	36.704	65.681
Outlays	7.124	35.751	69.719
Adjustments:			
Budget Authority	37.917	37.570	37.273
Outlays	0.000	17.300	35.100
Revised Allocation:			
Budget Authority	45.327	74.274	102.954
Outlays	7.124	53.051	104.819
Environment and Public Works:			
Budget Authority	49.417	272.510	586.154
Outlays	7.315	−22.644	−25.400
Adjustments:			
Budget Authority	50.335	50.335	50.335
Outlays	0.000	24.350	41.950
Revised Allocation:			
Budget Authority	99.752	322.845	636.489
Outlays	7.315	1.706	16.550
Finance:			
Budget Authority	2,937.622	15,682.796	37,800.964
Outlays	3,032.554	15,768.091	37,875.037
Adjustments:			
Budget Authority	83.623	113.514	−79.232
Outlays	0.000	51.585	−80.739
Revised Allocation:			
Budget Authority	3,021.245	15,796.311	37,721.732
Outlays	3,032.554	15,819.677	37,794.298
Health, Education, Labor, and Pensions:			
Budget Authority	57.526	165.934	308.763
Outlays	128.790	359.168	496.052
Adjustments:			
Budget Authority	0.000	0.212	0.515
Outlays	0.000	0.212	0.515
Revised Allocation:			
Budget Authority	57.526	166.146	309.278
Outlays	128.790	359.380	496.567
Homeland Security and Governmental Affairs:			
Budget Authority	163.032	859.033	1,822.564
Outlays	162.069	868.154	1,838.966
Adjustments:			
Budget Authority	3.635	3.915	3.915
Outlays	3.000	3.665	3.976
Revised Allocation:			
Budget Authority	166.667	862.948	1,826.479
Outlays	165.069	871.819	1,842.942
Indian Affairs:			
Budget Authority	0.563	2.438	4.498
Outlays	4.362	7.681	9.805
Adjustments:			
Budget Authority	0.423	0.423	0.423
Outlays	0.000	0.318	0.423
Revised Allocation:			
Budget Authority	0.986	2.861	4.921
Outlays	4.362	7.999	10.228
Memo—total of all adjustments:			
Budget Authority	204.734	247.623	55.082
Outlays	2.378	109.936	40.919

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−8.424
Fiscal Years 2022–2026	−75.460
Fiscal Years 2022–2031	−138.777
Revisions:	
Fiscal Year 2022	2.794
Fiscal Years 2022–2026	36.960
Fiscal Years 2022–2031	−49.9437
Revised Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−38.500
Fiscal Years 2022–2031	−188.721

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5211, as modified, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for the Committee on Finance and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2022–2031
Current Revenue Aggregates	3,409.459	17,889.993	39,098.404
Adjustments	0.000	192.982	364.746
Revised Revenue Aggregates	3,409.459	18,082.975	39,463.150

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Finance:			
Budget Authority	3,021.245	15,796.311	37,721.732
Outlays	3,032.554	15,819.677	37,794.298
Adjustments:			
Budget Authority	0.000	69.850	275.000
Outlays	0.000	69.850	275.000
Revised Allocation:			
Budget Authority	3,021.245	15,866.161	37,996.732
Outlays	3,032.554	15,889.527	38,069.298

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−5.63
Fiscal Years 2022–2026	−38.500
Fiscal Years 2022–2031	−188.721
Revisions:	
Fiscal Year 2022	0.000
Fiscal Years 2022–2026	123.132
Fiscal Years 2022–2031	89.746
Revised Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	84.632
Fiscal Years 2022–2031	−98.975

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5209, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for five reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022
Current Spending Aggregates:	
Budget Authority	4,381.424
Outlays	4,505.576
Adjustment:	
Budget Authority	29.920
Outlays	0.000
Revised Aggregates:	
Budget Authority	4,411.344
Outlays	4,505.576

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Agriculture, Nutrition, and Forestry:			
Budget Authority	192.995	775.923	1,539,060
Outlays	155.923	690.535	1,405.225
Adjustments:			
Budget Authority	4.500	4.500	4.500
Outlays	0.000	1.445	4.220
Revised Allocation:			
Budget Authority	197.495	780.423	1,543.560
Outlays	155.923	691.980	1,409.445
Commerce, Science, and Transportation:			
Budget Authority	21.768	94.830	187,497
Outlays	32.945	98.057	169,419
Adjustments:			
Budget Authority	3.000	3.000	3.000
Outlays	0.000	1.330	2.275
Revised Allocation:			
Budget Authority	24.768	97.830	190.497
Outlays	32.945	99.387	171.694
Energy and Natural Resources:			
Budget Authority	45.327	74.274	102.954
Outlays	7.124	53.051	104.819
Adjustments:			
Budget Authority	2.500	2.500	2.500
Outlays	0.000	1.832	2.500
Revised Allocation:			
Budget Authority	47.827	76.774	105.454
Outlays	7.124	54.883	107.319
Health, Education, Labor, and Pensions:			
Budget Authority	57.526	166.146	309.278
Outlays	128.790	359.380	496.567
Adjustments:			
Budget Authority	19.420	19.420	19.500
Outlays	0.000	11.820	18.776
Revised Allocation:			
Budget Authority	76.946	185.566	328.778
Outlays	128.790	371.200	515.343
Indian Affairs:			
Budget Authority	0.986	2.861	4.921
Outlays	4.362	7.999	10.228

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS—Continued

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Adjustments:			
Budget Authority	0.500	0.500	0.500
Outlays	0.000	0.321	0.500
Revised Allocation:			
Budget Authority	1.486	3.361	5.421
Outlays	4.362	8.320	10.728
Memo—total of all adjustments:			
Budget Authority	29.920	29.920	30.000
Outlays	0.000	16.748	28.271

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−5.63
Fiscal Years 2022–2026	−38.500
Fiscal Years 2022–2031	−188.721
Revisions:	
Fiscal Year 2022	0.000
Fiscal Years 2022–2026	16.748
Fiscal Years 2022–2031	28.271
Revised Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−21.752
Fiscal Years 2022–2031	−160.450

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5208, as modified, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for the Committee on Finance and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Current Revenue Aggregates	3,409.459	17,889.993	39,098.404
Adjustments	0.000	117.800	537.200
Revised Revenue Aggregates	3,409.459	18,007.793	39,635.604

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2026–2031
Finance:			
Budget Authority	3,021.245	15,796.311	37,721.732
Outlays	3,032.554	15,819.677	37,794.298
Adjustments:			
Budget Authority	0.000	378.100	388.800
Outlays	0.000	378.100	388.800
Revised Allocation:			
Budget Authority	3,021.245	16,174.411	38,110.532
Outlays	3,032.554	16,197.777	38,183.098

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−38.500
Fiscal Years 2022–2031	−188.721
Revisions:	
Fiscal Year 2022	0.000
Fiscal Years 2022–2026	260.300
Fiscal Years 2022–2031	−148.400
Revised Balances	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	221.800
Fiscal Years 2022–2031	−337.121

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5472 passed earlier today fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for the Committee on Finance and other enforceable budgetary levels to account for the budgetary effects of the amendment.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2022–2031
Current Revenue Aggregates	3,409.459	17,889.993	39,098.404
Adjustments	0.000	19.466	47.921
Revised Revenue Aggregates	3,409.459	17,909.459	39,146.325

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−5.63
Fiscal Years 2022–2026	−38.500
Fiscal Years 2022–2031	−188.721
Revisions:	
Fiscal Year 2022	0.000
Fiscal Years 2022–2026	−19.466
Fiscal Years 2022–2031	−47.921
Revised Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−57.966
Fiscal Years 2022–2031	−236.642

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that amendment No. 5488 fulfills the conditions found in section 3002 of S. Con. Res. 14 and was adopted. Accordingly, I am further revising the revenue aggregates and pay-as-you-go ledger to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration or after it succeeds. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5472 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	2022	2022–2026	2022–2031
Current Revenue Aggregates	3,409.459	17,908.893	39,145.004
Adjustments	0.000	−36.700	−30.741
Revised Revenue Aggregates	3,409.459	17,872.193	39,114.263

PAY-AS-YOU-GO SCORECARD FOR THE SENATE

(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

($ in billions)

	Balances
Current Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−57.400
Fiscal Years 2022–2031	−235.321
Revisions:	
Fiscal Year 2022	0.000
Fiscal Years 2022–2026	36.700
Fiscal Years 2022–2031	30.741
Revised Balances:	
Fiscal Year 2022	−5.630
Fiscal Years 2022–2026	−20.700
Fiscal Years 2022–2031	−204.580

INFLATION REDUCTION ACT OF 2022

Mr. CARDIN. Madam President, Senate Democrats have stepped up and passed legislation that will make it easier for American families to afford health insurance coverage and prescription drugs and lower energy costs and boost domestic job creation in the growing clean energy sector. We have done so while reducing the deficit and without raising taxes on families and small businesses. The Inflation Reduction Act—IRA—tackles climate change, makes the Tax Code fairer, and invests in long-overdue environmental justice programs. This is an historic bill, and polling indicates that large majorities of Americans support its major provisions.

While a simple majority of Senators can pass a budget reconciliation bill, there was nothing to prevent our Republican colleagues from joining us in supporting this measure to lower essential costs for American families and enhance our economic and national security. These are policies that all Senators and all Members of Congress should embrace, and this legislation contains many bipartisan policies. Reconciliation does not have to be a partisan process. Just in the past year, the Senate passed the Infrastructure Investment and Jobs Act—IIJA—the CHIPS + Science semiconductor manufacturing bill, the Honoring Our PACT Act, and Treaty Document No. 117–3, which contains Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden, with strong bipartisan majorities. I regret that our Republican colleagues did not join us today in passing the IRA.

As for me, if asked to choose between the status quo or lowering health coverage costs for Maryland families and having large companies pay a minimum, fair share of taxes, there is no contest. I will choose Maryland families every day. I find it incomprehensible that anyone—other than perhaps some billionaires—thinks it is acceptable that teachers, nurses, and mechanics and most small businesses often pay a greater percentage of their income in Federal taxes than the ultrawealthy or a company that makes billions of dollars in profits. The bill we passed today changes that calculation and holds the richest Americans and companies that make over a billion dollars accountable for paying their fair share of taxes, like everyone else in this country.

This past Wednesday, Timothy F. Geithner, Jacob J. Lew, Henry M. Paulson Jr., Robert E. Rubin and Lawrence H. Summers issued the following statement:

As former Treasury Secretaries of both Democratic and Republican Administrations, we support the Inflation Reduction Act, which is financed by prudent tax policy that will collect more from top-earners and large corporations. Taxes due or paid will not increase for any family making less than $400,000/year. And the extra taxes levied on corporations do not reflect increases in the corporate tax rate, but rather the reclaiming of revenue lost to tax avoidance and provisions benefitting the most affluent. The selective presentation by some of the distributional effects of this bill neglects benefits to middle-class families from reducing deficits, from bringing down prescription drug prices, and from more affordable energy. This legislation will help increase American competitiveness, address our climate crisis, lower costs for families, and fight inflation—and should be passed immediately by Congress.

The original top-line estimates from the Congressional Budget Office—CBO—and the Joint Committee on Taxation—JCT—were that the bill would raise $725 billion in revenue, invest $433 billion, and apply the balance—nearly $300 billion—to deficit reduction. These numbers will change some with the final score, but they illustrate the magnitude of what this bill will accomplish. The IRA will help to build a better America for all Americans.

Let's start with health care. The bill we passed today will lower prescription drug prices and make healthcare more affordable for millions of Americans. Finally, the Secretary of Health and Human Services will have the authority to negotiate lower drug prices for the Medicare Program, benefitting both millions of seniors on fixed incomes and taxpayers. In the private sector, no plan sponsor or manager would ever accept responsibility without the ability to decide how to negotiate. Medicare negotiation will ensure that patients with Medicare get the best deal possible on high-priced drugs, saving Medicare approximately $100 billion.

The IRA will further lower drug costs for seniors by capping out-of-pocket costs for part D prescriptions at $2,000 each year, requiring drug manufacturers to pay penalties if they raise their prices faster than inflation, and delaying of the Trump administration's drug rebate rule. Although these provisions alone will lower beneficiary costs, the IRA also lowers costs through a redesign of the Medicare Part D formula, expansion of the low-income subsidy—LIS—in part D, and Federal coverage for vaccines.

The IRA also invests $64 billion to extend ACA healthcare premium subsidies through 2025. These subsidies, first provided through the American Rescue Plan, have guaranteed millions of Americans access to affordable health insurance. Access to affordable health insurance saves lives and reduces costs because people get the care they need and they get it sooner. As Benjamin Franklin said, ''An ounce of prevention is worth a pound of cure.'' The IRA will save Maryland families with median income about $2,200 annually.

The IRA raises several hundred billion dollars by making the Tax Code fairer through three major provisions. The first provides up to $80 billion to the Internal Revenue Service—IRS—to modernize its computer systems, some of which are 60 years old, and rebuild its workforce to ensure greater tax compliance. CBO estimates that investing $80 billion in tax enforcement and compliance will generate $203 billion in additional revenue over the next 10 years.

Since 2010, the IRS budget has been cut by roughly 20 percent, and the budget earmarked for enforcement has dropped by 24 percent. Audit rates for the largest corporations and the ultrawealthy have fallen dramatically, by 54 and 71 percent, respectively. We now have the perverse situation where the poorest American families are audited at about the same rate as the top 1 percent richest taxpayers, even though that 1 percent is responsible for 28 percent the ''tax gap,'' the difference between taxes owed and collected. According to recent polling, nearly three-quarters of Americans believe the IRS should conduct more tax audits of large corporations and millionaires.

The IRA provides 10-year funding for the IRS as follows: $3.2 billion for taxpayer services; $45.6 billion for enforcement; $25.3 billion for operations support; and $4.8 billion for business systems modernization.

These appropriated funds are to remain available until September 30, 2031, and no use of the funds is intended to increase taxes on any taxpayer with taxable income below $400,000.

The bill also makes it easier for the IRS to establish a free, direct e-file tax return system. The IRS currently outsources its free e-file program to private, for-profit tax preparers. Not surprisingly, only 3 percent of taxpayers—of 70 percent eligible—use the existing free e-file option.

The second major provision establishes a minimum corporate income tax of 15 percent of book income on fewer than 200 of the Nation's largest corporations that currently pay less than the statutory corporate tax rate, which is 21 percent. The corporate alternative minimum tax—CAMT—proposal would impose the 15 percent minimum tax on adjusted financial statement—''book''—income for corporations with profits in excess of $1 billion. Corporations would generally be eligible to claim net operating losses and tax credits against the AMT and would be eligible to claim a tax credit against the regular corporate tax for AMT paid in prior years, to the extent

the regular tax liability in any year exceeds 15 percent of the corporation's adjusted financial statement income.

In 2020, 50 of the biggest corporations paid $0 in Federal corporate income tax, despite recording substantial profits. Some of these companies effectively had a negative Federal income tax because they received more in credits and rebates than they paid in taxes. The AMT makes the existing corporate tax structure fairer, especially for smaller businesses that often pay their taxes at higher rates than the largest corporations. Consider that many small businesses pay taxes through the individual tax code, where the highest tax rate is as much as 37 percent. Setting a baseline of taxes to be paid by the largest corporations gives small businesses a better chance to compete and succeed.

The third provision is a 1 percent excise tax on stock buybacks. Corporations can choose to distribute profits either by issuing dividends or buying back shares of stock, which inflates stock prices. Stock buybacks are taxed at a lower rate than dividends and create profit gaming opportunities for companies, which have been abused over time. By levying a small 1 percent tax on these buyback transactions, it improves tax efficiency and raises revenue that will significantly contribute to deficit reduction.

The IRA's tax provisions will increase compliance and close the tax gap, which costs the U.S. $1 trillion per year in unpaid taxes, according to the IRS. That is important for the revenue they raise. It is also important that millions of hard-working Americans who play by the rules and pay their taxes believe that the system is fair and that the ultrawealthy and large corporations aren't dodging their financial responsibilities.

We need to address climate change by rapidly reducing our dependence on fossil fuels and cutting our greenhouse gas emissions. The IRA does that. It will cut our emissions by 40 percent or more by 2030 and put us on track to meet 70 percent of our Paris agreement obligations. It contains a Methane Emissions Reduction Program to reduce leaks from the production and distribution of oil and natural gas.

The IRA contains roughly $370 billion in clean energy, energy security, and climate change investments that will lower Americans' electricity bills and prices at the pump and create as many as 9 million good-paying jobs here in America in the clean energy sector over the next decade.

I am pleased the IRA includes a provision I have championed, a production tax credit for our existing fleet of nuclear reactors. They are an essential source of baseload power and provide 20 percent of the Nation's electricity and over 50 percent of our carbon-free electricity.

According to the non-partisan Resources for the Future, all told, the IRA will drive down retail costs of electricity by 5.2–6.7 percent over the next decade, saving electricity consumers $209-$278 billion. The average household will experience approximately $170-$220 in annual savings from smaller electricity bills and reductions in the costs of goods and services over the next decade. The clean energy investments will help to insulate ratepayers from volatility in natural gas prices, with electricity rates projected to decrease even under a high natural gas price scenario. More importantly, the IRA will bolster our economic and national security by strengthening our grid and reducing reliance on foreign energy supplies.

The legislation also includes a historic expansion of a tax program I have led, the section 179D energy efficient commercial buildings deduction, which provides a tax deduction for energy efficient building investments. Energy efficiency is good business and good policy. This legislation will expand section 179D, which was made permanent in 2020 under my leadership, to increase the deduction amount, improve its administration, allow more nonprofits to use the deduction, and expand its use to building retrofits.

In addition to the important steps the IRA takes to advance clean energy and reduce greenhouse gas emissions, the bill delivers major Federal investments to make our communities healthier, safer, and more resilient in the face of increasing impacts of climate change. It provides Federal assistance for monitoring environmental quality, mitigating the harmful impacts of air pollution and excessive heat, and enhancing walkability in our neighborhoods. It does this through $3 billion for Neighborhood Access and Equity Grants and $3 billion for Environmental and Climate Justice Block Grants. By targeting resources to disadvantaged or underserved communities, the bill advances equity in our infrastructure planning and investments.

Climate change is happening now. We need to address its impacts on the ground. The IRA invests $2.6 billion for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, as well as $250 million to rebuild and restore units of the National Wildlife Refuge System and State wildlife management areas.

The bill supports America's farmers and rural communities, with around $20 billion in funds for climate-smart agricultural practices through existing farm bill conservation programs, including the regional conservation partnership program—RCPP—and $1 billion for the Natural Resources Conservation Service, to provide technical assistance on conservation to producers. Many sustainable practices such as expanding cover crops and riparian buffers that mitigate greenhouse gas emissions and help farmers adapt to climate change also cost-effectively reduce pollution to the Chesapeake Bay.

The IRA makes investments to accelerate clean energy deployment, help achieve our climate goals, and create millions of jobs over the next decade. These investments include an expanded tax credit to support domestic manufacturing of clean energy technologies, including solar panels, wind turbines, and batteries; and tax credits that will make battery and fuel cell electric vehicles—EVs—more affordable for millions of families. The bill provides over $9 billion for Federal procurement of American-made clean technologies, including $3 billion for the U.S. Postal Service to purchase zero-emission vehicles, helping to create a stable market for clean, Made in America products.

Researchers Robert Pollin, Chirag Lala, and Shouvik Chakraborty at the University of Massachusetts-Amherst's Political Economy Research Institute estimate that the IRA's more than 100 climate, environmental, and energy provisions will generate an average of about 912,000 jobs each year over the next decade through combined annual public and private investments of $98 billion.

The IRA tax credits and other provisions won't just help create jobs; they will help create jobs that pay prevailing wages. The middle class has experienced wage stagnation for half a century. Income inequality has grown. The IRA will help to rebuild the middle class. Unions from the Communication Workers of America and the United Auto Workers to the National Treasury Employees Union and the International Federation of Professional and Technical Engineers all support the IRA because it promotes union jobs and apprenticeships and because it will lower healthcare costs.

In May, the Treasury Department estimated that the budget deficit this year will decline by $1.5 trillion. As President Biden noted at the time, "The bottom line is that the deficit went up every year under my predecessor before the pandemic and during the pandemic. And it's gone down both years since I've been here. Period." The IRA is fiscally responsible and will help reduce our budget deficits.

Deficits remain too high, of course, but one of the best ways to address them is by getting unemployed Americans back to work. The July jobs report released on Friday put the unemployment rate at 3.5 percent, matching the lowest it has been in 50 years. The U.S. economy added 528,000 jobs in July, more than twice the number economists anticipated. As Myles Udland, Senior Markets Editor of Yahoo! Finance, stated,

> This staggering increase in employment completes a milestone for the U.S. economy: Pre-pandemic employment is now fully restored.
>
> In February 2020, the last month before the COVID–19 pandemic tipped the U.S. economy into recession, there were 152.504 million people employed in the U.S.
>
> As of July 2022, 152.536 million people in the U.S. were working.

And despite the labor market contraction during the pandemic being the sharpest in modern history, the bounce back marks the second-fastest job market recovery since 1981.

In a little over two years, we've seen job losses that topped 20 million at one point be fully erased.

This recovery stands in stark contrast to the malaise we saw in the labor market following the financial crisis, when it took the better part of a decade for pre-crisis employment levels to be restored.

Inflation is also too high, but its root causes are COVID–19 pandemic-related supply chain disruptions and Vladimir Putin's war on Ukraine. The IRA tackles these disruptions by promoting domestic manufacturing and supply chains and reducing our reliance on foreign energy. On August 2, 2022, over 120 prominent economists wrote a letter to Senate and House leadership stating that the IRA ''addresses some of the country's biggest challenges at a significant scale. And because it is deficit-reducing, it does so while putting downward pressure on inflation.''

There is much to celebrate in this bill, but there are many priorities that we were not able to add. This ''to do'' list includes reinstating the expanded child tax credit and making child care accessible and affordable. My priority list includes legislation I have long championed to expand dental coverage to Medicare beneficiaries, as well as to Medicaid beneficiaries, along with expansions to home and community-based and maternal health services. Congress also needs to address housing supply and economic development priorities, including the Neighborhood Homes Investment Act, the Low-Income Housing Tax Credit, the New Markets Tax Credit, and the Historic Tax Credit. While the IRA will help create good-paying union jobs, we need to do more to protect and enhance workers' rights to form and join unions and engage in collective bargaining. And I will continue working to fund water infrastructure programs the IIJA created to address urgent affordability and resilience issues.

While that seems like a long list, we must not let the perfect be the enemy of the good, and the IRA is so much better than good. It is transformational legislation, and I am proud to support it. I want to commend Majority Leader SCHUMER and so many of my colleagues who have worked diligently both in the spotlight and behind the scenes to bring us to this point. I also want to acknowledge committee and personal staff; CBO and JCT staff; Senate Parliamentarian Elizabeth MacDonough and her crew; leadership, floor, and cloakroom staff; the Senate legislative counsels; and others. You toil anonymously, but I hope you know how important you are. The Senate could not function without you. You are among our Nation's finest public servants, and you are making a critical difference in the lives of all Americans.

The American essayist Charles Dudley Warner famously said, ''Everybody complains about the weather, but nobody does anything about it''—a quote commonly misattributed to his friend Mark Twain. Passing a reconciliation bill is like that. We all complain about the process, especially the so-called vote-a-rama, which is grueling and grinding and befuddling to just about everyone, but we don't fix it. In fact, it seems to get worse each time, not better. I know I would prefer not to go through the process again, but the Inflation Reduction Act and the American Rescue Plan before it have been worth it.

Dahlia Rockowitz, Washington director of Dayenu: A Jewish Call to Climate Action, noted that the Senate consideration of the Inflation Reduction Act began on the Shabbat and Tisha B'Av, a Jewish day of collective mourning for historic destructions. But as she pointed out, '' . . . according to Jewish tradition, this day of despair is also the day that new hope and the potential of a rebuilt, reimagined, redeemed world is born. These investments in clean energy and transportation can help us emerge from climate-fueled disasters to a more hopeful, clean energy future for generations to come.''

INFLATION REDUCTION ACT OF 2022

Ms. CORTEZ MASTO. Madam President, I rise to enter into a colloquy with the chairman of the Finance Committee, Senator WYDEN, to discuss sections 13701 and 13702 of the Inflation Reduction Act. These sections establish new sections 45Y and 48D of the Tax Code that provide new tax credits for, respectively, production from and investment in clean electricity resources that are placed in service after December 31, 2024.

Mr. WYDEN. I am pleased to join the senior Senator from Nevada in this colloquy today to discuss sections 13701 and 13702 of the Inflation Reduction Act. These sections of the Inflation Reduction Act reflect the work of a variety of Members, but few Members have been as focused on geothermal energy than the Silver State's senior Senator.

Ms. CORTEZ MASTO. As the chairman of the Finance Committee knows well, the Inflation Reduction Act includes new and improved clean energy tax credits, and I commend Senator WYDEN for leading the effort to simplify the Tax Code's incentives for clean electricity. These credits will advance our transition to a clean energy future and are a key part of this legislation's goal of reducing carbon emissions from the electricity sector more than 40 percent by 2030.

The 45Y and 48D provisions expressly make geothermal energy eligible for critical tax credits, and I appreciate the chairman's attention to this issue given its importance to Nevada's economy. Nevada is a leader in geothermal energy and the industry provides critical jobs and revenues for my State and others across the country. Geothermal resources also provide clean power, and they are essential to meet the emissions reduction goals of this legislation. As the current chairman of the Finance Committee and former chairman of the Energy and Natural Resources Committee, can Senator WYDEN comment how this legislation intends to spur the deployment of this critical clean energy technology?

Mr. WYDEN. I appreciate the question. For those unfamiliar with geothermal energy, it is generally produced by delivering geothermal brine and steam from underground reservoirs to the surface, where the resource then runs turbines to generate electricity. In some cases, there is a de minimis of amount of naturally occurring non-combustion emissions released in the renewable generating process and the electricity produced is considered emissions free.

Thanks in part to the relentless efforts from Senator CORTEZ MASTO, the Inflation Reduction Act provides the same incentives for geothermal energy resources placed in service after December 31, 2024, as it does for electricity produced by solar, wind, and other renewable resources. Indeed, all geothermal energy is included among the resources meeting the definition of ''qualified facility'' for the purposes of the new sections 45Y and 48D included in the Inflation Reduction Act.

I thank my colleague from Nevada for her dedication to and leadership on geothermal energy incentives. I am pleased to have worked with her on these incentives, and I most certainly agree that electricity produced from geothermal resources property qualifies for the production and investment incentives provided by sections 13701 and 13702 of the Inflation Reduction Act. That has been my intent throughout the course of drafting this legislation. Geothermal resources are critical to our clean energy future, and I thank my colleague for her collaboration in developing these robust new tax credits for clean energy.

Ms. CORTEZ MASTO. I thank the chairman of the Finance Committee and my friend from Oregon for his comprehensive answer, his commitment to solving for climate change, and for joining me today in this colloquy.

TRIBUTE TO KIM BRINKMAN

Mr. CARDIN. Madam President, I would like to take this opportunity to congratulate Kim Brinkman, who will be retiring on August 11, and to thank her for her 34-plus years of exemplary service to the Senate community. Kim has spent her entire career working in the Senate Disbursing Office. Her colleagues in disbursing will miss her, but so, too, will all Senators and Senate staff and their families. We have all relied on Kim for expert advice and guidance on pay and health and retirement benefits and other issues.

Kim is a constituent, but she originally hails from Nevada, IA. She attended Stephens College in Columbia, MO, for 2 years and then transferred to the University of Iowa, where she graduated with a degree in economics. She is a proud Hawkeye.

In 1985, Kim had a summer internship working at the Federal Aviation Administration and decided she wanted to return to Washington, DC, after she graduated from college. She went to a library in nearby Ames, IA, and checked the ''Help Wanted'' section of the Washington Post's classifieds. The Senate Disbursing Office had an opening; she applied and returned to Washington to interview for the job; and she got it. She started working in the disbursing office on October 5, 1987.

When Kim started her career, the disbursing office had a staff of 43; just 10 of them were women, including Kim. The Senate had just two female Senators: Senator Nancy Kassebaum of Kansas, and my former colleague, Senator Barbara Mikulski of Maryland, who had just assumed office a few months before Kim arrived. Fast forward to today, and 45 of the disbursing office's 58 staffers are women. There are 24 female Senators, plus Vice President HARRIS. That has been one of the biggest changes Kim has witnessed over the course of her career. The other is the advent of the internet, email, and other information technology, which has revolutionized the way we all work, including Kim.

Senators LEAHY, GRASSLEY, MCCONNELL, and SHELBY are the only Members currently serving who arrived here before Kim, and just one of her colleagues at disbursing has more seniority. Kim began her career as a staff assistant in the front office, moved to the employee benefits section, became the employee benefits manager, and later was promoted to her current position as assistant financial clerk of the Senate.

I have often said that the Senate is a family, and we are so grateful to staff members like Kim who make it function. Certainly, Kim has made the thousands of Senators and staffers she has helped over the years feel like family. She isn't just a subject matter expert when it comes to pay and benefits; she is friendly, cheerful, patient, and kind. Everyone who knows Kim has the highest regard and affection for her.

Kim will travel back to Iowa this month to visit her parents and help celebrate her father's 90th birthday. She will also travel to Kentucky to celebrate her daughter Maya's graduation from the University of Kentucky. While Kim and her sister will continue to look after their parents as needed, I know Kim's legions of friends in the DC metropolitan area are glad that she will be coming back here, where she will step up her gardening and her antique shopping in Rappahannock County. She will have more time for her artwork and playing the piano and clarinet and volunteering at her church, where she is part of the visiting ministry team.

Ralph Waldo Emerson said, ''To laugh often and much; To win the respect of intelligent people and the affection of children; To earn the appreciation of honest critics and endure the betrayal of false friends; To appreciate beauty, to find the best in others; To leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition; To know even one life has breathed easier because you have lived. This is to have succeeded.'' He was describing Kim Brinkman.

On behalf of my colleagues, but especially on behalf of all the Senate staffers and their family members whom she has counseled and assisted over the years, I want to thank Kim for her outstanding service and wish her all the best as she embarks on the next chapter in a life well lived.

TRIBUTE TO LIEUTENANT COLONEL LAURIE RODRIGUEZ

Mr. ROUNDS. Madam President, I rise today to honor an exceptional member of the Air National Guard. I would like to recognize Lt. Col. Laurie Rodriguez's distinguished service and dedication to enhancing the relationship between the National Guard and my office as a legislative liaison.

A native of Brandon, SD, Lieutenant Colonel Rodriguez enlisted in the South Dakota Air National Guard and was later commissioned as a force support officer. She has served 25 years in both the South Dakota and Mississippi National Guard in a broad range of drill status and Active-Duty assignments, including a deployment to Afghanistan in support of Operation Enduring Freedom. Currently, she is excelling in not one, but two, demanding positions as the 186th Force Support Squadron commander and as the joint team lead for the National Guard Bureau Office of Legislative Liaison. Additionally, she has served Active-Duty tours at Headquarters Air Force, the Executive Office of the President's Office of National Drug Control Policy, and several offices within the National Guard Bureau.

Lieutenant Colonel Rodriguez has served as a legislative liaison officer since October of 2018. Her attention to detail and responsiveness strengthened the relationship between my office and the National Guard immeasurably. Additionally, she formulated the congressional engagement plan and prepared National Guard leadership for over 71 meetings and hearings, informing congressional members on the National Guard Bureau's legislative priorities. Her efforts played a pivotal role in securing $129 million in appropriations in support of counter drug operations helping deter the opioid epidemic. Laurie also served as lead action officer on the impacts the creation of the Space Force had on 13 National Guard units with space missions. Finally, she answered hundreds of congressional inquiries, which provided critical information necessary for the consideration of three National Defense Authorization Acts. She did all of this while taking care of the men and women under her command at the 186th Force Support Squadron.

After concluding this challenging assignment in August, Lieutenant Colonel Rodriguez will take on another challenging role as a deputy division chief within the National Guard Bureau Operations Directorate. She embodies the qualities that the Nation expects from our officer corps and has a promising career ahead in continued service to our Nation. In closing, I express my gratitude and appreciation to Lieutenant Colonel Rodriguez for her excellent support of my office in furtherance of National Guard missions and my appreciation to her supportive husband, Angello Rodriguez. I wish this National Guard family all the best in their next chapter of service to our Nation.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF MILE HIGH EARLY LEARNING

• Mr. BENNET. Madam President, I rise today to recognize Mile High Early Learning for 50 years of service in support of children and families in Colorado.

Mile High Early Learning is Denver's largest and oldest provider of subsidized high quality early care and education and is celebrating its 50th anniversary in 2022. Since the organization's founding, Mile High Early Learning has provided high quality early care and education to more than 50,000 children.

Mile High Early Learning had its beginnings when community child care providers created a consortium, incorporated on January 19, 1972, to provide affordable, accessible quality early childhood education and care for children from working families with limited resources. Today, Mile High Early Learning serves more than 1,500 young children every year.

As a Head Start and Early Head Start provider, Mile High Early Learning leverages these Federal resources to partner with numerous local early childhood providers to offer comprehensive health and family support services to families and expand access to high quality early education and care across Colorado.

Mile High Early Learning incorporates cutting-edge knowledge in early childhood, using a Montessori inspired approach that supports a love of learning, social-emotional development, and critical skills that lead to lifelong success.

As a leader in the field of early childhood, Mile High Early Learning has developed continuing education and professional learning programs designed

to grow, strengthen, and sustain our early childhood workforce including family, friend, and neighbor caregivers who care for the majority of children under age 3 years. Mile High Early Learning has created a workforce pipeline with on-ramps through its professional learning center that includes a child development associate training program for teachers who are beginning their profession in early childhood.

Mile High Early Learning's quality programming informs state and national leaders and continues to be at the forefront in advocating for children and families across Colorado and promoting systems-level impacts that support and improve the field of early childhood education.

Mile High Early Learning is guided by a mission to enable all children to succeed in school by providing resources and education to inspire a lifetime of learning and a vision that all are joyfully welcomed into a learning community that prioritizes equity.

I congratulate Mile High Early Learning on reaching this important milestone of 50 years of caring for our children and ensuring high-quality early care and education.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. CORNYN):

S. 4785. A bill to extend by 19 days the authorization for the special assessment for the Domestic Trafficking Victims' Fund; considered and passed.

By Mr. ROUNDS:

S. 4786. A bill to amend the Defense Production Act of 1950 to include the Secretary of Agriculture on the Committee on Foreign Investment in the United States and require review of certain agricultural transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mr. COONS, Mr. BLUNT, Mr. BLUMENTHAL, and Ms. MURKOWSKI):

S. 4787. A bill to provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adequate vetting for parolees from Afghanistan, adjustment of status for certain nationals of Afghanistan, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. YOUNG (for himself, Mr. BRAUN, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Mr. SHELBY, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 748. A resolution honoring and celebrating the life and legacy of Representative Jackie Walorski; considered and agreed to.

By Ms. BALDWIN (for herself and Mr. JOHNSON):

S. Res. 749. A resolution recognizing the 10-year anniversary of the tragic attack that took place at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack; considered and agreed to.

By Mr. SULLIVAN (for himself and Ms. DUCKWORTH):

S. Res. 750. A resolution celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022; considered and agreed to.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 444

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 444, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons.

S. 673

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from South Dakota (Mr. THUNE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 673, a bill to provide a temporary safe harbor for publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed.

S. 4488

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 4488, a bill to establish an interagency committee on global catastrophic risk, and for other purposes.

S. 4573

At the request of Ms. COLLINS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 4573, a bill to amend title 3, United States Code, to reform the Electoral Count Act, and to amend the Presidential Transition Act of 1963 to provide clear guidelines for when and to whom resources are provided by the Administrator of General Services for use in connection with the preparations for the assumption of official duties as President or Vice President.

S. 4658

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 4658, a bill to amend the Higher Education Act of 1965 to support apprenticeship programs.

S. 4752

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 4752, a bill to require the Secretary of the Interior to prepare a programmatic environmental impact statement allowing for adaptive management of certain Federal land in Malheur County, Oregon, and for other purposes.

S. RES. 730

At the request of Mr. RUBIO, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. Res. 730, a resolution remembering the 30th anniversary of the bombing of the Embassy of Israel in Buenos Aires on March 17, 1992, the 28th anniversary of the bombing of the Argentine-Israeli Mutual Association building in Buenos Aires on July 18, 1994, and recommitting to efforts to uphold justice for the victims of the attacks.

S. RES. 742

At the request of Mr. KING, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. Res. 742, a resolution designating September 25, 2022, as ''National Lobster Day''.

AMENDMENT NO. 5358

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 5358 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

AMENDMENT NO. 5381

At the request of Mr. BRAUN, the name of the Senator from Oklahoma

(Mr. LANKFORD) was added as a cosponsor of amendment No. 5381 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

AMENDMENT NO. 5388

At the request of Mr. SCOTT of South Carolina, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of amendment No. 5388 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

AMENDMENT NO. 5423

At the request of Mrs. BLACKBURN, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of amendment No. 5423 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 748—HONORING AND CELEBRATING THE LIFE AND LEGACY OF REPRESENTATIVE JACKIE WALORSKI

Mr. YOUNG (for himself, Mr. BRAUN, Mr. SCHUMER, Mr. MCCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KAINE, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. LUJÁN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKEY, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROMNEY, Ms. ROSEN, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Mr. SHELBY, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 748

Whereas Jacqueline R. Walorski (referred to in this preamble as "Jackie Walorski") was born on August 17, 1963, to Martha and Raymond Walorski in South Bend, Indiana;

Whereas Jackie Walorski earned a Bachelor of Arts degree in communications and public administration from Taylor University in 1985 and also attended Liberty Baptist University;

Whereas Jackie Walorski began her career as a television news reporter for WSBT-TV in South Bend, Indiana;

Whereas Jackie Walorski served as Executive Director of the St. Joseph County Humane Society from 1989 to 1991;

Whereas Jackie Walorski went on to work in multiple development roles at Ancilla College and Indiana University South Bend;

Whereas Jackie Walorski married the love of her life, Dean Swihart, in 1995;

Whereas Jackie Walorksi and her husband served as Christian missionaries in Romania from 2000 to 2004 and started a foundation to provide food and medical supplies to impoverished children there;

Whereas Jackie Walorski was elected to the Indiana General Assembly as State Representative for the Second District of Indiana in 2004 and served 3 terms, ultimately becoming Assistant Floor Leader;

Whereas Jackie Walorski was elected to the United States House of Representatives for the Second Congressional District of Indiana in 2012 and served 5 terms;

Whereas, beginning in 2019, Representative Walorski served as Ranking Member of the Subcommittee on Worker and Family Support of the Committee on Ways and Means of the House of Representatives, where she was a leader in—

(1) strengthening programs for foster youth and children involved in the child welfare system;

(2) increasing opportunities for workers of the United States to succeed; and

(3) expanding access to paid family leave and child care;

Whereas Representative Walorski was appointed to serve on the Committee on Ethics of the House of Representatives, was selected to be the Ranking Member of that committee in 2021, and worked to hold Members of the House of Representatives to the highest standards of transparency, accountability, and ethical conduct;

Whereas Representative Walorski cochaired the Hunger Caucus of the House of Representatives and led bipartisan efforts to fight food insecurity, increase food donations, and provide expedited delivery of international food aid;

Whereas Representative Walorski was a champion for Hoosiers, known for her leadership on issues impacting small businesses, manufacturing, the agricultural sector, economic opportunity, the fentanyl crisis, and national security;

Whereas Representative Walorski, the daughter of an Air Force veteran, was known for her advocacy for servicemembers and veterans, including through enactment of the Veterans Mobility Safety Act of 2016 (Public Law 114–256) and legislation to extend whistleblower protections to victims of military sexual assault in the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66);

Whereas Representative Walorski was known for her integrity, work ethic, passion for public service, and laughter and never wavered in her commitment to God, family, country, and Indiana; and

Whereas Representative Walorski formed strong relationships and friendships with members on both sides of the aisle: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Jacqueline R. Walorski, Congresswoman for the Second Congressional District of Indiana;

(2) the Senate honors Representative Walorski for her service to Indiana and the United States;

(3) the Senate respectfully requests the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of Representative Walorski; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Representative Walorski.

SENATE RESOLUTION 749—RECOGNIZING THE 10-YEAR ANNIVERSARY OF THE TRAGIC ATTACK THAT TOOK PLACE AT THE SIKH TEMPLE OF WISCONSIN ON AUGUST 5, 2012, AND HONORING THE MEMORY OF THOSE WHO DIED IN THE ATTACK

Ms. BALDWIN (for herself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 749

Whereas the freedom of religion is protected in the Constitution, and no religious institution should be subject to violence, hate, intolerance, or religious and racial discrimination;

Whereas, on Sunday, August 5, 2012, a shooting took place that resulted in the death of 7 worshipers who were at the Sikh Temple of Wisconsin, a gurdwara in Oak Creek, Wisconsin;

Whereas the attack occurred as members of the congregation prepared a free community meal served to all congregants arriving for Sunday services;

Whereas several worshipers were injured, including a responding officer, Lieutenant Brian Murphy, who was shot 15 times at close range;

Whereas Lieutenant Brian Murphy, Officer Savan Lenda, and all the first responders to the gurdwara in Oak Creek demonstrated great courage in their quick response to the shooting, saving countless lives;

Whereas the Oak Creek shooting was a senseless act of violence and tragedy that should never befall any house of worship;

Whereas the Sikh community responded to the shooting in Oak Creek with compassion and stayed true to the Sikh principle of chardi kala, which roughly translates to "relentless optimism";

Whereas, 10 years later, the effects of this shooting are still being felt and will be felt for years to come; and

Whereas the community of Oak Creek will continue to overcome the tragedy and become stronger than before: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack that occurred at the Sikh Temple of Wisconsin on August 5, 2012;

(2) honors the memories of Paramjit Kaur Saini, Suveg Singh Khattra, Satwant Singh Kaleka, Ranjit Singh, Sita Singh, Prakash Singh, and Baba Punjab Singh who died in the attack;

(3) offers its heartfelt condolences to the families, friends, and loved ones of those who died in the attack;

(4) recognizes the Sikh community for demonstrating unwavering courage, strength, and resilience in response to the attack;

(5) applauds the bravery of the first responders who prevented the gunman from potentially taking more lives and quickly treated those who were wounded; and

(6) condemns intolerance, including religious and racial discrimination, and calls for unwavering resolve to prevent and seek justice for acts of hate and terrorism.

SENATE RESOLUTION 750—CELEBRATING THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE AND THE DEDICATION OF THE WALL OF REMEMBRANCE AT THE KOREAN WAR VETERANS MEMORIAL ON JULY 27, 2022

Mr. SULLIVAN (for himself and Ms. DUCKWORTH) submitted the following resolution; which was considered and agreed to:

S. RES. 750

Whereas, formed with the signing of the Mutual Defense Treaty Between the United States and the Republic of Korea, done at Washington October 1, 1953, the United States-Republic of Korea alliance is the linchpin of peace, security, and prosperity for Northeast Asia, a free and open Indo-Pacific region, and across the world;

Whereas United States-Republic of Korea military and defense ties are unwavering, and our ever-increasing economic, technological, diplomatic, people-to-people, and values-based bonds are strong and enduring;

Whereas the United States commitment to the defense of the Republic of Korea remains ironclad, and the alliance continues to work toward our shared goals of securing peace, stability, and prosperity on the Korean Peninsula and throughout the Indo-Pacific;

Whereas the Wall of Remembrance at the Korean War Veterans Memorial was dedicated on July 27, 2022, with the names of more than 36,600 members of the United States Armed Forces who lost their lives in the Korea conflict, along with more than 7,100 Korean Augmentation to the United States Army personnel who died serving alongside them;

Whereas the names of the United States and Republic of Korean fallen are integrated to reflect the shared burden they bore to defend the Republic of Korea; and

Whereas the Republic of Korea and its citizens funded nearly the entire $22,000,000 cost of building the Wall of Remembrance: Now, therefore, be it

Resolved, That the Senate deeply appreciates and sincerely thanks the Government and people of the Republic of Korea for their generosity in funding the Wall of Remembrance, reflecting the shared sacrifice and common values of the United States-Republic of Korea alliance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5196. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table.

SA 5197. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5198. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5199. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5200. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5201. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5202. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5203. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5204. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5205. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5206. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5207. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5208. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5209. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5210. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5211. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5212. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5213. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5214. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5215. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5216. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5217. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5218. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5219. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5220. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5221. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5222. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5223. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5224. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5225. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5226. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5227. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5228. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5229. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5230. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5231. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5232. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5233. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5234. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5235. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5236. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5237. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5238. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5239. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5240. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5241. Mr. BRAUN submitted an amendment intended to be proposed to amendment

SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5242. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5243. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5244. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5245. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5246. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5247. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5248. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5249. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5250. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5251. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5252. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5253. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5254. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5255. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5256. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5257. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5258. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5259. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5261. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5262. Mr. WARNOCK (for himself, Ms. BALDWIN, and Mr. OSSOFF) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5263. Mr. CRUZ proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5264. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5265. Mr. CRUZ proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5266. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5267. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5268. Mr. DAINES (for himself, Mr. MARSHALL, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5269. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5270. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5271. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5272. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5273. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5274. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5275. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5276. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5277. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5278. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5279. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5280. Mr. WICKER (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5281. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5282. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5283. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5284. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5285. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5286. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5287. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5288. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5289. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5290. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5291. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5292. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5293. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5294. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5295. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R.

5376, supra; which was ordered to lie on the table.

SA 5296. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5297. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5298. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5299. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5300. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5301. Mr. GRAHAM proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5302. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5303. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5304. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5305. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5306. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5307. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5308. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5315. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5316. Mr. LEE proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5324. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5325. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5327. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5328. Ms. LUMMIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5329. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5330. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5331. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5332. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5333. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5334. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5335. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5336. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5337. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5338. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5339. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5340. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5341. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5342. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5343. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5344. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5345. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5346. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5347. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5348. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5349. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5350. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5351. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5352. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5353. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5354. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5355. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5358. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5359. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5360. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5361. Ms. ERNST (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5362. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5363. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5364. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5365. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5366. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5367. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5368. Mr. CRAMER submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5369. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5370. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5371. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5372. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5373. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5374. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5375. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5376. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5377. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5378. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5379. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5380. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5381. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5382. Mrs. CAPITO proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5383. Mrs. CAPITO (for herself and Mr. INHOFE) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5384. Mr. LANKFORD proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5385. Mr. KENNEDY proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5386. Mr. COTTON (for himself, Mr. GRASSLEY, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5387. Mr. KENNEDY proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5388. Mr. SCOTT of South Carolina (for himself, Mr. TOOMEY, Ms. LUMMIS, Mr. TILLIS, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5389. Mr. MARSHALL proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5390. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5391. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5392. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5393. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5394. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5395. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5396. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5397. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5398. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5399. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5400. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5401. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5402. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5403. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5404. Mr. CRAPO proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5405. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5406. Mr. HAGERTY submitted an amendment intended to be proposed to

amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5407. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5408. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5409. Mr. BARRASSO proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5410. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5411. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5412. Mr. BARRASSO (for himself, Ms. COLLINS, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5413. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5414. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5415. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5416. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5417. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5418. Mr. SHELBY proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5419. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5421. Mr. GRASSLEY (for himself and Mr. YOUNG) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5422. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5423. Mrs. BLACKBURN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5424. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5425. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5426. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5427. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5428. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5429. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5430. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5431. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5432. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5433. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5434. Mr. DURBIN (for Mr. VAN HOLLEN) proposed an amendment to the resolution S. Res. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association.

SA 5435. Mr. SULLIVAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14.

SA 5436. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5437. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5438. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5439. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5440. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5441. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5442. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5443. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5445. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5447. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5448. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5449. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5450. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5451. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5452. Mr. MORAN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5453. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5454. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5455. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5456. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5457. Ms. MURKOWSKI (for herself, Mr. DAINES, Mr. RISCH, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5458. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5459. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5460. Ms. MURKOWSKI (for herself, Mr. DAINES, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5461. Ms. MURKOWSKI submitted an amendment intended to be proposed to

amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5462. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5463. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5466. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5467. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5468. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5469. Ms. HASSAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5470. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5472. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5473. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5474. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5477. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5479. Mr. CRAPO (for himself, Mr. MARSHALL, Mr. DAINES, Mr. TILLIS, Mr. BURR, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5480. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5483. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5484. Mr. GRASSLEY (for himself, Mr. BRAUN, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5486. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5487. Mr. GRAHAM (for himself, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. PORTMAN, Mr. BARRASSO, and Ms. MURKOWSKI) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

TEXT OF AMENDMENTS

SA 5196. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. INCOME CAP ON TEMPORARY INCREASE IN PREMIUM TAX CREDIT.

(a) IN GENERAL.—The table contained in clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ''and higher'' in the last line and inserting ''up to 750.0 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5197. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70002 and insert the following:

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, $3,000,000,000, to remain available through September 30, 2031, for—

(1) the purchase of zero-emission delivery vehicles; and

(2) the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

(b) REQUIREMENTS.—The United States Postal Service shall—

(1) conduct a publicly available cost-benefit analysis to analyze costs versus savings of the purchase of zero-emission delivery vehicles compared to internal combustion engine delivery vehicles over the life span of the vehicle; and

(2) ensure that the zero-emission delivery vehicles purchased using amounts appropriated under subsection (a) are placed in areas and on routes that make the most economical sense.

SA 5198. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 1194 of the Social Security Act, as added by part 1 of subtitle B of title I, add at the end the following:

''(h) LIMITATION ON USE OF CERTAIN GOODS MANUFACTURED WITH WAIVED INTELLECTUAL PROPERTY RIGHTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), goods subject to negotiation or renegotiation under subsection (a) may not be purchased by an official or agency of the United States for use outside the United States or imported by a United States person for domestic consumption if the manufacturer of those goods has utilized the intellectual property of a United States person without their consent on the basis that the rights of that person to that intellectual property have been waived in the country of origin of the manufacturer because of a waiver of a provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights, including the Ministerial Decision on the TRIPS Agreement adopted on June 17, 2022.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the President submits to Congress a certification that the United States Trade Representative will not support or facilitate the negotiation or approval of any measure at the World Trade Organization that weakens any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights with respect to a pharmaceutical, therapeutic, diagnostic, or other biotechnology commodity produced in the United States.

SA 5199. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. REMOVAL OF AFGHAN NATIONALS WHO APPEAR ON THE BIOMETRICS-ENABLED WATCHLIST.

Federal funds appropriated under this Act may not be obligated or otherwise made available until after the President certifies to Congress that the 324 Afghan nationals residing in the United States as of the date of the enactment of this Act who appear on the

biometrics-enabled watchlist of the Department of Defense have been apprehended by U.S. Immigration and Customs Enforcement.

SA 5200. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 20_____. PROHIBITION.

No support or incentive under this title may be provided for an agricultural real estate holding wholly or partly owned by a person that is a national of, or is organized under the laws or otherwise subject to the jurisdiction of, a country—

(1) designated as a nonmarket economy country pursuant to section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)); or

(2) identified as a country that poses a risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b) (commonly known as the ''Annual Threat Assessment'').

SA 5201. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11301.

SA 5202. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 342, line 15, strike ''assigned.'' and insert the following: ''assigned, and

''(D) without any discretion or possibility for an exemption, certify that no forced labor was utilized in any part of the production of the specified property, including any part of the manufacturing supply chain for the property from the mining of the materials to the assembly of the property.

SA 5203. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60107 and all that follows through section 60201 and insert the following:

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 60111. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G)

of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60112. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (c), preparing inventories, gathering empirical data, and tracking emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(i) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions

and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator's liability for payment of the charge under subsection (c) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

''(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60112 of this Act, the following:

''SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

(1) environmental product declarations;

(2) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

(3) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts

made available under subsection (a) for administrative costs to carry out this section.''.

SA 5204. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50121 through 50123 and insert the following:

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in an underserved community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3)(B), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—

(A) IN GENERAL.—A State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section is encouraged to provide rebates, to the maximum extent practicable, to low- or moderate-income households.

(B) INCREASE IN REBATE AMOUNT.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) COORDINATION.—In carrying out this section, the Secretary shall coordinate with State energy offices to ensure that HOMES rebate programs for which grants are provided under this section are developed to achieve maximum greenhouse gas emissions reductions and household energy and costs savings regardless of source energy.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(2) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

(3) UNDERSERVED COMMUNITY.—The term ''underserved community'' means—

(A) a community located in a ZIP code that includes 1 or more census tracts that include—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; and

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 50122. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

SA 5205. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261 and all that follows through section 60201 and insert the following:

SEC. 50261. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) 2022 LEASE SALES.—The term ''2022 Lease Sales'' means each of the following lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)):

(A) Lease Sale 258.

(B) Lease Sale 259.

(2) LEASE SALE 257.—The term ''Lease Sale 257'' means the lease sale numbered 257 that was approved in the Record of Decision described in the notice of availability of a record of decision issued on August 31, 2021, entitled ''Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257'' (86 Fed. Reg. 50160 (September 7, 2021)), and is the subject of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(3) LEASE SALE 261.—The term ''Lease Sale 261'' means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' (82 Fed. Reg. 6643 (January 19, 2017)).

(b) LEASE SALE 257 REINSTATEMENT.—

(1) ACCEPTANCE OF BIDS.—Not later 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each tract or bidding unit of Lease Sale 257 for which a valid bid was received on November 17, 2021; and

(B) provide the appropriate lease form to the winning bidder to execute and return.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the regulations in effect on the date of Lease Sale 257; and

(B) the terms and conditions of the final notice of sale entitled ''Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257'' (86 Fed. Reg. 54728 (October 4, 2021)).

(c) REQUIREMENT FOR 2022 LEASE SALES.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct the 2022 Lease Sales in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ''Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000'' issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50262. ENSURING ENERGY SECURITY.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or modifies existing law.

PART 7—UNITED STATES GEOLOGICAL SURVEY

SEC. 50271. UNITED STATES GEOLOGICAL SURVEY 3D ELEVATION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,500,000, to remain available through September 30, 2031, to produce, collect, disseminate, and use 3D elevation data.

PART 8—OTHER NATURAL RESOURCES MATTERS

SEC. 50281. DEPARTMENT OF THE INTERIOR OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2031, for oversight by the Department of the Interior Office of Inspector General of the Department of the Interior activities for which funding is appropriated in this subtitle.

Subtitle C—Environmental Reviews

SEC. 50301. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

SEC. 50302. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the

Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

SEC. 50303. DEPARTMENT OF THE INTERIOR.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement.

TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

''SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

''(a) APPROPRIATIONS.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

''(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

''(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

''(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;

''(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

''(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

''(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

''(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that has the capacity—

''(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

''(B) to arrange financing for such a sale, lease, license, or contract for service.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a municipality;

''(C) an Indian tribe; or

''(D) a nonprofit school transportation association.

''(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

''(4) ZERO-EMISSION VEHICLE.—The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)).''.

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:

''SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

''(a) APPROPRIATIONS.—

''(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

''(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

''(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

''(C) to develop qualified climate action plans.

''(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

''(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

''(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a port authority;

''(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(C) an air pollution control agency; or

''(D) a private entity (including a nonprofit organization) that—

''(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

''(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

''(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress toward stated goals) to reduce emissions at one or more ports of—

''(i) greenhouse gases;

''(ii) an air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(iii) hazardous air pollutants;

''(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

''(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

''(4) ZERO-EMISSION PORT EQUIPMENT OR TECHNOLOGY.—The term 'zero-emission port equipment or technology' means human-operated equipment or human-maintained technology that—

''(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

''(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth.''.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. GREENHOUSE GAS REDUCTION FUND.

''(a) APPROPRIATIONS.—

''(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section,

to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

''(2) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

''(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

''(4) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

''(b) USE OF FUNDS.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

''(1) DIRECT INVESTMENT.—The eligible recipient shall—

''(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

''(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

''(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

''(2) INDIRECT INVESTMENT.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a nonprofit organization that—

''(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

''(B) does not take deposits other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

''(C) is funded by public or charitable contributions; and

''(D) invests in or finances projects alone or in conjunction with other investors.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

''(3) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

''(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

''(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

''(4) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

''(A) is located at a multi-unit housing structure;

''(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

''(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

''(5) ZERO-EMISSION TECHNOLOGY.—The term 'zero-emission technology' means any technology that produces zero emissions of—

''(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

''(B) any greenhouse gas.''.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 612 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, 7571, and 7671k).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

"SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60108. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and

carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60107 of this Act, the following:

''SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

''(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

''(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

(1) environmental product declarations;

(2) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

(3) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ''low-embodied carbon construction materials and products'' means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

SA 5206. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS.

(a) IN GENERAL.—None of the amounts made available under this Act, or an amendment made by this Act, may be obligated or expended until the date on which all amounts described in subsection (b) have been expended.

(b) AMOUNTS.—The amounts described in this subsection are amounts made available under—

(1) the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4);

(2) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178);

(3) the CARES Act (Public Law 116–136; 134 Stat. 281);

(4) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620);

(5) division M or N of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1909); or

(6) an amendment made by an Act or division described in paragraphs (1) through (5).

SA 5207. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Health Savings Accounts

SEC. 14001. INCREASE IN CONTRIBUTION LIMITATIONS.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The amount allowable as a deduction under subsection (a) to an individual for the taxable year shall not exceed—

''(A) in the case of an eligible individual who has self-only coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to the applicable dollar amount under paragraph (1)(B) of section 402(g) (as adjusted pursuant to paragraph (4) of such section) with respect to such taxable year, or

''(B) in the case of an eligible individual who has family coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to 200 percent of the amount determined under subparagraph (A).'',

(2) by striking paragraphs (2), (3), (7), and (8),

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained age 50 before the close of the taxable year, the amount of the limitation under subparagraphs (A) and (B) of paragraph (1) shall be increased by an amount equal to the applicable dollar amount under subparagraph (B)(i) of section 414(v)(2) (as adjusted pursuant to subparagraph (C) of such section).'',

(4) in paragraph (4), by striking the flush matter following subparagraph (C),

(5) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) the limitation under paragraph (1) (after the application of subparagraph (A) and without regard to any additional contribution amount under paragraph (2)) shall be divided equally between them unless they agree on a different division.'', and

(6) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 223(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''the sum of—'' and all that follows through the period and inserting ''the amount determined under subsection (b)(1).''.

(2) Subsection (g) of section 223 of such Code is amended—

(A) by striking ''subsections (b)(2) and (c)(2)(A)'' both places it appears and inserting ''subsection (c)(2)(A)'', and

(B) by amending subparagraph (B) to read as follows:

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins determined by substituting 'calendar year 2003' for 'calendar year 2016' in subparagraph (A)(ii) thereof.''.

(3) Section 26(b)(2)(S) of such Code is amended by striking '', 223(b)(8)(B)(i)(II),''.

(4) Section 408(d)(9)(C)(i)(I) of such Code is amended by striking ''computed on the basis of the type of coverage under the high deductible health plan covering the individual''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) TEMPORARY APPLICATION.—On January 1, 2033, the amendments made by subsections (a) and (b) shall be repealed and the provisions of law amended by such subsections shall be restored as if such subsections had never been enacted.

SEC. 14002. REPEALS.

(a) INTERNAL REVENUE CODE OF 1986.—The amendments made by the following provisions of this Act are repealed, and the Internal Revenue Code of 1986 shall be applied as if such amendments had not been enacted:

(1) Section 13101.

(2) Section 13102.

(3) Section 13103.

(4) Section 13104.

(5) Section 13201.

(6) Section 13701.

(7) Section 13702.

(8) Section 13703.

(9) Section 13704.

(b) EFFECTIVE DATE.—The repeals made by this section shall take effect as if included in the enactment of the section to which they relate.

SA 5208. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Other Provisions

SEC. 14001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART 1—CHILD TAX CREDIT

SEC. 14101. EXTENSIONS AND MODIFICATIONS.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(i) is amended—

(A) by striking ''January 1, 2022'' in the matter preceding paragraph (1) and inserting ''January 1, 2027'', and

(B) by inserting ''AND 2022'' after ''2021'' in the heading thereof.

(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking ''December 31, 2021'' in the matter preceding clause (i) and inserting ''December 31, 2026'', and

(ii) by striking ''AFTER 2021'' in the heading thereof and inserting ''AFTER 2026''.

(B) Section 24(k)(3)(C)(ii) is amended—

(i) in subclause (I), by striking ''in 2021'' and inserting ''after December 31, 2020, and before January 1, 2027'' after ''2021,'', and

(ii) in subclause (II), by striking ''December 31, 2021'' and inserting ''December 31, 2026''.

(C) The heading of section 24(k)(2)(A) is amended by inserting ''THROUGH 2026'' after ''2021''.

(b) EXTENSION AND MODIFICATION OF ADVANCE PAYMENT.—

(1) IN GENERAL.—Section 7527A is amended—

(A) in subsection (b)(1), by striking ''50 percent of'' and inserting ''100 percent (25 percent in the case of calendar year 2022) of'',

(B) in clauses (i) and (ii) of subsection (e)(4)(C), by striking ''in 2021'' and inserting ''after December 31, 2020, and before January 1, 2027'', and

(C) in subsection (f)—

(i) in paragraph (1), by striking ''or'',

(ii) in paragraph (2), by striking the period at the end and inserting '', or before October 1, 2022, or'', and

(iii) by adding at the end the following new paragraph:

''(3) any period after December 31, 2026.''.

(2) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''or based on any other information known to the Secretary'' after ''reference taxable year'',

(ii) in subparagraph (C), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the only children'', and

(iii) in subparagraph (D), by inserting ''unless determined by the Secretary based on any information known to the Secretary,'' before ''the ages of'', and

(B) in paragraph (3)(A)(ii), by striking '' provided by the taxpayer'' and inserting ''provided, or known,''.

(3) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to *1/12* of the annual advance amount with respect to such taxpayer.''.

(B) MODIFICATIONS DURING CALENDAR YEAR.—Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended—

(i) by amending subparagraph (A)(ii) to read as follows:

''(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 24(i)(1) with respect to the taxpayer for the reference taxable year.'', and

(ii) in subparagraph (B), by striking ''periodic payment'' both places it appears and inserting ''monthly payment''.

(C) CONFORMING AMENDMENT.—Section 7527A(c)(2) is amended by striking ''subsection (b)(3)(B)'' and inserting ''subsection (b)(3)''.

(4) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b) is amended by adding at the end the following new paragraph:

''(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer (as defined in section 24(i)(4)(B)), the annual advance amount with respect to such taxpayer shall be zero.

''(B) EXCEPTION FOR MODIFICATIONS MADE DURING THE CALENDAR YEAR.—Subparagraph (A) shall not apply to a reference taxable year taken into account by reason of paragraph (3)(A)(i) or subsection (c) if the taxpayer received one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''.

(5) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking ''The advance'' and inserting ''Except as provided in subparagraph (D), the advance'', and

(B) by adding at the end the following new subparagraph:

''(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR CERTAIN YEARS.—For the period beginning on October 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i).''.

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

''(5) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—In the case of a taxpayer who elects (at such time and in such manner as the Secretary may provide) the application of this paragraph for any taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to the modified adjusted gross income (as defined in subsection (b)) for the taxpayer's preceding taxable year.''.

(d) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

(1) IN GENERAL.—Section 24(j)(2)(B) is amended—

(A) by striking ''qualified'' each place it appears in clause (iv)(II) and inserting ''qualifying'', and

(B) by adding at the end the following new clause:

''(v) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—For purposes of determining the safe harbor amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if the Secretary determines that such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

''(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (I), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected, another taxpayer to take such individual into account in determining the credit allowed under this section for the taxable year.''.

(2) ADDITIONAL MODIFICATION.—Section 24(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

''(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term 'safe harbor amount' means, with respect to any taxpayer for any taxable year, the sum of—

''(I) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

''(II) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children not described in clause (I), and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year.''.

(e) RULES RELATING TO RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Section 24(j) is amended by adding at the end the following new paragraphs:

''(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, payments made under section 7527A include payments made by any jurisdiction other than the United States under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa pursuant to a plan described in subsection (k)(3)(B). In carrying out this section, the Secretary shall coordinate with each possession of the United States to prevent any application of this paragraph that is inconsistent with the purposes of this subsection.''.

(f) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—Section 6103(e) is amended by adding at the end the following new paragraph:

''(12) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—In the case of an individual to whom the Secretary makes payments under section 7527A, if the reference taxable year (as defined in section 7527A(b)(2)) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly with another individual, the Secretary may disclose to such individual any return information of such other individual which is relevant in determining the payment under section 7527A and the individual's eligibility for such payment, including information regarding any of the following:

''(A) The number of specified children, including by reason of the birth of a child.

''(B) The name and TIN of specified children.

''(C) Marital status.

''(D) Modified adjusted gross income.

''(E) Principal place of abode.

''(F) Any other factor which the Secretary may provide pursuant to section 7527A(c).''.

(g) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 24(h) is amended by striking paragraph (7).

(2) CONFORMING AMENDMENTS.—

(A) Section 24(h)(1) is amended by striking ''paragraphs (2) through (7)'' and inserting ''paragraphs (2) through (6)''.

(B) Section 24(h)(4) is amended by striking subparagraph (C).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) PAYMENTS.—

(A) The amendments made by paragraphs (1), (2), (4), and (5) of subsection (b) shall apply to payments after September 30, 2022.

(B) The amendments made by paragraph (3) of subsection (b) shall apply to payments after December 31, 2022.

(3) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendment made by subsection (f) shall take effect on the date of the enactment of this Act.

SEC. 14102. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

''(l) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 937(a)) for such taxable year—

''(1) subsection (d) shall not apply, and

''(2) so much of the credit determined under subsection (a) (after application of paragraph (1)) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subpart C (and not allowed under this subpart)''.

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) PUERTO RICO.—Section 24(k)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

''(B) APPLICATION TO TAXABLE YEARS AFTER 2022.—For application of refundable credit to residents of Puerto Rico for taxable years after 2022, see subsection (l).''.

(2) AMERICAN SAMOA.—Section 24(k)(3)(C)(ii)(II), as amended by the preceding provisions of this Act, is amended to read as follows:

''(II) if such taxable year begins after December 31, 2022, subsection (l) shall be applied by substituting 'Puerto Rico or American Samoa' for 'Puerto Rico'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 14103. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, that such amount shall be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, the District of Columbia, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation and low income taxpayer clinics funded under section 7526 of the Internal Revenue Code of 1986.

PART 2—CORPORATE TAX RATE

SEC. 14201. INCREASE IN CORPORATE TAX RATE.

(a) IN GENERAL.—Section 11(b) is amended to read as follows:

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 18 percent of so much of the taxable income as does not exceed $400,000,

''(B) 21 percent of so much of the taxable income as exceeds $400,000 but does not exceed $5,000,000, and

''(C) 28 percent of so much of the taxable income as exceeds $5,000,000.

In the case of a corporation which has taxable income in excess of $10,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 3 percent of such excess, or (ii) $362,000.

''(2) CERTAIN PERSONAL SERVICE CORPORATION NOT ELIGIBLE FOR GRADUATED RATES.—Notwithstanding paragraph (1), the amount of the tax imposed by subsection (a) on the taxable income of a qualified personal service corporation (as defined in section 448(d)(2)) shall be equal to 28 percent of the taxable income.''.

(b) PROPORTIONAL ADJUSTMENT OF DEDUCTION FOR DIVIDENDS RECEIVED.—

(1) IN GENERAL.—Section 243(a)(1) is amended by striking ''50 percent'' and inserting ''60 percent''.

(2) DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.—Section 243(c)(1) is amended—

(A) prior to amendment by subparagraph (B), by striking ''65 percent'' and inserting ''72.5 percent'', and

(B) by striking ''50 percent'' and inserting ''60 percent''.

(c) CONFORMING AMENDMENT.—Section 1561 is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to—

''(1) amounts in each taxable income bracket in the subparagraphs of section 11(b)(1) which do not aggregate more than the maximum amount in each such bracket to which a corporation which is not a component member of a controlled group is entitled, and

''(2) one $250,000 ($150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3).

The amounts specified in paragraph (1) shall be divided equally among the component members of such group on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan providing for an unequal allocation of such amounts. The amounts specified in paragraph (2) shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amounts. Notwithstanding paragraph (1), in applying the last sentence of section 11(b)(1) to such component members, the taxable income of all such component members shall be taken into account and any increase in tax under such last sentence shall be divided among such component members in the same manner as amounts under paragraph (1).'', and

(2) by striking ''**ACCUMULATED EARNINGS CREDIT**'' in the heading and inserting ''**CERTAIN MULTIPLE TAX BENEFITS**''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(e) NORMALIZATION REQUIREMENTS.—

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the tax reserve deficit less rapidly or to a lesser extent than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX RESERVE DEFICIT.—The term ''tax reserve deficit'' means the excess of—

(i) the amount which would be the balance in the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986, or section 167(l)(3)(G)(ii) of such Code as in effect on the day before the date of the enactment of the Tax Reform Act of 1986) if the amount of such reserve were determined by assuming that the corporate rate increases provided in the amendments made by this section were in effect for all prior periods, over

(ii) the balance in such reserve as of the day before such corporate rate increases take effect.

(B) AVERAGE RATE ASSUMPTION METHOD.—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, if timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) ALTERNATIVE METHOD.—The ''alternative method'' is the method in which the taxpayer—

(i) computes the tax reserve deficit on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the tax reserve deficit ratably over the remaining regulatory life of the property.

(4) TREATMENT OF NORMALIZATION VIOLATION.—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting, such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

(5) REGULATIONS.—The Secretary of the Treasury, or the Secretary's designee, shall issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or other guidance to provide appropriate coordination between this subsection, section 13001(d) of Public Law 115-97, and section 203(e) of the Tax Reform Act of 1986.

SA 5209. Mr. SANDERS (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to

provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 90002. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $3,200,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities (whether or not such entities are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 to increase living allowances and improve benefits of participants in such programs.

(2) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for such a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) without such waiver, the recipient cannot meet the requirements of this section;

(B) section 189(a) of such Act shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position''; and

(C) section 140(a)(1) of such Act shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''.

(b) STATE COMMISSIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver.

(c) NATIONAL CIVILIAN COMMUNITY CORPS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until September 30, 2029, which shall be used to increase the living allowance and benefits of participants in the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990.

(d) AMERICORPS VISTA.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to increase the subsistence allowances and improve benefits of participants in the Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(2) REQUIREMENT.—For purposes of carrying out paragraph (1)—

(A) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(e) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $6,915,000,000, which shall be used for the purposes specified in paragraph (3).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) shall—

(A) be available until September 30, 2026, for national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990; and

(B) be available until September 30, 2029, for National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990 and Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(3) USE OF FUNDS.—

(A) IN GENERAL.—The Corporation shall use amounts appropriated under paragraph (1) to fund programs described in subparagraph (B) to carry out projects or activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990.

(B) PROGRAMS.—The programs described in subparagraph (A) shall include—

(i) national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990;

(ii) National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990; and

(iii) Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(C) TERMS.—In funding programs described in subparagraph (A), the Corporation shall ensure—

(i) awards are made to entities that serve, and have representation from, low-income communities or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(ii) such programs utilize culturally competent and multilingual strategies;

(iii) projects carried out through such programs are planned with community input, and implemented by diverse participants who are from communities being served by such programs; and

(iv) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(4) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) in implementing national service programs described in paragraph (3)(B)(i) and funded by the appropriations specified in paragraph (1)—

(i) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for the national service program involved demonstrates—

(I) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(II) without such waiver, the recipient cannot meet the requirements of this section;

(ii) section 189(a) of the National and Community Service Act of 1990 shall be applied by substituting ''125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position'' for ''$18,000 per full-time equivalent position'';

(iii) section 140(a)(1) of the National and Community Service Act of 1990 shall be applied by substituting ''200 percent of the poverty line'' for ''the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)''; and

(iv) the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver; and

(B) in implementing national service programs described in paragraph (3)(B)(iii) and funded by the appropriations specified in paragraph (1)—

(i) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''200 percent'' for ''95 percent''; and

(ii) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting ''210 percent'' for ''105 percent''.

(f) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) corrective actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2030 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2030, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service,

$79,800,000, to remain available until September 30, 2030, which shall be used, in fiscal year 2030, for Federal administrative expenses to carry out programs and activities funded under this section.

(3) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation, $300,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) OUTREACH.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service programs and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(g) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries and expenses necessary for oversight and audit of programs and activities funded under this section.

(h) NATIONAL SERVICE TRUST.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payment to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service supported by funds made available under subsection (e); and

(ii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.

(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—

(A) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,660,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual's transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under subsection (e)).

(B) AWARD AVAILABILITY.—The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) in accordance with the paragraph (3).

(C) CALCULATION.—The amount of the supplemental educational award that shall be available to an individual or their transferee described in subparagraph (A) shall be calculated as follows:

(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—For an individual who completes a required term of full-time national service, or the individual's transferee—

(I) in a case in which the award year for which the national service position is approved by the Corporation is award year 2022-2023, 50 percent of the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(II) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the total maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year.

(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—For an individual who completes a required term of part-time national service, or the individual's transferee, 50 percent of the amount determined under clause (i).

(iii) AMOUNT FOR PARTIAL COMPLETION OF NATIONAL SERVICE.—For an individual released from completing the full-time or part-time term of service agreed to by the individuals, or the individual's transferee, the portion of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) IN GENERAL.—Notwithstanding section 146(d) of the National and Community Service Act of 1990, relating to a period of time for use of a national service educational award, or any extensions to such time period granted under section 146(d)(2) of such Act, an individual eligible to receive a national service educational award for a term of service supported by funds made available under subsection (e), or the individual's transferee, and an individual eligible to receive a supplemental educational award described in paragraph (2) for a term of service, or the individual's transferee, shall not use, after September 30, 2030, the national service educational award or supplemental educational award for the term of service involved, and the national service educational award and supplemental educational award shall be available for the lengths of time described in subparagraph (B).

(B) LENGTHS OF TIME.—The lengths of time described in this subparagraph are as follows:

(i) For an individual who completes the term of service involved by September 30, 2023 or the individual's transferee, until the end of the 7-year period beginning on that date.

(ii) For an individual who completes such term of service by September 30, 2024 or the individual's transferee, until the end of the 6-year period beginning on that date.

(iii) For an individual who completes such term of service by September 30, 2025 or the individual's transferee, until the end of the 5-year period beginning on that date.

(iv) For an individual who completes such term of service by September 30, 2026 or the individual's transferee, until the end of the 4-year period beginning on that date.

(v) For an individual who completes such term of service by September 30, 2027 or the individual's transferee, until the end of the 3-year period beginning on that date.

(vi) For an individual who completes such term of service by September 30, 2028 or the individual's transferee, until the end of the 2-year period beginning on that date.

(vii) For an individual who completes such term of service by September 30, 2029 or the individual's transferee, until the end of the 1-year period beginning on that date.

(i) LIMITATION.—The funds made available under this section are subject to the condition that the Corporation shall not—

(1) use such funds to make any transfer to the National Service Trust for any use, or enter into any agreement involving such funds—

(A) that is for a term extending beyond September 30, 2031; or

(B) for which or under which any payment could be outlaid after September 30, 2031; and

(2) use any other funds available to the Corporation to liquidate obligations made under this section.

(j) DEFINITION.—For purposes of this section, the term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

SEC. 90003. WORKFORCE DEVELOPMENT IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.

(a) YOUTHBUILD.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002 by—

(1) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and

(2) improving and expanding access to services, stipends, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

(b) JOB CORPS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002 by—

(A) providing funds to operators and service providers to—

(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and

(ii) improve and expand access to allowances and services described in section 150 of such Act; and

(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).

(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or outlying area may be eligible to be selected as an operator or service provider.

(c) PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—

(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 90002.

(2) PRE-APPRENTICESHIP PARTNERSHIPS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 90002 to ensure past and current participants in programs funded under subsection (e)(1) of section 90002 have access to such pre-apprenticeship programs.

(3) REGISTERED APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) PARTICIPANTS WITH BARRIERS TO EMPLOYMENT AND NONTRADITIONAL APPRENTICESHIP POPULATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2026, for entities to carry out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (3), serving a high number or high percentage of individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations.

(d) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunities program, which amount shall be used to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002.

(e) PAID YOUTH EMPLOYMENT OPPORTUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $350,000,000, to remain available until September 30, 2026, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with paid work experiences authorized under section 129(c)(2)(C) of the Workforce Innovation and Opportunity Act, notwithstanding section 194(10) of such Act, that are—

(1) carried out by public agencies or private nonprofit entities, including community-based organizations;

(2) provided in conjunction with supportive services and other elements described in section 129(c)(2) of such Act;

(3) aligned with the activities described in subsection (e)(3) of section 90002; and

(4) designed to prepare participants for—

(A) high-quality, unsubsidized employment opportunities in industry sectors or occupations related to climate resilience or mitigation;

(B) enrollment in an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965); and

(C) registered apprenticeship programs.

(f) DEPARTMENT OF LABOR INSPECTOR GENERAL.—In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this section.

(g) ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $69,800,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement this section.

(2) PLAN.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Chief Executive Officer of the Corporation for National and Community Service in developing the plan under subparagraph (A).

(h) DEFINITION.—For purposes of this section:

(1) CLIMATE-RELATED NONTRADITIONAL APPRENTICESHIP OCCUPATION.—The term ''climate-related nontraditional apprenticeship occupation'' means an apprenticeable occupation—

(A) that aligns with the activities described in subsection (e)(3) of section 90002;

(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as of the date of the enactment of this Act; and

(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663).

(3) WIOA DEFINITIONS.—The terms ''community-based organization'', ''individual with a barrier to employment'', ''in-school youth'', ''outlying area'', and ''out-of-school youth'' have the meanings given such terms in paragraphs (10), (24), (27), (45), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

TITLE X—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 100001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 100002. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) IN GENERAL.—In addition to the amounts appropriated by section 23001(a)(1), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $2,250,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface. None of the funds provided under this section shall be subject to cost-share or matching requirements.

(b) PRIORITY; RESTRICTIONS; LIMITATIONS.—Subsections (b), (c), and (d) of section 23001 shall apply the amounts appropriated by, and projects carried out under, subsection (a).

(c) DEFINITIONS.—In this section:

(1) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(2) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 100003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

In addition to the amounts appropriated by section 23003(a)(2), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $1,750,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities. Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 100004. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $500,000,000 to award grants to Tribal, State, or local governments, the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to support, on non-Federal land, forest restoration and resilience projects. Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

(b) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities

under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) DEFINITION OF RESTORATION.—In this section, the term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 100005. LIMITATION.

The funds made available under this title are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this title.

TITLE XI—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 110001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts appropriated by section 40001(a), and any other amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, and for related administrative expenses.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided under this section shall be subject to cost-sharing or matching requirements.

(c) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

TITLE XII—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 120001. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to the amounts appropriated by section 50221, and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 120002. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to the amounts appropriated by section 50222, and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 120003. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT CONSERVATION, RESILIENCY, AND RESTORATION PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2031, to provide funding, including all expenses necessary to provide funding, through direct expenditure, grants, contracts, or cooperative agreements, to perform conservation, resiliency, or restoration projects, including all expenses necessary to carry out such projects, on public land administered by the National Park Service or the Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

TITLE XIII—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON INDIAN AFFAIRS

SEC. 130001. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to the amounts appropriated by section 80001(a), and any other amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $441,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, Tribal climate resilience and adaptation programs.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80001(c), and any other amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(j))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)–(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 130002. NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.

(a) IN GENERAL.—In addition to the amounts appropriated by section 80002(a), and any other amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80002(b), and any other amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SA 5210. Mr. SANDERS (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 1 of subtitle B of title I and insert the following:

PART 1—CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D

SEC. 11001. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''SEC. 1899C. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

''(a) IN GENERAL.—In no case may the amount of payment for a drug or biological under part B or a covered part D drug (as defined in section 1860D–2(e)) under a prescription drug plan under part D exceed the lower of the following:

''(1) The amount paid by the Secretary of Veterans Affairs to procure the drug under the laws administered by the Secretary.

''(2) The amount paid to procure the drug through the Federal Supply Schedule of the General Services Administration.

''(b) MANUFACTURER REQUIREMENT.—In order for coverage to be available under part B for a drug or biological of a manufacturer or under part D for a covered part D drug of a manufacturer, the manufacturer must agree to provide such drug or biological to providers of services and suppliers under part B or such covered part D drug to prescription drug plans under part D for an amount that does not exceed the maximum payment amount applicable under subsection (a).

''(c) ACCESS TO PRICING INFORMATION.—The Secretary of Veterans Affairs and the Administrator of General Services shall provide

to the Secretary of Health and Human Services the information described in paragraphs (1) and (2), respectively, of subsection (a) and such other information as the Secretary of Health and Human Services may request in order to carry out this section.

''(d) EFFECTIVE DATE.—This section shall apply with respect to drugs furnished or dispensed on or after January 1, 2023.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICATION UNDER PART B.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11101, is amended—

(A) in subsection (b)(1), by striking ''and (e)'' and inserting ''(e), and (i)'';

(B) by redesignating subsection (j) as subsection (k); and

(C) by inserting after subsection (i) the following subsection:

''(j) APPLICATION OF CAP ON COSTS FOR PART B DRUGS.—Notwithstanding the preceding provisions of this subsection, the amount of payment under this section for a drug or biological furnished on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the drug or biological under section 1899C(a).''.

(2) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of this part, the negotiated price used for payment for a covered part D drug dispensed on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the covered part D drug under section 1899C.''.

SA 5211. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the end of subtitle B of title I, add the following:

PART 6—MEDICARE COVERAGE OF DENTAL AND ORAL HEALTH CARE, HEARING CARE, AND VISION CARE

Subpart A—Medicare Coverage

SEC. 11501. INTERIM DENTAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866F the following new section:

''SEC. 1866G. INTERIM DENTAL PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish an interim Medicare dental program (in this section referred to as the 'program') by not later than 6 months after the date of the enactment of this section. Under the program, payment shall be made for eligible expenses of eligible beneficiaries in accordance with this section.

''(b) AMOUNT.—The Secretary shall pay for eligible expenses under the program per eligible beneficiary in an amount not to exceed $1,000.

''(c) PROGRAM IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) make a Treasury-sponsored account described in paragraph (2)(A)(i) available to eligible beneficiaries so payment may be made to entities described in subsection (d)(2)(B) for eligible expenses at the point-of-sale;

''(B) issue cards for making payments described in subparagraph (A), and replacement cards for cards that are lost or stolen; and

''(C) provide a toll-free telephone number and website to answer beneficiary questions on the program including the amount available for payment.

''(2) PAYMENTS.—

''(A) DELIVERY OF PAYMENTS.—

''(i) IN GENERAL.—The account through which the Secretary shall make payment for eligible expenses under the program shall be deemed to be a Treasury-sponsored account, as defined in section 208.2 of title 31, Code of Federal Regulations, without regard to section 913 of the Electronic Fund Transfer Act (15 U.S.C. 1693k), section 1005.10(e)(2) of title 12, Code of Federal Regulations (or any successor regulation), section 1(d) of Executive Order 13681 (31 U.S.C. 3321 note; relating to improving the security of consumer financial transactions), section 3332(i) of title 31, United States Code, and subchapter IV of chapter 33 of title 31, United States Code.

''(ii) TREATMENT OF ACCOUNTS.—The Department of the Treasury shall be deemed to be the customer of any financial institution for any account issued under clause (i) for purposes of the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.).

''(B) AUTHORIZED TRANSACTIONS.—

''(i) CONDITION OF ACCEPTANCE OF PAYMENT.—Acceptance of payment under subparagraph (A)(i) shall be deemed to be an agreement by the entity accepting such payment to furnish such information as may be necessary for the Secretary to verify that such payment is for eligible expenses of an eligible beneficiary.

''(ii) REVIEW.—The Secretary shall review payments, as necessary, to verify transactions are for eligible expenses of eligible beneficiaries.

''(C) REQUIREMENT.—Notwithstanding the provisions of section 1(d) of Executive Order 13681, cards issued under paragraph (1)(B) shall be magnetic stripe-only cards that do not utilize chip and PIN technology.

''(3) EXPEDITING IMPLEMENTATION.—The Secretary shall implement the program through program instruction.

''(4) ADMINISTRATION.—The requirements under section 1862(b) (relating to secondary payer) and section 1882(d)(3) (relating to nonduplication of health benefits) are waived. The Secretary shall not impose sanctions under subsection 1877(g) with respect to designated health services that are eligible expenses.

''(5) NONAPPLICATION OF MEDICAID THIRD PARTY LIABILITY.—Neither the program nor an entity receiving payment for eligible expenses under the program shall be treated as a legally liable party for purposes of applying section 1902(a)(25).

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who—

''(A) is enrolled under part B; and

''(B) as of the start of the program, or in the case of an individual who enrolls in part B after the date that is 6 months after the date of the enactment of this section, the first month in which the individual is enrolled under such part, is not subject to a reduction in premium subsidy pursuant to section 1839(i).

''(2) ELIGIBLE EXPENSES.—The term 'eligible expenses' means expenses for which payment has not been made by insurance or a party other than the beneficiary, for dental items and services furnished to an eligible beneficiary that are—

''(A) to the extent applicable, treated as medical care under section 213(d)(1)(A) of the Internal Revenue Code of 1986;

''(B) furnished by entities such as those with merchant category code 8021 (or successor codes); and

''(C) presented for payment on or after the date of the activation of the card described in subsection (c)(1)(B), and ending on December 31, 2024.

''(3) PROGRAM.—The term 'program' means the program established under this section.

''(e) OUTREACH AND EDUCATION.—

''(1) IN GENERAL.—The Secretary shall provide outreach and education on the program—

''(A) for eligible beneficiaries; and

''(B) for entities described in subsection (d)(2)(B).

''(2) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $82,000,000, to remain available until December 31, 2025, to carry out this subsection.

''(f) NO IMPACT ON BENEFITS UNDER THIS TITLE, MEDICAID, OR CHIP.—

''(1) NO IMPACT ON BENEFITS UNDER THIS TITLE.—Any payment made to an entity under this section shall not be treated as benefits under this title or otherwise taken into account in computing—

''(A) actuarial rates or premium amounts under section 1839; or

''(B) the MA area-specific non-drug monthly benchmark amount under section 1853(j).

''(2) DISREGARD OF PAYMENTS FOR PURPOSES OF MEDICAID AND CHIP.—Any payment made to an entity under this section shall be disregarded when determining income for any purpose under the programs established under title XIX and title XXI.

''(g) EXCEPTION FROM REDUCTION OR OFFSET.—Payments under this section shall not be subject to offset under section 3716 of title 31, United States Code.

''(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $193,000,000, to remain available until December 31, 2025, to carry out this section (other than subsection (e) and subsection (i)).

''(i) FUNDING FOR PAYMENTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $58,000,000,000, to remain available until December 31, 2024, for purposes of funding payments for eligible expenses under the program through Treasury-sponsored accounts described in subsection (c)(2)(A)(i) which shall supplement and not supplant any other appropriations that may be available for this purpose.''.

SEC. 11502. COVERAGE OF DENTAL AND ORAL HEALTH CARE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (HH), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(II) dental and oral health services (as defined in subsection (lll));''.

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''(lll) DENTAL AND ORAL HEALTH SERVICES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'dental and oral health services' means the following items and services that are furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (3)) on or after January 1, 2025:

''(A) PREVENTIVE AND SCREENING SERVICES.—Preventive and screening services, including oral exams, dental cleanings, dental x-rays, and fluoride treatments.

''(B) BASIC PROCEDURES.—Basic procedures, including services such as minor restorative services, periodontal maintenance, periodontal scaling and root planing, simple

tooth extractions, therapeutic pulpotomy, and other related items and services.

''(C) DENTURES.—Dentures and implants including related items and services.

''(2) EXCLUSIONS.—Such term does not include items and services for which, as of the date of the enactment of this subsection, coverage was permissible under section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10).

''(3) ORAL HEALTH PROFESSIONAL.—The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished.''.

(c) PAYMENT; COINSURANCE; AND LIMITATIONS.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101, is amended—

(A) in subparagraph (N), by inserting ''and dental and oral health services (as defined in section 1861(lll))'' after ''section 1861(hhh)(1))'';

(B) by striking ''and'' before ''(EE)''; and

(C) by inserting before the semicolon at the end the following: ''and (FF) with respect to dental and oral health services (as defined in section 1861(lll)), the amount paid shall be the payment amount specified under section 1834(z)''.

(2) PAYMENT AND LIMITS SPECIFIED.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—

''(1) PAYMENT.—The payment amount under this part for dental and oral health services (as defined in section 1861(lll)) shall be, subject to paragraphs (3) and (4), 80 percent of the lesser of—

''(A) the actual charge for the service; or

''(B)(i) in the case of such services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)), the amount determined under the fee schedule established under paragraph (2); or

''(ii) in the case of such services furnished by an oral health professional (as defined in section 1861(lll)(3)), 85 percent of the amount determined under the fee schedule established under paragraph (2).

''(2) ESTABLISHMENT OF FEE SCHEDULE FOR DENTAL AND ORAL HEALTH SERVICES.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary shall establish a fee schedule for dental and oral health services furnished in 2025 and subsequent years. The fee schedule amount for a dental or oral health service shall be equal 70 percent of the national median fee (as determined under subparagraph (B)) for the service or a similar service for the year (or, in the case of dentures, at the bundled payment amount under clause (iv) of such subparagraph), adjusted by the geographic adjustment factor established under section 1848(e)(2) for the area for the year.

''(ii) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult annually with organizations representing dentists and other providers who furnish dental and oral health services and shall share with such providers the data and data analysis used to determine fee schedule amounts under this paragraph.

''(B) DETERMINATION OF NATIONAL MEDIAN FEE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the Secretary shall apply the national median fee for a dental or oral health service for 2025 and subsequent years in accordance with this subparagraph.

''(ii) USE OF 2020 DENTAL FEE SURVEY.—

''(I) IN GENERAL.—Except as provided in clause (iii) or clause (iv), the national median fee for a dental or oral health service shall be equal to—

''(aa) for 2025, the median fee for the service in the table titled 'General Practitioners–National' of the '2020 Survey of Dental Fees' published by the American Dental Association, increased by the applicable percent increase for the year determined under subclause (II), as reduced by the productivity adjustment under subclause (III); and

''(bb) for 2026 and subsequent years, the amount determined under this subclause for the preceding year, updated pursuant to subparagraph (C)(i).

''(II) APPLICABLE PERCENT INCREASE.—The applicable percent increase determined under this subclause for a year is an amount equal to the percentage increase between—

''(aa) the consumer price index for all urban consumers (United States city average) ending with June of the previous year; and

''(bb) the consumer price index for all urban consumers (United States city average) ending with June of 2020.

''(III) PRODUCTIVITY ADJUSTMENT.—After determining the applicable percentage increase under subclause (II) for a year, the Secretary shall reduce such percentage increase by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(iii) DETERMINATION IF INSUFFICIENT SURVEY DATA.—If the Secretary determines there is insufficient data under the Survey described in clause (ii) with respect to a dental or oral health service, the national median fee for the service for a year shall be equal to an amount established for the service using one or more of the following methods, as determined appropriate by the Secretary:

''(I) The payment basis determined under section 1848.

''(II) Fee schedules for dental and oral health services which shall include, as practicable, fee schedules—

''(aa) under Medicare Advantage plans under part C;

''(bb) under State plans (or waivers of such plans) under title XIX; and

''(cc) established by other health care payers.

''(iv) SPECIAL RULE FOR DENTURES.—The Secretary shall make payment for dentures and associated professional services as a bundled payment as determined by the Secretary. In establishing such bundled payment, the Secretary shall consider the national median fee for the service for the year determined under clause (ii) or (iii) and the rate determined for such dentures under the Federal Supply Schedule of the General Services Administration, as published by such Administration in 2021, updated to the year involved using the applicable percent increase for the year determined under clause (ii)(II), as reduced by the productivity adjustment under clause (ii)(III), and shall ensure that the payment component for dentures under such bundled payment does not exceed the maximum rate determined for such dentures under the Federal Supply Schedule, as so published and updated to the year involved.

''(C) ANNUAL UPDATE AND ADJUSTMENTS.—

''(i) ANNUAL UPDATE.—The Secretary shall update payment amounts determined under the fee schedule from year to year beginning in 2026 by increasing such amounts from the prior year by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year, reduced by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).

''(ii) ADJUSTMENTS.—

''(I) IN GENERAL.—The Secretary shall, to the extent the Secretary determines to be necessary and subject to subclause (II), adjust the amounts determined under the fee schedule established under this paragraph for 2026 and subsequent years to take into account changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

''(II) LIMITATION ON ANNUAL ADJUSTMENTS.—The adjustments under subclause (I) for a year shall not cause the amount of expenditures under this part for the year to differ by more than $20,000,000 from the amount of expenditures under this part that would have been made if such adjustments had not been made.

''(3) LIMITATIONS.—With respect to dental and oral health services that are preventive and screening services described in paragraph (1)(A) of section 1861(lll)—

''(A) payment shall be made under this part for—

''(i) not more than 2 oral exams in a year;

''(ii) not more than 2 dental cleanings in a year;

''(iii) not more than 1 fluoride treatment in a year; and

''(iv) not more than 1 full-mouth series of x-rays as part of a preventive and screening oral exam every 3 years; and

''(B) in the case of preventive and screening services not described in subparagraph (A), payment shall be made under this part only at such frequencies determined appropriate by the Secretary.

''(4) INCENTIVES FOR RURAL PROVIDERS.—In the case of dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or an oral health professional (as defined in section 1861(lll)(3)) who predominantly furnishes such services under this part in an area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, in addition to the amount of payment that would otherwise be made for such services under this subsection, there also shall be paid an amount equal to 10 percent of the payment amount for the service under this subsection for such doctor or professional.

''(5) LIMITATION ON BENEFICIARY LIABILITY.—The provisions of section 1848(g) shall apply to a nonparticipating doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) who does not accept payment on an assignment-related basis for dental and oral health services furnished with respect to an individual enrolled under this part in the same manner as such provisions apply with respect to a physician's service.

''(6) ESTABLISHMENT OF DENTAL ADMINISTRATOR.—The Secretary shall designate one or more (not to exceed 4) medicare administrative contractors under section 1874A to establish coverage policies and establish such policies and process claims for payment for dental and oral health services, as determined appropriate by the Secretary.''.

(d) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

''(vii) With respect to 2026 and each subsequent year, an oral health professional (as defined in section 1861(lll)(3)).''.

(e) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (O), by striking ''and'' at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(Q) in the case of dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(z)(3), which are furnished more frequently than is provided under such section.''; and

(2) in paragraph (12), by inserting before the semicolon at the end the following: ''and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II)''.

(f) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d), is amended—

(1) by striking ''or hearing aids'' and inserting ''hearing aids''; and

(2) by inserting '', or dental and oral health services (as defined in subsection (lll) of such section)'' after ''subsection (s)(8) of such section''.

(g) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) COVERAGE OF DENTAL AND ORAL HEALTH SERVICES.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by inserting ''and'' after the comma at the end; and

(iii) by inserting after subparagraph (C) the following new subparagraph:

''(D) dental and oral health services (as defined in subsection (lll)) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in subsection (lll)(3)) who is employed by or working under contract with a rural health clinic if such rural health clinic furnishes such services,''; and

(B) in paragraph (3)(A), by striking ''(C)'' and inserting ''(D)''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended—

(i) in subsection (a)(3)(A), by inserting ''(which shall, in the case of dental and oral health services (as defined in section 1861(lll)), in lieu of any limits on reasonable costs otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2030, if no such determination has been made as of such date))'' after ''may prescribe in regulations''; and

(ii) by adding at the end the following new subsection:

''(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than dental and oral health services (as defined in section 1861(lll)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(B) PPS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

''(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2030, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such dental and oral health services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.''.

(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

SEC. 11503. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND HEARING AID EXAMINATION SERVICES BY QUALIFIED HEARING AID PROFESSIONALS.—

(1) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395x(ll)) is amended—

(A) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)'';

(ii) in subparagraph (A), as added by clause (i) of this subparagraph—

(I) by striking ''means such hearing and balance assessment services'' and inserting ''means—

''(i) such hearing and balance assessment services and, beginning January 1, 2024, such hearing aid examination services and treatment services (including aural rehabilitation, vestibular rehabilitation, and cerumen management)'';

(II) in clause (i), as added by subclause (I) of this clause, by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following new clause:

''(ii) beginning January 1, 2024, such hearing aid examination services furnished by a qualified hearing aid professional (as defined in paragraph (4)(C)) as the professional is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), as would otherwise be covered if furnished by a physician.''; and

(iii) by adding at the end the following new subparagraph:

''(B) Beginning January 1, 2024, audiology services described in subparagraph (A)(i) shall be furnished without a requirement for an order from a physician or practitioner.''; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

''(C) The term 'qualified hearing aid professional' means an individual who—

''(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

''(ii) is accredited by the National Board for Certification in Hearing Instrument Sciences or meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certifications or accreditations) taking into account any additional relevant requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and group health plans and health insurance issuers (as such terms are defined in section 2791 of the Public Health Service Act).''.

(2) PAYMENT FOR QUALIFIED HEARING AID PROFESSIONALS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101(b) and 11501, is further amended—

(A) by striking ''and'' before ''(FF)''; and

(B) by inserting before the semicolon at the end the following: ''and (GG) with respect to hearing aid examination services (as described in paragraph (3)(A)(ii) of section 1861(ll)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of the actual charge for such services or 85 percent of the amount for such services determined under the payment basis determined under section 1848''.

(3) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.—

(A) QUALIFIED AUDIOLOGISTS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 11502, is amended by adding at the end the following new clause:

''(viii) Beginning on January 1, 2024, a qualified audiologist (as defined in section 1861(ll)(4)(B)).''.

(B) QUALIFIED HEARING AID PROFESSIONALS.—Section 1842(b)(18) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended—

(i) in each of subparagraphs (A) and (B), by ''striking subparagraph (C)'' and inserting ''subparagraph (C) or, beginning on January 1, 2024, subparagraph (E)''; and

(ii) by adding at the end the following new subparagraph:

''(E) A practitioner described in this subparagraph is a qualified hearing aid professional (as defined in section 1861(ll)(4)(C)).''.

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting '', and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2024, to individuals with moderately severe, severe, or profound hearing loss'' before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraphs:

''(6) PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS.—Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related basis. The provisions of subparagraphs (A) and (B) of section 1842(b)(18) shall apply to hearing aids in the same manner as they apply to services furnished by a practitioner described in subparagraph (C) of such section.

''(7) LIMITATIONS FOR HEARING AIDS.—

''(A) IN GENERAL.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished by a qualified hearing aid supplier (as defined in subparagraph (B)) on or after January 1, 2024—

''(i) not more than once per ear during a 5-year period;

''(ii) only for types of such hearing aids that are determined appropriate by the Secretary; and

''(iii) only if furnished pursuant to a written order of a physician, qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practitioner, or clinical nurse specialist.

''(B) DEFINITIONS.—In this subsection:

''(i) HEARING AID.—The term 'hearing aid' means the item and related services including selection, fitting, adjustment, and patient education and training.

''(ii) QUALIFIED HEARING AID SUPPLIER.—The term 'qualified hearing aid supplier' means—

''(I) a qualified audiologist;

''(II) a physician (as defined in section 1861(r)(1));

''(III) a physician assistant, nurse practitioner, or clinical nurse specialist;

''(IV) a qualified hearing aid professional (as defined in 1861(ll)(4)(C)); and

''(V) other suppliers as determined by the Secretary.''.

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(i) in the header, by inserting ''AND HEARING AIDS'' after ''ORTHOTICS'';

(ii) by inserting ''or of hearing aids described in paragraph (2)(D) of such section,'' after ''2011,''; and

(iii) in clause (i), by inserting ''or such hearing aids'' after ''such orthotics''.

(B) CONFORMING AMENDMENTS.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

''(D) HEARING AIDS.—Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.''.

(iii) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

''(8) COMPETITION WITH RESPECT TO HEARING AIDS.—Not later than January 1, 2029, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(D).''.

(4) PHYSICIAN SELF-REFERRAL LAW.—Section 1877(b) of the Social Security Act (42 U.S.C. 1395nn(b)) is amended by adding at the end the following new paragraph:

''(6) HEARING AIDS AND SERVICES.—In the case of hearing aid examination services and hearing aids—

''(A) furnished on or after January 1, 2024, and before January 1, 2026; and

''(B) furnished on or after January 1, 2026, if the financial relationship specified in subsection (a)(2) meets such requirements the Secretary imposes by regulation to protect against program or patient abuse.''.

(c) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting ''(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))'' after ''hearing aids or examinations therefor''.

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period and inserting '', or''; and

(3) by adding at the end the following new clause:

''(iii) consisting of audiology services described in subsection (ll)(3) of section 1861, or hearing aids described in subsection (s)(8) of such section, that are payable under part B as a result of the amendments made by the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''.

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ''(including audiology services (as defined in subsection (ll)(3)))'' after ''physicians' services''.

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ''or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (ll)),'' after ''(as defined in subsection (hh)(1)),''.

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by section 11502(g), is amended—

(i) in subsection (a)(3)(A), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''; and

(ii) in subsection (e), by inserting ''and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll)''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11501(e), is amended—

(i) in the first sentence, by inserting '' and audiology services (as defined in section 1861(ll)(3))'' after ''(as defined in section 1861(lll))''; and

(ii) in the second sentence, by inserting ''and such audiology services'' after ''such dental and oral health services''.

(f) IMPLEMENTATION FOR 2023 THROUGH 2025.—The Secretary of Health and Human Services shall implement the provisions of, and the amendments made by, this section for 2023, 2024, and 2025 by program instruction or other forms of program guidance.

(g) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2032.

SEC. 11504. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 11502(a), is amended—

(1) in subparagraph (HH), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (II), by striking the period at the end and adding ''; and''; and

(3) by adding at the end the following new subparagraph:

''(JJ) vision services (as defined in subsection (mmm));''.

(b) VISION SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 11502(b), is amended by adding at the end the following new subsection:

''(mmm) VISION SERVICES.—The term 'vision services' means routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination, furnished on or after January 1, 2023, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations or procedures (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which the examinations or procedures are furnished.''.

(c) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 11502(c), is amended by adding at the end the following new subsection:

''(aa) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mmm)) and an individual, payment shall be made under this part for only 1 routine eye examination described in such subsection during a 2-year period.''.

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(JJ),'' before ''(3)''.

(e) COVERAGE OF CONVENTIONAL EYEGLASSES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)), as amended by section 11503(b), is amended by striking '', and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens'' and inserting '', including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens, if furnished before January 1, 2023, and including (as described in section 1834(h)(8)) conventional eyeglasses, whether or not furnished subsequent to such a surgery, if furnished on or after January 1, 2023''.

(f) SPECIAL PAYMENT RULES FOR EYEGLASSES.—

(1) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(8) PAYMENT LIMITATIONS FOR EYEGLASSES.—

''(A) IN GENERAL.—With respect to conventional eyeglasses furnished to an individual on or after January 1, 2023, subject to subparagraph (B), payment shall be made under this part only during a 2-year period, for one pair of eyeglasses (including lenses and the frame).

''(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, payment shall be made under this part for one pair of conventional eyeglasses furnished subsequent to such cataract surgery during such period.

''(C) NO COVERAGE OF CERTAIN ITEMS.—Payment shall not be made under this part for deluxe eyeglasses or conventional reading glasses.''.

(2) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)), as amended by section 11503(b), is amended—

(i) in the header, by striking ''**AND HEARING AIDS**'' and inserting ''**HEARING AIDS, AND EYEGLASSES**''

(ii) by striking ''or of hearing aids'' and inserting ''of hearing aids'';

(iii) by inserting ''or of eyeglasses described in paragraph (2)(E) of such section,'' after ''paragraph (2)(D) of such section,''; and

(iv) in clause (i), by striking ''or such hearing aids'' and inserting '', such hearing aids, or such eyeglasses''.

(B) CONFORMING AMENDMENT.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)), as amended by section 11503(b), is amended by adding at the end the following new subparagraph:

''(E) EYEGLASSES.—Eyeglasses described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).''.

(C) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)), as amended by section 11503(b), is amended by adding at the end the following new paragraph:

''(9) COMPETITION WITH RESPECT TO EYEGLASSES.—Not later than January 1, 2028, the Secretary shall begin the competition with respect to the items and services described in paragraph (2)(E).''.

(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 11502(e), is amended—

(1) in paragraph (1)—

(A) in subparagraph (P), by striking ''and'' at the end;

(B) in subparagraph (Q), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(R) in the case of vision services (as defined in section 1861(mmm)) that are routine eye examinations as described in such section, which are furnished more frequently than once during a 2-year period;''; and

(2) in paragraph (7)—

(A) by inserting ''(other than such an examination that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''eye examinations''; and

(B) by inserting ''(other than such a procedure that is a vision service that is covered under section 1861(s)(2)(JJ))'' after ''refractive state of the eyes''.

(h) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d) and amended by section 11503(f), is amended—

(1) by striking ''or dental'' and inserting ''dental''; and

(2) by inserting '', or vision services (as defined in subsection (mmm) of such section)'' after ''(as defined in subsection (lll) of such section)''.

(i) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF VISION SERVICES AS PHYSICIANS' SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)), as amended by section 11501(e), is amended by inserting ''and vision services (as defined in subsection (mmm))'' after ''(as defined in subsection (ll)(3))''.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 13951), as amended by sections 11502(g) and 11503(e), is amended—

(i) in subsection (a)(3)(A)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', or vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in subsection (e)—

(I) by striking ''or audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11502(g) and amended by section 11503(e), is amended—

(i) in the first sentence—

(I) by striking ''and audiology'' and inserting '', audiology''; and

(II) by inserting '', and vision services (as defined in section 1861(mmm))'' after ''(as defined in section 1861(ll)(3))''; and

(ii) in the second sentence, by striking ''and such audiology services'' and inserting '', such audiology services, and such vision services''.

(j) EXPEDITING IMPLEMENTATION.—The Secretary shall implement this section for the period beginning on January 1, 2023, and ending on December 31, 2024, through program instruction or other forms of program guidance.

(k) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2023, and ending on September 30, 2031.

SEC. 11505. PHASE-IN OF IMPACT OF DENTAL AND ORAL HEALTH COVERAGE ON PART B PREMIUMS.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''and (7)'' and inserting ''(7), and (8)'';

(2) in paragraph (3), by striking ''The Secretary'' and inserting ''Subject to paragraph (8)(C), the Secretary''; and

(3) by adding at the end the following:

''(8) SPECIAL RULE FOR 2025 THROUGH 2028.—

''(A) DETERMINATION OF ALTERNATIVE MONTHLY ACTUARIAL RATE FOR EACH OF 2025 THROUGH 2028.—For each of 2025 through 2028, the Secretary shall, at the same time as and in addition to the determination of the monthly actuarial rate for enrollees age 65 and over determined in each of 2024 through 2027 for the succeeding calendar year according to paragraph (1), determine an alternative monthly actuarial rate for enrollees age 65 and over for the year as described in subparagraph (B).

''(B) ALTERNATIVE MONTHLY ACTUARIAL RATE DESCRIBED.—

''(i) IN GENERAL.—The alternative monthly actuarial rate described in this subparagraph is—

''(I) for 2025, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by section 11502 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' did not apply; and

''(II) for 2026, 2027, and 2028, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply, plus the applicable percent of the amount by which—

''(aa) the monthly actuarial rate for enrollees age 65 and over for the year determined according to paragraph (1); exceeds

''(bb) the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply.

''(ii) DEFINITION OF APPLICABLE PERCENT.—For purposes of this subparagraph, the term 'applicable percent' means—

''(I) for 2026, 25 percent;

''(II) for 2027, 50 percent; and

''(III) for 2028, 75 percent.

''(C) APPLICATION TO PART B PREMIUM AND OTHER PROVISIONS OF THIS PART.—For each of 2025 through 2028, the Secretary shall use the alternative monthly actuarial rate for enrollees age 65 and over for the year determined under subparagraph (A), in lieu of the monthly actuarial rate for such enrollees for the year determined according to paragraph (1), when determining the monthly premium rate for the year under paragraph (3) and subsection (j), the part B deductible under section 1833(b), and the premium subsidy and monthly adjustment amount under subsection (i).''.

Subpart B—Tax Provisions

SEC. 11511. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting 'the greater of specified net income or net investment income' for 'net investment income' in subparagraph (A) thereof.

''(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

''(A) the excess described in paragraph (1), bears to

''(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

''(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term 'high income threshold amount' means—

''(A) except as provided in subparagraph (B) or (C), $400,000,

''(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

''(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

''(4) SPECIFIED NET INCOME.—For purposes of this section, the term 'specified net income' means net investment income determined—

''(A) without regard to the phrase 'other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),' in subsection (c)(1)(A)(i),

''(B) without regard to the phrase 'described in paragraph (2)' in subsection (c)(1)(A)(ii),

''(C) without regard to the phrase 'other than property held in a trade or business not described in paragraph (2)' in subsection (c)(1)(A)(iii),

''(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

''(E) by treating paragraphs (5) and (6) of section 469(c) (determined without regard to the phrase 'To the extent provided in regulations,' in such paragraph (6)) as applying for purposes of subsection (c) of this section.''.

(b) APPLICATION TO TRUSTS AND ESTATES.—Section 1411(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''undistributed net investment income'' and inserting ''the greater of undistributed specified net income or undistributed net investment income''.

(c) CLARIFICATIONS WITH RESPECT TO DETERMINATION OF NET INVESTMENT INCOME.—

(1) CERTAIN EXCEPTIONS.—Section 1411(c)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

''(6) SPECIAL RULES.—Net investment income shall not include—

''(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

''(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(v)(2)), and

''(C) wages received from the performance of services earned outside the United States for a foreign employer.''.

(2) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) of such Code is amended by inserting ''(other than section 172)'' after ''this subtitle''.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) of such Code is amended by striking ''and'' at the end of clause (ii), by striking ''over'' at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over''.

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c) of such Code is amended by adding at the end the following new paragraph:

''(7) CERTAIN PREVIOUSLY TAXED INCOME.—The Secretary shall issue regulations or other guidance providing for the treatment of—

''(A) distributions of amounts previously included in gross income for purposes of chapter 1 but not previously subject to tax under this section, and

''(B) distributions described in section 962(d).''.

(d) DEPOSIT INTO MEDICARE HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the excess of—

''(A) the taxes imposed by 1411(a) of the Internal Revenue Code of 1986, as reported to the Secretary of the Treasury or his delegate pursuant to subtitle F of such Code after December 31, 2022, over

''(B) the taxes which would have been imposed under such section after such date, determined as if the amendments made by section 11511 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') did not apply, as estimated by the Secretary of the Treasury.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(f) TRANSITION RULE.—The regulations or other guidance issued by the Secretary under section 1411(c)(7) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 1411(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2022, and

(2) taxable years beginning after such date.

SEC. 11512. INCREASE IN TOP MARGINAL INDIVIDUAL INCOME TAX RATE.

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last two rows and inserting the following: ''

''Over $400,000 but not over $450,000.	$91,379, plus 35% of the excess over $400,000
Over $450,000	$108,879, plus 39.6% of the excess over $450,000.''.

(2) HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(B) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $425,000.	$44,298, plus 35% of the excess over $200,000
Over $425,000	$123,048, plus 39.6% of the excess over $425,000.''.

(3) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(C) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $400,000.	$45,689.50, plus 35% of the excess over $200,000
Over $400,000	$115,689.50, plus 39.6% of the excess over $400,000.''.

(4) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(j)(2)(D) of such Code is amended by striking the last two rows and inserting the following: ''

''Over $200,000 but not over $225,000.	$45,689.50, plus 35% of the excess over $200,000
Over $225,000	$54,439.50, plus 39.6% of the excess over $225,000.''.

(5) ESTATES AND TRUSTS.—The table contained in section 1(j)(2)(E) of such Code is amended by striking the last row and inserting the following: ''

''Over $12,500	$3,011.50, plus 39.6% of the excess over $12,500.''.

(b) APPLICATION OF ADJUSTMENTS.—Section 1(j)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) ADJUSTMENTS.—For taxable years beginning after December 31, 2022, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

''(A) except as provided in subparagraph (B), subsection (f)(3) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof,

''(B) in the case of adjustments to the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(E))—

''(i) no adjustment shall be made for taxable years beginning after December 31, 2022, and before January 1, 2024, and

''(ii) in the case of any taxable year beginning after December 31, 2023, subsection (f)(3) shall be applied by substituting 'calendar year 2022' for 'calendar year 2016',

''(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

''(D) subsection (f)(8) shall not apply.''.

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET FOR HIGH-INCOME TAXPAYERS AFTER 2025.—Section 1(i)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) MODIFICATIONS TO 39.6 PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2025—

''(A) IN GENERAL.—The rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in excess of the 39.6 percent rate bracket threshold shall be taxed at a rate of 39.6 percent.

''(B) 39.6 PERCENT RATE BRACKET THRESHOLD.—For purposes of this paragraph, the term '39.6 percent rate bracket threshold' means—

''(i) in the case any taxpayer described in subsection (a), $450,000,

''(ii) in the case of any taxpayer described in subsection (b), $425,000,

''(iii) in the case of any taxpayer described in subsection (c), $400,000, and

''(iv) in the case of any taxpayer described in subsection (d), $225,000.

''(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2025, each of the dollar amounts in subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(A)(ii) shall be applied by substituting '2022' for '2016'.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1(j)(1) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2022''.

(2) The heading of section 1(j) is amended by striking ''2018'' and inserting ''2023''.

(3) The heading of section 1(i) is amended by striking ''RATE REDUCTIONS'' and inserting ''MODIFICATIONS''

(4) Section 15(f) is amended by striking ''rate reductions'' and inserting ''modifications''.

(e) SECTION 15 NOT TO APPLY.—For rules providing that section 15 of the Internal Revenue Code of 1986 does not apply to the amendments made by this section, see sections 1(j)(6) and 15(f) of the Internal Revenue Code of 1986.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5212. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50171 and insert the following:

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $268,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of Department of Energy activities.

SA 5213. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page ____, strike lines ______ through _______ and insert the following:

(3) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this subsection shall be applied in a manner that increases taxes on any taxpayer with a taxable income below $400,000.

SA 5214. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED HOMICIDE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed homicide offenses in the United States.

SA 5215. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY RAPE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony rape offenses in the United States.

SA 5216. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED SEXUAL OFFENSES INVOLVING MINORS IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed sexual offenses involving minors in the United States.

SA 5217. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 371, strike lines 1 through 16 and insert the following:

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity—

''(i) none of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery were extracted or processed in any country whose government has, according to a determination issued by the Secretary of State during the 10-year period preceding the date of enactment of the Inflation Reduction Act of 2022, committed genocide or crimes against humanity, and

''(ii) the percentage of the value of the applicable critical minerals (as so defined) contained in such battery that were—

''(I) extracted or processed in any country with which the United States has a free trade agreement in effect, or

''(II) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

SA 5218. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70002 and insert the following:

SEC. 70002. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY CRIMINAL OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5219. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through ''$3,000,000,000'' on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; IMMIGRATION ENFORCEMENT, DETENTION, AND REMOVAL; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended, for—

(1) procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry;

(2) salaries and expenses relating to U.S. Customs and Border Protection's technology for detecting drugs and contraband entering the United States at or between ports of entry; and

(3) necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

(b) In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited in the Postal Service Fund established under section 2003 of title 39, United States Code, $1,500,000,000

SA 5220. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through ''$3,000,000,000'' on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for—

(1) procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry; and

(2) salaries and expenses relating to U.S. Customs and Border Protection's technology for detecting drugs and contraband entering the United States at or between ports of entry.

(b) In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited in the Postal Service Fund established under section 2003 of title 39, United States Code, $1,500,000,000

SA 5221. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70006 and insert the following:

SEC. 70006. FEDERAL EMERGENCY MANAGEMENT AGENCY BUILDING MATERIALS PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may provide financial assistance in accordance with sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 42 U.S.C. 5170c(a), 42 U.S.C. 5172(b)) for—

(1) costs associated with the construction of a border wall or barrier between Mexico and the United States; and

(2) costs associated with the construction or maintenance of detention facilities for illegal aliens awaiting deportation.

(b) SUNSET.—This section shall cease to be effective after September 30, 2026.

SA 5222. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026___. SENSE OF THE SENATE ON THE IMPORTANCE OF THE ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the sense of the Senate that—

(1) the United States is stronger when the United States is energy independent; and

(2) all applicable Federal agencies should continue to carry out activities with respect to oil and gas leases, drilling, refining, and pipelines in order for the United States to become an energy independent nation.

SA 5223. Mr. PORTMAN submitted an amendment intended to be proposed by

him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70005 and insert the following:

SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. UNIFORM APPLICATION PROCESS FOR FEDERAL GRANTS.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2026, for necessary expenses to develop a uniform application process for Federal research grants that requires researchers associated with a proposed project that may receive a Federal grant to disclose—

(1) biographical information;

(2) all affiliations, including affiliations with any foreign military, foreign government-related organization, or foreign-funded institution;

(3) all current and pending support, including support from any foreign institution, foreign government, or foreign laboratory; and

(4) all past support received from foreign sources.

SA 5224. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used—

(1) to train users on the equipment described in subsection (a);

(2) to provide directors of ports of entry with an alternate method for identifying narcotics, including synthetic opioids, at lower purity levels;

(3) to test any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before U.S. Customs and Border Protection commits to the acquisition of such devices; and

(4) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

SA 5225. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. REGULATORY REFORM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY RRO.—The term ''agency RRO'' means the Regulatory Reform Officer of an agency designated under subsection (b)(1).

(3) COSTS.—The term ''costs'' means opportunity cost to society.

(4) COST SAVINGS.—The term ''cost savings'' means the cost imposed by a regulatory action that is eliminated by the repeal, replacement, or modification of the regulatory action.

(5) DEREGULATORY ACTION.—The term ''deregulatory action'' means the repeal, replacement, or modification of an existing regulatory action.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(7) INCREMENTAL REGULATORY COST.—The term ''incremental regulatory cost'' means the difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action.

(8) REGULATION; RULE.—The term ''regulation'' or ''rule'' has the meaning given the term ''rule'' in section 551 of title 5, United States Code.

(9) REGULATORY ACTION.—The term ''regulatory action'' means—

(A) any regulation; and

(B) any other regulatory guidance, statement of policy, information collection request, form, or reporting, recordkeeping, or disclosure requirements that imposes a burden on the public or governs agency operations.

(10) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action, other than monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee, that is likely to—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise a novel legal or policy issue.

(11) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

(12) TASK FORCE.—The term ''Task Force'' means the regulatory reform task force of an agency described in subsection (b)(2).

(b) ESTABLISHING REGULATORY REFORM CAPACITY.—

(1) REGULATORY REFORM OFFICERS.—

(A) IN GENERAL.—Except as provided in subsection (e), each agency shall designate an employee or officer of the agency as the Regulatory Reform Officer.

(B) DUTIES.—In accordance with applicable law and in consultation with relevant senior agency officials, each agency RRO shall oversee—

(i) the implementation of regulatory reform initiatives and policies for the agency to ensure that the agency effectively carries out regulatory reforms; and

(ii) the termination of programs and activities that derive from or implement statutes, Executive orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been repealed or rescinded.

(2) REGULATORY REFORM TASK FORCES.—

(A) ESTABLISHMENT OF AGENCY TASK FORCE; MEMBERSHIP.—Except as provided in subsection (e), not later than 60 days after the date of enactment of this Act, the head of each agency shall appoint and may remove members to the regulatory reform task force of the agency, which shall be composed of the following members:

(i) The agency RRO.

(ii) A senior agency official from each relevant component or office of the agency with significant authority for issuing or repealing regulatory actions.

(iii) Additional senior agency officials involved in the development of rulemaking or other regulatory action at the agency, as determined by the head of the agency.

(B) CHAIR.—Unless otherwise designated by the head of the agency, the agency RRO shall chair the Task Force of the agency.

(C) JOINT TASK FORCES.—

(i) IN GENERAL.—For the consideration of a joint rulemaking, the Director may form a joint regulatory reform task force composed of not less than 1 member from the Task Force of each relevant agency.

(ii) CONSULTATION.—Any joint regulatory reform task force formed under this paragraph shall consult with each relevant Task Force.

(D) DUTIES.—Each Task Force shall—

(i) conduct ongoing evaluations of regulations and other regulatory actions and make recommendations that are consistent with and that could be implemented in accordance with applicable law to the head of the agency regarding repeal, replacement, or modification of regulations and regulatory actions; and

(ii) to the extent practicable—

(I) not later than 5 years after the date of enactment of this Act, complete a review of each regulation issued by the agency;

(II) for each regulation or regulatory action reviewed and identified for repeal, replacement, or modification, estimate the cost savings of the repeal, replacement, or modification, as applicable; and

(III) identify regulations that are appropriate for repeal, replacement, or modification, and prioritize the evaluation of regulations that—

(aa) eliminate or have eliminated jobs or inhibit or have inhibited job creation;

(bb) are outdated, unnecessary, or ineffective;

(cc) impose costs that exceed benefits;

(dd) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(ee) were issued or are maintained in a manner that is inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that section, including any rule that relies in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(ff) were made pursuant to or to implement statutes, Executive orders, or other Presidential directives that have been subsequently rescinded or substantially modified.

(3) CONSULTATION WITH STAKEHOLDERS.—In performing the tasks under this subsection, each agency RRO and Task Force—

(A) shall seek input and other assistance from the public and from entities significantly affected by regulations, including State, local, and Tribal governments, small businesses, consumers, non-governmental organizations, and trade associations; and

(B) may—

(i) incorporate specific suggestions from stakeholders in identifying the list of deregulatory actions to recommend to the head of the agency; and

(ii) accept or solicit input from the public in any manner, if—

(I) the process is transparent to the public and Congress;

(II) a list of each meeting, a list of each stakeholder that submitted a comment, and a copy of each written comment are made publicly available online; and

(III) the Task Force issues a public notice of any public meeting to solicit input not less than 7 days before the public meeting and makes detailed minutes of the meeting available online not less than 7 days after the date of the meeting.

(4) TRANSPARENT REGULATORY REFORM.—

(A) WEBSITE.—To the extent practicable, the head of each agency shall publish information about the Task Force of the agency and other regulatory reform initiatives on the website of the agency—

(i) which shall include—

(I) a list of the members of the Task Force of the agency;

(II) a copy of each report issued under this subsection; and

(III) a link to or copy of each notice of a meeting or solicitation of public comments issued by the Task Force of the agency; and

(ii) which may include—

(I) an online forum to receive comments from the public; and

(II) any other information about the Task Force or other regulatory reform initiatives at the agency.

(B) REPORT.—Not less frequently than twice per year, each agency RRO shall submit to the head of the agency a report on the activities performed under this section and any recommendations resulting from those activities, which shall be posted by the head of the agency on a publicly accessible website and shall include the following:

(i) A description of any improvement made toward implementation of regulatory reform initiatives and policies.

(ii) For each regulation or other regulatory action reviewed by the Task Force, a detailed description of the review.

(iii) An inventory of each regulation or regulatory action the Task Force recommends the agency consider for repeal, replacement, or modification.

(iv) A list of all activities conducted under paragraph (3), a summary of all comments received, and a hyperlink to copies of each public comment received.

(c) ACCOUNTABILITY.—

(1) INCORPORATION IN PERFORMANCE PLANS.—

(A) IN GENERAL.—Each agency listed in section 901(b)(1) of title 31, United States Code, shall incorporate in the annual performance plan of the agency required under section 1115(b) of title 31, United States Code, performance indicators that measure progress implementing this section.

(B) OMB GUIDANCE.—The Director shall issue, and update as necessary, guidance regarding the implementation of this paragraph.

(2) PERFORMANCE ASSESSMENT.—The head of each agency shall consider the progress implementing this section in assessing the performance of the Task Force of the agency and those individuals responsible for developing and issuing agency rules.

(d) REGULATORY PLANNING AND BUDGET.—

(1) UNIFIED AGENDA AND ANNUAL REGULATORY PLAN.—

(A) UNIFIED REGULATORY AGENDA.—During the months of April and October of each year, the Director shall publish a unified regulatory agenda, which shall include—

(i) regulatory and deregulatory actions under development or review at agencies;

(ii) a Federal regulatory plan of all significant regulatory actions and associated deregulatory actions that agencies reasonably expect to issue in proposed or final form in the current and following fiscal year; and

(iii) all information required to be included in the regulatory flexibility agenda under section 602 of title 5, United States Code.

(B) AGENCY SUBMISSIONS.—In accordance with guidance issued by the Director and not less than 60 days before each date of publication for the unified regulatory agenda under subparagraph (A), the head of each agency shall submit to the Director an agenda of all regulatory actions and deregulatory actions under development at the agency, including the following:

(i) For each regulatory action and deregulatory action:

(I) A regulation identifier number.

(II) A brief summary of the action.

(III) The legal authority for the action.

(IV) Any legal deadline for the action.

(V) The name and contact information for a knowledgeable agency official.

(VI) Any other information as required by the Director.

(ii) An annual regulatory plan, which shall include a list of each significant regulatory action the agency reasonably expects to issue in proposed or final form in the current and following fiscal year, including for each significant regulatory action:

(I) A summary, including the following:

(aa) A statement of the regulatory objectives.

(bb) The legal authority for the action.

(cc) A statement of the need for the action.

(dd) The agency's schedule for the action.

(II) The estimated cost.

(III) The estimated benefits.

(IV) Any deregulatory action identified to offset the estimated cost of such significant regulatory action and an explanation of how the agency will continue to achieve regulatory objectives if the deregulatory action is taken.

(V) A best approximation of the total cost or savings and any cost or savings associated with a deregulatory action.

(VI) An estimate of the economic effects, including any estimate of the net effect that such action will have on the number of jobs in the United States, that was considered in drafting the action, or, if such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the action has been considered.

(iii) Information required under section 602 of title 5, United States Code.

(iv) Information required under any other law to be reported by agencies about significant regulatory actions, as determined by the Director.

(2) FEDERAL REGULATORY BUDGET.—

(A) ESTABLISHMENT.—In the April unified regulatory agenda described in paragraph (1), the Director—

(i) shall establish the annual Federal Regulatory Budget, which specifies the net amount of incremental regulatory costs allowed by the Federal Government and at each agency for the next fiscal year; and

(ii) may set the incremental regulatory cost allowance to allow an increase, prohibit an increase, or require a decrease of incremental regulatory costs.

(B) DEFAULT NET INCREMENTAL REGULATORY COST.—If the Director does not set a net amount of incremental regulatory costs allowed for an agency, the net incremental regulatory cost allowed shall be zero.

(C) BALANCE ROLLOVER OF INCREMENTAL REGULATORY COST ALLOWANCE.—

(i) IN GENERAL.—If an agency does not exhaust all of the incremental regulatory cost allowance for a fiscal year, the balance may be added to the incremental regulatory cost allowance for the subsequent fiscal year, without increasing the incremental regulatory costs allowed for the Federal Government for the subsequent fiscal year.

(ii) TOTAL CARRYOVER.—The Director shall identify the total carryover incremental regulatory cost allowance available to an agency in the Federal Regulatory Budget.

(3) SIGNIFICANT REGULATORY ACTION REQUIREMENTS.—Except as otherwise required by law, a significant regulatory action shall have no effect unless—

(A) the—

(i) head of the agency identifies not less than 2 deregulatory actions to offset the costs of the significant regulatory action, and to the extent feasible, issues those deregulatory actions before or on the same schedule as the significant regulatory action;

(ii) incremental costs of the significant regulatory action as offset by any deregulatory action issued before or on the same schedule as the significant regulatory action do not cause the agency to exceed or contribute to the agency exceeding the incremental regulatory cost allowance of the agency for that fiscal year; and

(iii) significant regulatory action was included on the most recent version or update of the published unified regulatory agenda; or

(B) the issuance of the significant regulatory action was approved in advance in writing by the Director and the written approval is publicly available online prior to the issuance of the significant regulatory action.

(4) GUIDANCE BY OMB.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall establish and issue guidance on how agencies should comply with the requirements of this subsection, which shall include the following:

(i) A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions.

(ii) Standards for determining what qualifies as a deregulatory action.

(iii) Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification.

(iv) A process for accounting for costs in different fiscal years.

(v) Methods to oversee the issuance of significant regulatory actions offset by cost savings achieved at different times or by different agencies.

(vi) Emergencies and other circumstances that may justify individual waivers of the requirements of this section.

(vii) Standards by which the Director will determine whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

(B) UPDATES TO GUIDANCE.—The Director shall update the guidance issued pursuant to this subsection as necessary.

(e) WAIVER.—

(1) WAIVER AUTHORITY.—Upon the written request of the head of an agency, the Director may issue a written waiver of the requirements of subsection (b) if the Director determines that the agency generally issues very few or no rules.

(2) REVOCATION OF WAIVER.—The Director may revoke at any time a waiver issued under this subsection.

(3) PUBLIC AVAILABILITY OF WAIVERS.—The Director shall maintain a publicly available list of each agency that is operating under a waiver issued under this subsection.

(4) REQUIREMENT FOR WAIVER.—A waiver shall not be effective unless the written waiver and the written request of the agency are publicly available on the website of the Office of Management and Budget.

SA 5226. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. [____]. GAO REPORT ON INFLATIONARY IMPACT TO MOUNTAIN WEST STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) conduct a review of any inflationary impact of this Act on taxpayers with an annual income of not more than $400,000 in applicable States for each of fiscal years 2022 through 2025; and

(2) not later than April 1, 2026—

(A) publish a report on such review; and

(B) submit such report to—

(i) the congressional delegation of each applicable State; and

(ii) the governor of each applicable State.

(b) DEFINITION OF APPLICABLE STATE.—For purposes of this section, the term ''applicable State'' means Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

SA 5227. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 11 through 16, and insert ''oversight of the distribution and use of funds appropriated under this Act.''.

SA 5228. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title V, add the following:

SEC. 50112. PERMITTED AND APPROVED ENERGY PROJECTS.

Notwithstanding any other provision of this Act, no funds provided under this Act or an amendment made by this Act shall be used to block, delay, or restrict an energy project that is permitted and approved as of the date of enactment of this Act.

SA 5229. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50263.

SA 5230. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50262.

SA 5231. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261.

SA 5232. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle ____—Additional Provisions

SEC. ____1. EXCLUSION FOR INCOME RECEIVED UNDER SEXUAL ABUSE AWARDS.

(a) IN GENERAL.—Section 104(a)(2) of the Internal Revenue Code of 1986 is amended by inserting ''or on account of sexual abuse'' after ''physical sickness''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2022.

SEC. ____2. EXCLUSION FROM FEDERAL INCOME TAXATION RESTITUTION AND CIVIL DAMAGES AWARDED UNDER SECTIONS 1593 AND 1595 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by section 9501(b)(4) of the American Rescue Plan Act of 2021 (Public Law 117–2), is amended by inserting before section 140 the following new section:

''SEC. 139J. CERTAIN AMOUNT RECEIVED AS RESTITUTION OR CIVIL DAMAGES AS RECOMPENSE FOR TRAFFICKING IN PERSONS.

''Gross income shall not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) awarded—

''(1) pursuant to an order of restitution under section 1593 of title 18, United States Code, or

''(2) in an action under section 1595 of title 18, United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

''Sec. 139J. Certain amount received as restitution or civil damages as recompense for trafficking in persons.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. ____3. MODIFICATIONS TO EDUCATOR EXPENSE DEDUCTION.

(a) IN GENERAL.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D)—

(A) in the heading, by adding ''AND OTHER INSTRUCTIONAL SCHOOL PERSONNEL'' at the end, and

(B) in clause (ii)—

(i) by striking ''(other than nonathletic supplies for courses of instruction in health or physical education)'', and

(ii) by striking ''in the classroom'' and inserting ''as part of instructional activity'', and

(2) in subsection (d)(1)(A), by inserting ''interscholastic sports administrator or coach,'' after ''counselor,''.

(b) EDUCATOR EXPENSE DEDUCTION TO INCLUDE EARLY CHILDHOOD EDUCATORS.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D), by striking ''ELEMENTARY AND SECONDARY'' in the heading and inserting ''EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY'';

(2) in subsection (d)(1)(A), by striking ''kindergarten through grade 12 teacher'' and inserting, ''early childhood or kindergarten through grade 12 teacher, educator''; and

(3) in subsection (d)(1)(B), by striking ''elementary education or secondary education'' and inserting ''early childhood education (through pre-kindergarten) or elementary or secondary education''.

(c) INCREASE IN DEDUCTION AMOUNT.—

(1) IN GENERAL.—Section 62(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''$250'' and inserting ''$500''.

(2) CONFORMING AMENDMENTS.—Section 62(d)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2015'' and inserting ''2023'',

(B) by striking ''$250'' and inserting ''$500'', and

(C) by striking ''calendar year 2014'' and inserting ''calendar year 2022''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred in taxable years beginning after December 31, 2022.

SEC. ____4. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2032'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2031''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5233. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Section 10301(a)(1)(A)(i)(II) is amended by inserting '', and provided further that a portion of such funds shall be used to create and implement a plan to eliminate racial, political, regional, and socioeconomic discrepancies in the audit rates not later than 90 days from the date of enactment of this Act'' before the period at the end.

SA 5234. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 370, strike line 6 and insert the following:

(G) and (H) of paragraph (1).

''(7) INFORMATION SUBMITTED BY QUALIFIED MANUFACTURERS.—For purposes of paragraph (3), the Secretary may not require the reports described in such paragraph to include any information that could only be provided by a manufacturer operating under a collective bargaining agreement.''.

SA 5235. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30001 of the amendment.

SA 5236. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. DENIAL OF TAX BENEFITS FOR ORGANIZATIONS THAT PERFORM OR FINANCE ABORTIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(s) PROHIBITION ON PERFORMING OR FINANCING ABORTION.—

''(1) IN GENERAL.—Any organization exempt from taxation under subsection (a) shall not perform, provide facilities to perform, provide travel for the provision of, or finance abortions except where the life of the mother would be endangered.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a hospital organization to which subsection (r) applies.

''(3) ABORTION.—For purposes of this subsection, the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device—

''(A) to intentionally kill the unborn child of a woman known to be pregnant, or

''(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

''(i) after viability, to produce a live birth and preserve the life and health of the child born alive, or

''(ii) to remove a dead unborn child.''.

(b) DENIAL OF ELIGIBILITY FOR CHARITABLE CONTRIBUTIONS.—

(1) INCOME TAX.—Subsection (c) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''For purposes of this section, such term does not include a contribution or gift to or for the use of any organization which does not meet the requirements of section 501(s).''.

(2) ESTATE TAX.—Section 2055 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM, PROVIDE FACILITIES TO PERFORM, PROVIDE TRAVEL FOR THE PROVISION OF, OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a transfer to or for the use of any organization which does not meet the requirements of section 501(s).''.

(3) GIFT TAX.—Section 2522 of such Code is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM, PROVIDE FACILITIES TO PERFORM, PROVIDE TRAVEL FOR THE PROVISION OF, OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a gift to or for the use of any organization which does not meet the requirements of section 501(s).''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to abortions performed in taxable years beginning after the date of the enactment of this Act.

(2) ESTATE TAX.—The amendments made by subsection (b)(2) shall apply to estates of decedents dying, and transfers, after the date of the enactment of this act.

SA 5237. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5238. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 1, and all that follows through page 693, line 4, and insert the following:

''(1) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(5) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (4) as a baseline.

SA 5239. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. PROTECTING THE RIGHT TO KEEP AND BEAR ARMS.

(a) LIMITATION ON DECLARATIONS BY PRESIDENT.—The President (or any designee thereof) shall not, for the purpose of confiscating firearms or ammunition magazines, or prohibiting or otherwise regulating the possession, manufacture, sale, or transfer of firearms or ammunition magazines, declare an emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) or an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) FIREARMS POLICIES.—Section 706 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5207) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) prohibit the manufacturing, sale, or transfer of firearms; or

''(6) prohibit the manufacturing, sale, or transfer of ammunition.''; and

(2) in subsection (c), by adding at the end the following:

''(4) AWARD.—Any prevailing party in an action under this section shall be awarded not less than $5,000,000, adjusted for inflation.''.

SA 5240. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) ADDITIONAL PERSONNEL FLEXIBILITY.—The Secretary of the Treasury (or the Secretary's delegate) shall use the funds made available under subsection (a)(1)(A), subject to such policies as the Secretary (or the Secretary's delegate) may establish, to ensure the effective administration of the Internal Revenue Code of 1986 by suspending the granting of official time to employees of the Internal Revenue Service during the periods during each of fiscal years 2022 through 2031—

(1) beginning on February 12 and ending on May 5; and

(2) beginning on September 1 and ending on November 1.

SA 5241. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 4, and insert the following:

domestic electricity generation and use; and

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031.

SA 5242. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 259, after line 20, insert the following:

''(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' shall include any industry-recognized apprenticeship program under the Act of August 16, 1937 that meets the standards of subpart B of part 29 of title 29, Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

SA 5243. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Other Matters

SEC. 60601. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5244. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle E—Other Matters

SEC. 24001. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5245. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S; which was ordered to lie on the table; as follows:

At the end of part 7 of subtitle A of title V of the amendment, add the following:

SEC. 50174. NUCLEAR WASTE MANAGEMENT AT HANFORD SITE.

Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 2602 note) is amended—

(1) in subsection (d), by adding at the end the following paragraph:

''(3) The State of Washington.'';

(2) in subsection (e)(2), by striking ''the State of Washington, the State of Oregon'' and inserting ''the State of Oregon''; and

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

''(g) WASTE MANAGEMENT AT HANFORD SITE.—If the Secretary, in consultation with the Commission, classifies any residual radioactive waste in a tank at the Hanford Site, Richland, Washington, as other than high-level waste under this section, the Secretary—

''(1) may not remove such tank; and

''(2) shall treat such waste with grout or another immobilizing substance, as the Secretary determines appropriate.''.

SA 5246. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. SALE OF ADVERTISEMENTS BY UNITED STATES POSTAL SERVICE ON DELIVERY VEHICLES.

The United States Postal Service shall raise revenue by selling non-political advertisement space on delivery vehicles purchased using amounts appropriated under section 70002.

SA 5247. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 21001(a)(1)(B), strike clause (ii) and insert the following:

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied by substituting ''$50,000,000'' for ''$25,000,000'';

SA 5248. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5249. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 4 of subtitle D of title I, insert the following:

SEC. 1340__. COORDINATION OF ELECTRIC VEHICLE CREDITS WITH OTHER SUBSIDIES.

(a) IN GENERAL.—Section 30D(d)(3), as amended by this Act, is amended by adding at the end the following new sentence: ''Such term shall not include any person who has received a loan under section 136(d) of the Energy Independence and Security Act of 2007 or a grant under section 50143 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' for the taxable year in which the new clean vehicle is placed in service or any prior taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5250. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5251. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (e) and insert the following:

(e) METHANE MONITORING.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(2) PROHIBITION.—Amounts made available under paragraph (1) may not be used to monitor emissions of methane from livestock.

SA 5252. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. MODIFICATION OF DEFINITION OF QUALIFIED HEALTH PLAN.

(a) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''or a plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5253. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60506 and insert the following:

SEC. 60506. COMMERCIAL MOTOR VEHICLE PARKING CAPACITY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to the Secretary of Transportation for grants under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141), other than grants for projects under subsection (b)(2)(D) of that section.

SA 5254. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle __—Other Provisions

SEC. 1__001. PERMANENT EXTENSION OF DEPRECIATION RULES FOR PROPERTY ON INDIAN RESERVATIONS.

(a) IN GENERAL.—Subsection (j) of section 168 of the Internal Revenue Code of 1986 is amended by striking paragraph (9).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2021.

SA 5255. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, add the following:

SECTION _______. EXTENSION OF REFINED COAL PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Section 45(e)(8) is amended—

(1) in subparagraph (A), by striking ''10-year period'' each place it appears and inserting ''14-year period'', and

(2) in subparagraph (D)(ii)(II), by striking ''10-year period'' and inserting ''14-year period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coal produced and sold after December 31, 2018.

SA 5256. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—EXTENSION OF LIMITATION ON STATE AND LOCAL TAX DEDUCTION

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5257. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—OTHER PROVISIONS

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__01. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5258. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—OTHER PROVISIONS

SEC. 10___01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking '', and before January 1, 2026'', and

(2) by striking ''TAXABLE YEARS 2018 THROUGH 2025'' in the heading.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. ELIMINATION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A)(i) of this Act is amended by striking subclause (II).

SA 5259. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) REPORT ON DELINQUENT TAX DEBT OF FEDERAL EMPLOYEES.—Not later than April 15 of each year, the Commissioner of Internal Revenue shall submit to Congress report detailing the number of Federal employees delinquent on Federal taxes and the total amount owed, along with a breakdown of that information by agency, department, and branch of the Federal government.

SA 5260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 3 of subtitle A of title I, add the following:

SEC. _______. DELINQUENT TAX COLLECTION.

This Commissioner of Internal Revenue, in consultation with Director of the Office of Management and Budget, shall establish a repayment plan for the purpose of improving compliance by Federal employees with tax obligations. Such plan shall provide for garnishing the wages of Federal employees with delinquent tax debts until paid in full.

SA 5261. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 10002. APPLICATION OF EXPENSING AND RESEARCH TAX INCENTIVES TO CORPORATE MINIMUM TAX.

(a) IN GENERAL.—Section 56A(c), as added by section 10001, is amended by adding at the end the following new paragraph:

''(14) TREATMENT OF CERTAIN EXPENSING AND AMORTIZATION EXPENDITURES.—Adjusted financial statement income shall be appropriately adjusted to only take into account amounts equivalent to deductions that would be allowable under section 168(k) and 174.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5262. Mr. WARNOCK (for himself, Ms. BALDWIN, and Mr. OSSOFF) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the appropriate place, insert the following:

Subtitle ____—Addressing the Medicaid Coverage Gap

SEC. _____. ENSURING AFFORDABILITY OF COVERAGE FOR CERTAIN LOW-INCOME POPULATIONS.

(a) REDUCING COST SHARING UNDER QUALIFIED HEALTH PLANS.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting ''(or, with respect to plan years 2024 and 2025, whose household income does not exceed 400 percent of the poverty line for a family of the size involved)'' before the period; and

(B) in the matter following paragraph (2), by adding at the end the following new sentence: ''In the case of an individual who is determined at any point to have a household income for 2022 or 2023 that does not exceed 138 percent of the poverty line for a family of the size involved, such individual shall, for each month during the year for which such determination is made, be treated as having a household income equal to 100 percent of the poverty line for purposes of applying this section.''; and

(2) in subsection (c)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by inserting '', with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees (as defined in paragraph (6)(C))),'' after ''first be achieved'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees)'' after ''under the plan'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''this subsection'' and inserting ''paragraph (1) or (2)''; and

(ii) in subparagraph (B), by striking ''this section'' and inserting ''paragraphs (1) and (2)''; and

(D) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR SPECIFIED ENROLLEES.—

''(A) IN GENERAL.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall reduce cost-sharing under the plan with respect to months occurring during plan years 2024 and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs of

benefits provided under the plan to 99 percent of such costs.

''(B) METHODS FOR REDUCING COST SHARING.—

''(i) IN GENERAL.—An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs of benefits provided under each such plan to specified enrollees during plan years 2024 and 2025.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).

''(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term 'specified enrollee' means, with respect to a plan year, an eligible insured who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty line for a family of the size involved. Such insured shall be deemed to be a specified enrollee for each month in such plan year.''.

(b) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end ''and'';

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) with respect to a qualified health plan with respect to which section 1402 applies, for months occurring during the period beginning on January 1, 2023, and ending on December 31, 2025, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph.''; and

(2) by adding at the end the following new paragraph:

''(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—

''(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

''(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

''(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

''(ii) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of such section.''.

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2025.—Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)(iv), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) provides, with respect to a plan offered in the silver level of coverage to which section 1402 applies during plan year 2025, for benefits described in paragraph (5) in the case of an individual who has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402.''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2025.—

''(A) IN GENERAL.—

''(i) BENEFITS.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of—

''(I) non-emergency medical transportation services (as described in section 1902(a)(4) of the Social Security Act) for which Federal payments would have been available under title XIX of the Social Security Act had such services been furnished to an individual enrolled under a State plan (or waiver of such plan) under such title; and

''(II) services described in subsection (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available;

which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

''(ii) CONDITION ON PROVISION OF BENEFITS.—Benefits described in this paragraph shall be provided—

''(I) without any restriction on the choice of a qualified provider from whom an individual may receive such benefits; and

''(II) without any imposition of cost sharing.

''(B) PAYMENTS FOR ADDITIONAL BENEFITS.—

''(i) IN GENERAL.—An issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to individuals described in paragraph (1)(D) during plan year 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

''(ii) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).''.

(d) EDUCATION AND OUTREACH ACTIVITIES.—

(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

''(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

''(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

''(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

''(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B):

''(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

''(ii) Such term includes the following:

''(I) An association health plan.

''(II) Short-term limited duration insurance.

''(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, $105,000,000 for fiscal year 2022 to carry out this paragraph, of which—

''(i) $15,000,000 shall be used to carry out this paragraph in fiscal year 2022; and

''(ii) $30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025.''.

(2) NAVIGATOR PROGRAM.—Section 1311(i)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)(6)) is amended—

(A) by striking ''FUNDING.—Grants under'' and inserting ''FUNDING.—

''(A) STATE EXCHANGES.—Grants under''; and

(B) by adding at the end the following new subparagraph:

''(B) FEDERAL EXCHANGES.—For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), the Secretary shall obligate not less than $10,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.''.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $65,000,000, to remain available until expended, for purposes of carrying out the provisions of, and the amendments made by, this section.

SEC. _____. TEMPORARY EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.

(a) IN GENERAL.—Section 36B is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) CERTAIN TEMPORARY RULES BEGINNING IN 2022.—With respect to any taxable year beginning after December 31, 2021, and before January 1, 2026—

''(1) ELIGIBILITY FOR CREDIT NOT LIMITED BASED ON INCOME.—Section 36B(c)(1)(A) shall be disregarded in determining whether a taxpayer is an applicable taxpayer.

''(2) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—Subclause (II) of subsection (c)(2)(C)(i) shall not apply if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved. Subclause (II) of subsection (c)(2)(C)(i) shall also not apply to an individual described in the last sentence of such subsection if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved.

''(3) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL

EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—A qualified small employer health reimbursement arrangement shall not be treated as constituting affordable coverage for an employee (or any spouse or dependent of such employee) for any months of a taxable year if the employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

''(4) LIMITATIONS ON RECAPTURE.—

''(A) IN GENERAL.—In the case of a taxpayer whose household income is less than 200 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subsection (f)(2)(A) shall in no event exceed $300 (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

''(B) LIMITATION ON INCREASE FOR CERTAIN NON-FILERS.—In the case of any taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to reconcile advance credit payments under subsection (f), if an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that—

''(i) such taxpayer is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

''(ii) such taxpayer's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved,

subsection (f)(2)(A) shall not apply to such taxpayer for such taxable year and such taxpayer shall not be required to file such return of tax.

''(C) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an Exchange to the Secretary and to the taxpayer under subsection (f)(3) shall include such information as is necessary to determine whether such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.''.

(b) EMPLOYER SHARED RESPONSIBILITY PROVISION NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS RECEIVING PREMIUM ASSISTANCE.—Section 4980H(c)(3) is amended to read as follows:

''(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—

''(A) IN GENERAL.—The term 'applicable premium tax credit and cost-sharing reduction' means—

''(i) any premium tax credit allowed under section 36B,

''(ii) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

''(iii) any advance payment of such credit or reduction under section 1412 of such Act.

''(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before January 1, 2026) with respect to which—

''(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved, or

''(ii) such employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. ____. FURTHER INCREASE IN FMAP FOR MEDICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (D), by striking at the end ''and'';

(2) in subparagraph (E), by striking ''2020 and each year thereafter.'' and inserting ''2020, 2021, and 2022; and''; and

(3) by adding at the end the following new subparagraphs:

''(F) 93 percent for calendar quarters in 2023, 2024, and 2025; and

''(G) 90 percent for calendar quarters in 2026 and each year thereafter.''.

SA 5263. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5264. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010__. CERTAIN MANUFACTURERS EXEMPTED FROM CORPORATE MINIMUM TAX.

(a) IN GENERAL.—Section 59(k)(1), as added by section 10101, is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR DOMESTIC MANUFACTURERS.—The term 'applicable corporation' shall not include any domestic manufacturer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5265. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026___. CONDITION ON AUCTION OF CRUDE OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) BIDDER.—The term ''bidder'' means an individual or entity bidding or intending to bid at an auction of crude oil from the Strategic Petroleum Reserve.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STRATEGIC PETROLEUM RESERVE.—The term ''Strategic Petroleum Reserve'' means the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

(b) BIDDING REQUIREMENTS ON EXPORT OF SPR CRUDE OIL TO CERTAIN COUNTRIES.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), and subject to paragraph (2), with respect to the drawdown and sale at auction of any crude oil from the Strategic Petroleum Reserve after the date of enactment of this Act, the Secretary shall require, as a condition of any such sale, that in the case of a bid submitted by a bidder that intends to export the crude oil to the People's Republic of China, the bid will not be considered by the Secretary to be a valid bid unless the bidder has submitted a bid 10 times higher than the next highest bid received.

(2) WAIVER.—

(A) IN GENERAL.—On application by a bidder, the Secretary may waive, prior to the date of the applicable auction, the condition described in paragraph (1) with respect to the sale of crude oil to that bidder at that auction.

(B) REQUIREMENT.—The Secretary may issue a waiver under subparagraph (A) only if the Secretary determines that the waiver is in the interest of the national security of the United States.

(C) APPLICATIONS.—A bidder desiring a waiver under subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

SA 5266. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 (relating to the offshore oil and gas royalty rate) and 50262 (relating to Mineral Leasing Act modernization).

SA 5267. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title V and insert the following:

PART 3—REHABILITATION OF PUBLIC LAND AFFECTED BY NATURAL DISASTERS

SEC. 50131. NATURAL DISASTER RECOVERY FUNDS.

(a) DEPARTMENT OF THE INTERIOR.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available through September 30, 2029, to rehabilitate public lands that recently experienced a natural disaster through the rebuilding of infrastructure, habitat and stream restoration, and gateway community assistance.

(b) FOREST SERVICE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2029, to rehabilitate National Forest System land west of the 100th meridian that recently experienced a natural disaster through the rebuilding of infrastructure, habitat and stream restoration, and gateway community assistance.

SA 5268. Mr. DAINES (for himself, Mr. MARSHALL, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title V, add the following:

SEC. 5011__. CONDITION ON AVAILABILITY OF FUNDS.

None of the funds made available to the Secretary under this subtitle may be used until the Secretary submits to Congress the report required under section 40434 of the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 1049) detailing the job losses and the impact on consumer energy costs resulting from the revocation of the permit for the Keystone XL pipeline.

SA 5269. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 through 50263.

SA 5270. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 38, strike line 5 and all that follows through ''(III)'' on line 16 and insert the following:

(I) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $48,818,900,000, to remain available until September 30, 2031: *Provided,* That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5271. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20_____. RESCISSION OF WAIVER ON WORK REQUIREMENTS.

(a) IN GENERAL.—Section 2301 of the Families First Coronavirus Response Act (7 U.S.C. 2011 note; Public Law 116–127) is repealed.

(b) EFFECT.—A State agency (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) carrying out the supplemental nutrition assistance program established under that Act shall disregard, for purposes of determining eligibility to participate in that program in accordance with section 6(o)(2) of that Act (7 U.S.C. 2015(o)(2)), any period during which an individual received benefits under that program prior to the date of enactment of this Act.

SA 5272. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 39, line 10, strike the period and insert '', and provided further that a portion of such funds shall be used to create and implement a plan to eliminate racial, political, regional, and socioeconomic discrepancies in the audit rates not later than 90 days from the date of enactment of this Act.''.

SA 5273. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and all that follows through section 60201 and insert the following:

SEC. 60103. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60104. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) OTHER ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, and 231 of the Clean Air Act (42 U.S.C. 7411, 7415, 7475, 7507, 7521, 7545, 7547, and 7571).

(h) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain

available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60106. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. LOW EMISSIONS ELECTRICITY PROGRAM.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

''(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(3) $17,000,000 for industry-related outreach, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(4) $17,000,000 for outreach and technical assistance to, and partnerships with, State, Tribal, and local governments with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

''(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

''(6) $18,000,000 to ensure that reductions in greenhouse gas emissions are achieved through use of the existing authorities of this Act, incorporating the assessment under paragraph (5).

''(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

''(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60111. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60112. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60106 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60112 of this Act, the following:

"SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

(1) environmental product declarations; or

(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

"SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.

''(d) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SA 5274. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 505, strike line 23 and all that follows through page 506, line 24, and insert the following:

''(ii) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The lifecycle greenhouse gas emissions of any transportation fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

SA 5275. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle with respect to which any of the components contained in the battery

of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

SA 5276. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—

''(A) IN GENERAL.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(i) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) any vehicle with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

''(B) REGULATIONS AND GUIDANCE.—With respect to the requirements established under subparagraph (A), the Secretary may not issue any regulations or other guidance which provides for exemptions from such requirements or otherwise weakens the implementation or enforcement of such requirements, including any exclusion of entities owned by, controlled by, or subject to the jurisdiction or direction of the Government of the People's Republic of China as foreign entities of concern (as so defined).''.

SA 5277. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT TO FINALIZE RULE RELATING TO CONTRACTOR AND GRANTEE COMPLIANCE WITH TAX LAWS.

Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall finalize the rule to implement the requirement under section 520 of division B of the Consolidated Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 148).

SA 5278. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. RULES FOR INCREASED PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iv) SPECIAL RULES.—In the case of a taxable year to which clause (iii) applies, the Secretary may require an applicable taxpayer to provide any additional proof of income as the Secretary deems necessary to avoid fraud and abuse of this section.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5279. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 40001 and insert the following:

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,100,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon, and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(c) IMPROVING COAST GUARD HOUSING, MEDICAL, AND CHILD CARE FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Coast Guard for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, for the improvement of Coast Guard operations through the procurement, construction, improvement, or repair of Coast Guard housing, medical facilities, and child care facilities, including procurement, construction, improvement, or repair to improve the resilience of such facilities with respect to extreme storms and other changing climate conditions.

SA 5280. Mr. WICKER (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 40001 through 40007 and insert the following:

SEC. 40001. FUNDING TO CARRY OUT SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019.

In addition to amounts otherwise available, there is appropriated to the Federal Communications Commission, out of any money in the Treasury not otherwise appropriated, $3,080,000,000 for fiscal year 2022, to remain available until expended, to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.).

SA 5281. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S; as follows:

Strike sections 13104 through 50265 and insert the following:

SEC. 13104. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45U. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

''(1) the product of—

''(A) 0.3 cents, multiplied by

''(B) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified nuclear power facility, and

''(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

''(2) the reduction amount for such taxable year.

''(b) DEFINITIONS.—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term 'qualified nuclear power facility' means any nuclear facility—

''(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

''(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

''(C) which is placed in service before the date of the enactment of this section.

''(2) REDUCTION AMOUNT.—

''(A) IN GENERAL.—For purposes of this section, the term 'reduction amount' means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

''(i) the amount determined under subsection (a)(1), or

''(ii) the amount equal to 16 percent of the excess of—

''(I) subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

''(II) the amount equal to the product of—

''(aa) 2.5 cents, multiplied by

''(bb) the amount determined under subsection (a)(1)(B).

''(B) TREATMENT OF CERTAIN RECEIPTS.—

''(i) IN GENERAL.—Subject to clause (iii), the amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program. For purposes of determining the amount received during such taxable year, the taxpayer shall take into account any reductions required under such program.

''(ii) ZERO-EMISSION CREDIT PROGRAM.—For purposes of this subparagraph, the term 'zero-emission credit program' means any payments with respect to a qualified nuclear power facility as a result of any Federal, State or local government program for, in

whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

''(iii) EXCLUSION.—For purposes of clause (i), any amount received by the taxpayer from a zero-emission credit program shall be excluded from the amount determined under subparagraph (A)(ii)(I) if the full amount of the credit calculated pursuant to subsection (a) (determined without regard to this subparagraph) is used to reduce payments from such zero-emission credit program.

''(3) ELECTRICITY.—For purposes of this section, the term 'electricity' means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

''(c) OTHER RULES.—

''(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(II)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applied by substituting 'calendar year 2023' for 'calendar year 1992' in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

''(d) WAGE REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) in paragraph (32), by striking ''plus'' at the end,

(B) in paragraph (33), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(34) the zero-emission nuclear power production credit determined under section 45U(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45U. Zero-emission nuclear power production credit.''.

(c) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2023, in taxable years beginning after such date.

PART 2—CLEAN FUELS

SEC. 13201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(g) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(b) BIODIESEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(2) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2024''.

(c) ALTERNATIVE FUEL CREDIT.—Section 6426(d)(5) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2024''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

(g) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2022'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

''SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

''(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(2) the sum of—

''(A) $1.25, plus

''(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term 'applicable supplementary amount' means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed $0.50.

''(c) QUALIFIED MIXTURE.—For purposes of this section, the term 'qualified mixture' means a mixture of sustainable aviation fuel and kerosene if—

''(1) such mixture is produced by the taxpayer in the United States,

''(2) such mixture is used by the taxpayer (or sold by the taxpayer for use) in an aircraft,

''(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

''(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

''(d) SUSTAINABLE AVIATION FUEL.—

''(1) IN GENERAL.—For purposes of this section, the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which—

''(A) meets the requirements of—

''(i) ASTM International Standard D7566, or

''(ii) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1,

''(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

''(C) is not derived from palm fatty acid distillates or petroleum, and

''(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

''(2) DEFINITIONS.—In this subsection—

''(A) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(i) monoglycerides, diglycerides, and triglycerides,

''(ii) free fatty acids, and

''(iii) fatty acid esters.

''(B) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) LIFECYCLE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term 'lifecycle greenhouse gas emissions reduction percentage' means, with respect to any sustainable aviation fuel, the percentage reduction in lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

''(1) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(2) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(f) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer or importer of such fuel—

''(1) is registered with the Secretary under section 4101, and

''(2) provides—

''(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(i) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

''(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

''(B) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

''(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

''(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2024.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.— Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by inserting after paragraph (34) the following new paragraph:

''(35) the sustainable aviation fuel credit determined under section 40B.''.

(c) COORDINATION WITH BIODIESEL INCENTIVES.—

(1) IN GENERAL.—Section 40A(d)(1) is amended by inserting ''or 40B'' after ''determined under section 40''.

(2) CONFORMING AMENDMENT.—Section 40A(f) is amended by striking paragraph (4).

(d) SUSTAINABLE AVIATION FUEL ADDED TO CREDIT FOR ALCOHOL FUEL, BIODIESEL, AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(k) SUSTAINABLE AVIATION FUEL CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

''(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

''(B) the sum of—

''(i) $1.25, plus

''(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

''(2) DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

''(3) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B(f) shall apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking ''and (e)'' and inserting ''(e), and (k)'', and

(ii) in subsection (h), by striking ''under section 40 or 40A'' and inserting ''under section 40, 40A, or 40B''.

(B) Section 6427(e) is amended—

(i) in the heading, by striking ''OR ALTERNATIVE FUEL'' and inserting, ''ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL'',

(ii) in paragraph (1), by inserting ''or the sustainable aviation fuel mixture credit'' after ''alternative fuel mixture credit'', and

(iii) in paragraph (6)—

(I) in subparagraph (C), by striking ''and'' at the end,

(II) in subparagraph (D), by striking the period at the end and inserting '', and'', and

(III) by adding at the end the following new subparagraph:

''(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2024.''.

(C) Section 4101(a)(1) is amended by inserting ''every person producing or importing sustainable aviation fuel (as defined in section 40B),'' before ''and every person producing second generation biofuel''.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Sustainable aviation fuel credit.''.

(e) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking ''and'' in paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 13204. CLEAN HYDROGEN.

(a) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

''(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

''(1) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

''(2) the applicable amount (as determined under subsection (b)) with respect to such hydrogen.

''(b) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount as determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''(A) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) not greater than 4 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 2.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 20 percent.

''(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 25 percent.

''(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

''(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

''(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen,

the applicable percentage shall be 33.4 percent.

''(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

''(3) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), determined by substituting '2022' for '1992' in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(c) DEFINITIONS.—For purposes of this section—

''(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

''(B) GREET MODEL.—The term 'lifecycle greenhouse gas emissions' shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Transportation model (commonly referred to as the 'GREET model') developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(2) QUALIFIED CLEAN HYDROGEN.—

''(A) IN GENERAL.—The term 'qualified clean hydrogen' means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

''(B) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless—

''(i) such hydrogen is produced—

''(I) in the United States (as defined in section 638(1)) or a possession of the United States (as defined in section 638(2)),

''(II) in the ordinary course of a trade or business of the taxpayer, and

''(III) for sale or use, and

''(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

''(C) PROVISIONAL EMISSIONS RATE.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.

''(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term 'qualified clean hydrogen production facility' means a facility—

''(A) owned by the taxpayer,

''(B) which produces qualified clean hydrogen, and

''(C) the construction of which begins before January 1, 2033.

''(d) SPECIAL RULES.—

''(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

''(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—No credit shall be allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

''(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

''(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

''(A) A facility—

''(i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

''(ii) which meets the requirements of paragraph (3)(A) with respect to alteration or repair of such facility which occurs after such date.

''(B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

''(3) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

''(i) the construction of such facility, and

''(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2), the alteration or repair of such facility,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section, including regulations or other guidance for determining lifecycle greenhouse gas emissions.''.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45(b)(3) shall apply for purposes of this section.''.

(3) MODIFICATION OF EXISTING FACILITIES.—Section 45V(d), as added and amended by the preceding provisions of this section, is amended by adding at the end the following new paragraph:

''(4) MODIFICATION OF EXISTING FACILITIES.—For purposes of subsection (a)(1), in the case of any facility which—

''(A) was originally placed in service before January 1, 2023, and, prior to the modification described in subparagraph (B), did not produce qualified clean hydrogen, and

''(B) after the date such facility was originally placed in service—

''(i) is modified to produce qualified clean hydrogen, and

''(ii) amounts paid or incurred with respect to such modification are properly chargeable to capital account of the taxpayer,

such facility shall be deemed to have been originally placed in service as of the date that the property required to complete the modification described in subparagraph (B) is placed in service.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in paragraph (34), by striking ''plus'' at the end,

(ii) in paragraph (35), by striking the period at the end and inserting '', plus'', and

(iii) by adding at the end the following new paragraph:

''(36) the clean hydrogen production credit determined under section 45V(a).''.

(B) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45V. Credit for production of clean hydrogen.''.

(5) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (4) of this subsection shall apply to hydrogen produced after December 31, 2022.

(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amendment made by paragraph (2) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) MODIFICATION OF EXISTING FACILITIES.—The amendment made by paragraph (3) shall apply to modifications made after December 31, 2022.

(b) CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES ALLOWED IF ELECTRICITY IS USED TO PRODUCE CLEAN HYDROGEN.—

(1) IN GENERAL.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

''(13) SPECIAL RULE FOR ELECTRICITY USED AT A QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—Electricity produced by the taxpayer shall be treated as sold by such taxpayer to an unrelated person during the taxable year if—

''(A) such electricity is used during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45V(c)(3)) to produce qualified clean hydrogen (as defined in section 45V(c)(2)), and

''(B) such use and production is verified (in such form or manner as the Secretary may prescribe) by an unrelated third party.''.

(2) SIMILAR RULE FOR ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.—Subsection (c)(2) of section 45U, as added by section 13105 of this Act, is amended by striking ''and (5)'' and inserting ''(5), and (13)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to electricity produced after December 31, 2022.

(c) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a), as amended by the preceding provisions of this Act, is amended—

(A) by redesignating paragraph (15) as paragraph (16), and

(B) by inserting after paragraph (14) the following new paragraph:

''(15) ELECTION TO TREAT CLEAN HYDROGEN PRODUCTION FACILITIES AS ENERGY PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified property (as defined in paragraph (5)(D)) which is part of a specified clean hydrogen production facility—

''(i) such property shall be treated as energy property for purposes of this section, and

''(ii) the energy percentage with respect to such property is—

''(I) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (A) of section 45V(b)(2), 1.2 percent,

''(II) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (B) of such section, 1.5 percent,

''(III) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent, and

''(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.

''(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

''(C) SPECIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—For purposes of this paragraph, the term 'specified clean hydrogen production facility' means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—

''(i) which is placed in service after December 31, 2022,

''(ii) with respect to which—

''(I) no credit has been allowed under section 45V or 45Q, and

''(II) the taxpayer makes an irrevocable election to have this paragraph apply, and

''(iii) for which an unrelated third party has verified (in such form or manner as the Secretary may prescribe) that such facility produces hydrogen through a process which results in lifecycle greenhouse gas emissions which are consistent with the hydrogen that such facility was designed and expected to produce under subparagraph (A)(ii).

''(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term 'qualified clean hydrogen' has the meaning given such term by section 45V(c)(2).

''(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance which recaptures so much of any credit allowed under this section as exceeds the amount of the credit which would have been allowed if the expected production were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).''.

(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(i) of section 48(a), as added by section 13102, is amended by inserting ''and paragraph (15)'' after ''paragraphs (1) through (8)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2022.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(d)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking ''(F)'' and inserting ''(E)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2022.

PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 13301. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

''(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.''.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

''(2) ENERGY PROPERTY.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of qualified energy property, $600.

''(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

''(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

''(A) $250 in the case of any exterior door, and

''(B) $500 in the aggregate with respect to all exterior doors.

''(5) HEAT PUMP AND HEAT PUMP WATER HEATERS; BIOMASS STOVES AND BOILERS.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B).''.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements,

''(B) in the case of an exterior door, applicable Energy Star requirements, and

''(C) in the case of any other component, the prescriptive criteria for such component established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.''.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(3) AIR SEALING INSULATION ADDED TO DEFINITION OF BUILDING ENVELOPE COMPONENT.—Section 25C(c)(3)(A) is amended by inserting '', including air sealing material or system,'' after ''material or system''.

(e) MODIFICATION OF RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read as follows:

''(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property which is—

''(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—The term 'qualified energy property' means any of the following:

''(A) Any of the following which meet or exceed the highest efficiency tier (not including any advanced tier) established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service:

''(i) An electric or natural gas heat pump water heater.

''(ii) An electric or natural gas heat pump.

''(iii) A central air conditioner.

''(iv) A natural gas, propane, or oil water heater.

''(v) A natural gas, propane, or oil furnace or hot water boiler.

''(B) A biomass stove or boiler which—

''(i) uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(C) Any oil furnace or hot water boiler which—

''(i) is placed in service after December 31, 2022, and before January 1, 2027, and—

''(I) meets or exceeds 2021 Energy Star efficiency criteria, and

''(II) is rated by the manufacturer for use with fuel blends at least 20 percent of the volume of which consists of an eligible fuel, or

''(ii) is placed in service after December 31, 2026, and—

''(I) achieves an annual fuel utilization efficiency rate of not less than 90, and

''(II) is rated by the manufacturer for use with fuel blends at least 50 percent of the volume of which consists of an eligible fuel.

''(D) Any improvement to, or replacement of, a panelboard, sub-panelboard, branch circuits, or feeders which—

''(i) is installed in a manner consistent with the National Electric Code,

''(ii) has a load capacity of not less than 200 amps,

''(iii) is installed in conjunction with—

''(I) any qualified energy efficiency improvements, or

''(II) any qualified energy property described in subparagraphs (A) through (C) for which a credit is allowed under this section for expenditures with respect to such property, and

''(iv) enables the installation and use of any property described in subclause (I) or (II) of clause (iii).

''(3) ELIGIBLE FUEL.—For purposes of paragraph (2), the term 'eligible fuel' means—

''(A) biodiesel and renewable diesel (within the meaning of section 40A), and

''(B) second generation biofuel (within the meaning of section 40).''.

(f) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a), as amended by subsection (b), is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b), as amended by subsection (c), is amended adding at the end the following new paragraph:

''(6) HOME ENERGY AUDITS.—

''(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

''(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer's return of tax such information or documentation as the Secretary may require.''.

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification

or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).''.

(B) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(4) LACK OF SUBSTANTIATION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2) is amended—

(A) in subparagraph (P), by striking ''and'' at the end,

(B) in subparagraph (Q), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (Q) the following:

''(R) an omission of information or documentation required under section 25C(b)(6)(B) (relating to home energy audits) to be included on a return.''.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 25C, as amended by this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) PRODUCT IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any item of specified property placed in service after December 31, 2024, unless—

''(A) such item is produced by a qualified manufacturer, and

''(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

''(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term 'qualified product identification number' means, with respect to any item of specified property, the product identification number assigned to such item by the qualified manufacturer pursuant to the methodology referred to in paragraph (3).

''(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term 'qualified manufacturer' means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

''(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide),

''(B) label such item with such number in such manner as the Secretary may provide, and

''(C) make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) of the product identification numbers so assigned and including such information as the Secretary may require with respect to the item of specified property to which such number was so assigned.

''(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term 'specified property' means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).''.

(2) OMISSION OF CORRECT PRODUCT IDENTIFICATION NUMBER TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (Q), by striking ''and'' at the end,

(B) in subparagraph (R), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (R) the following:

''(S) an omission of a correct product identification number required under section 25C(h) (relating to credit for nonbusiness energy property) to be included on a return.''.

(h) ENERGY EFFICIENT HOME IMPROVEMENT CREDIT.—

(1) IN GENERAL.—The heading for section 25C is amended by striking ''**NONBUSINESS ENERGY PROPERTY**'' and inserting ''**ENERGY EFFICIENT HOME IMPROVEMENT CREDIT**''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25C and inserting after the item relating to section 25B the following item:

''Sec. 25C. Energy efficient home improvement credit.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

(3) IDENTIFICATION NUMBER REQUIREMENT.—The amendments made by subsection (g) shall apply to property placed in service after December 31, 2024.

SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2023'' and inserting ''December 31, 2034''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (2), by striking ''before January 1, 2023, 26 percent, and'' and inserting ''before January 1, 2022, 26 percent,'', and

(B) by striking paragraph (3) and by inserting after paragraph (2) the following new paragraphs:

''(3) in the case of property placed in service after December 31, 2021, and before January 1, 2033, 30 percent,

''(4) in the case of property placed in service after December 31, 2032, and before January 1, 2034, 26 percent, and

''(5) in the case of property placed in service after December 31, 2033, and before January 1, 2035, 22 percent.''.

(b) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—

(1) ALLOWANCE OF CREDIT.—Paragraph (6) of section 25D(a) is amended to read as follows:

''(6) the qualified battery storage technology expenditures,''.

(2) DEFINITION OF QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—Paragraph (6) of section 25D(d) is amended to read as follows:

''(6) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 25D(d)(3) is amended by inserting '', without regard to subparagraph (D) thereof'' after ''section 48(c)(1)''.

(2) The heading for section 25D is amended by striking ''**ENERGY EFFICIENT PROPERTY**'' and inserting ''**CLEAN ENERGY CREDIT**''.

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 25D and inserting the following:

''Sec. 25D. Residential clean energy credit.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures made after December 31, 2021.

(2) RESIDENTIAL CLEAN ENERGY CREDIT FOR BATTERY STORAGE TECHNOLOGY; CERTAIN EXPENDITURES DISALLOWED.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2022.

SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—

(1) MAXIMUM AMOUNT OF DEDUCTION.—Subsection (b) of section 179D is amended to read as follows:

''(b) MAXIMUM AMOUNT OF DEDUCTION.—

''(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for any taxable year shall not exceed the excess (if any) of—

''(A) the product of—

''(i) the applicable dollar value, and

''(ii) the square footage of the building, over

''(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to a person other than the taxpayer, for any taxable year ending during the 4-taxable-year period ending with such taxable year).

''(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (1)(A)(i), the applicable dollar value shall be an amount equal to $0.50 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 25 percent.

''(3) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of any property which satisfies the requirements of subparagraph (B), paragraph (2) shall be applied by substituting '$2.50' for '$0.50', '$.10' for '$.02', and '$5.00' for '$1.00'.

''(B) PROPERTY REQUIREMENTS.—In the case of any energy efficient commercial building property, energy efficient building retrofit property, or property installed pursuant to a qualified retrofit plan, such property shall meet the requirements of this subparagraph if —

''(i) installation of such property begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or

''(ii) installation of such property satisfies the requirements of paragraphs (4)(A) and (5).

''(4) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry

out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(2) MODIFICATION OF EFFICIENCY STANDARD.—Section 179D(c)(1)(D) is amended by striking ''50 percent'' and inserting ''25 percent''.

(3) REFERENCE STANDARD.—Section 179D(c)(2) is amended by striking ''the most recent'' and inserting the following: ''the more recent of—

''(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) the most recent''.

(4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—

(A) by inserting ''for which the Department of Energy has issued a final determination and'' before ''which has been affirmed'',

(B) by striking ''2 years'' and inserting ''4 years'', and

(C) by striking ''that construction of such property begins'' and inserting ''such property is placed in service''.

(5) ELIMINATION OF PARTIAL ALLOWANCE.—

(A) IN GENERAL.—Section 179D(d) is amended—

(i) by striking paragraph (1), and

(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Section 179D(c)(1)(D) is amended—

(I) by striking ''subsection (d)(6)'' and inserting ''subsection (d)(5)'', and

(II) by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking ''paragraph (3)(B)(iii)'' and inserting ''paragraph (2)(B)(iii)''.

(iv) Section 179D is amended by striking subsection (f).

(v) Section 179D(h) is amended by striking ''or (d)(1)(A)''.

(6) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Paragraph (3) of section 179D(d), as redesignated by paragraph (5)(A), is amended to read as follows:

''(3) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

''(A) IN GENERAL.—In the case of energy efficient commercial building property installed on or in property owned by a specified tax-exempt entity, the Secretary shall promulgate regulations or guidance to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(B) SPECIFIED TAX-EXEMPT ENTITY.—For purposes of this paragraph, the term 'specified tax-exempt entity' means—

''(i) the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing,

''(ii) an Indian tribal government (as defined in section 30D(g)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

''(iii) any organization exempt from tax imposed by this chapter.''.

(7) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:

''(f) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—

''(1) IN GENERAL.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction for the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

''(A) the excess described in subsection (b) (determined by substituting 'energy use intensity' for 'total annual energy and power costs' in paragraph (2) thereof), or

''(B) the aggregate adjusted basis (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

''(2) QUALIFIED RETROFIT PLAN.—For purposes of this subsection, the term 'qualified retrofit plan' means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building's energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—

''(A) as of any date during the 1-year period ending on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date,

''(B) certify the status of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C) of paragraph (3), and

''(C) as of any date that is more than 1 year after the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.

''(3) ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—For purposes of this subsection, the term 'energy efficient building retrofit property' means property—

''(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(B) which is installed on or in any qualified building,

''(C) which is installed as part of—

''(i) the interior lighting systems,

''(ii) the heating, cooling, ventilation, and hot water systems, or

''(iii) the building envelope, and

''(D) which is certified in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).

''(4) QUALIFIED BUILDING.—For purposes of this subsection, the term 'qualified building' means any building which—

''(A) is located in the United States, and

''(B) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

''(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term 'qualifying final certification' means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.

''(6) BASELINE ENERGY USE INTENSITY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'baseline energy use intensity' means the energy use intensity certified under paragraph (2)(A), as adjusted to take into account weather.

''(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.

''(7) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ENERGY USE INTENSITY.—The term 'energy use intensity' means the annualized, measured site energy use intensity determined in accordance with such regulations or other guidance as the Secretary may provide and measured in British thermal units.

''(B) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.

''(8) COORDINATION WITH DEDUCTION OTHERWISE ALLOWED UNDER SUBSECTION (a).—

''(A) IN GENERAL.—In the case of any building with respect to which an election is made under paragraph (1), the term 'energy efficient commercial building property' shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.

''(B) CERTAIN RULES NOT APPLICABLE.—

''(i) IN GENERAL.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.

''(ii) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—Rules similar to subsection (d)(3) shall apply for purposes of this subsection.''.

(8) INFLATION ADJUSTMENT.—Section 179D(g) is amended—

(A) by striking ''2020'' and inserting ''2022'',

(B) by striking ''or subsection (d)(1)(A)'', and

(C) by striking ''2019'' and inserting ''2021''.

(b) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(k)(3)(B) is amended—

(1) by striking ''For purposes of computing the earnings and profits of a corporation'' and inserting the following:

''(i) IN GENERAL.—For purposes of computing the earnings and profits of a corporation, except as provided in clause (ii)'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service (or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made).''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ''not later than the date that is 2 years before the date that construction of such property begins'' and inserting ''not later than the date that is 4 years before the date such property is placed in service''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section solely for purposes of applying such subsection, shall apply to property placed in service after December 31, 2022 (in taxable

years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

''(A) in the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

''(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

''(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $500, and

''(ii) which meets the requirements of subsection (c)(1)(B), $1,000.''.

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

''(c) ENERGY SAVING REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit meets the requirements of paragraph (2) or (3) (whichever is applicable).

''(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).

''(2) SINGLE-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets—

''(i)(I) in the case of a dwelling unit acquired before January 1, 2025, the Energy Star Single-Family New Homes National Program Requirements 3.1, or

''(II) in the case of a dwelling unit acquired after December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and

''(ii) the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

''(B) such dwelling unit meets the most recent Energy Star Manufactured Home National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit is acquired.

''(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

''(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

''(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).''.

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) PREVAILING WAGE REQUIREMENT.—

''(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(B) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—

''(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1) (and which does not meet the requirements of subparagraph (B) of such subsection), and

''(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) BASIS ADJUSTMENT.—Section 45L(e) is amended by inserting after the first sentence the following: ''This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to dwelling units acquired after December 31, 2022.

(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to dwelling units acquired after December 31, 2021.

PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) CRITICAL MINERALS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(1)(A) is satisfied, the amount determined under this paragraph is $3,750.

''(3) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.''.

(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking ''and'' at the end,

(B) in subparagraph (F)(ii), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(G) the final assembly of which occurs within North America.'',

(2) by adding at the end the following:

''(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term 'final assembly' means the process by which a manufacturer produces a new clean vehicle at, or through the use of, a plant, factory, or other place from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle.''.

(c) DEFINITION OF NEW CLEAN VEHICLE.—

(1) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking ''QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR'' and inserting ''CLEAN'',

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''qualified plug-in electric drive motor'' and inserting ''clean'',

(ii) in subparagraph (C), by inserting ''qualified'' before ''manufacturer'',

(iii) in subparagraph (F)—

(I) in clause (i), by striking ''4'' and inserting ''7'', and

(II) in clause (ii), by striking ''and'' at the end,

(iv) in subparagraph (G), by striking the period at the end and inserting '', and'', and

(v) by adding at the end the following:

''(H) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

''(i) the name and taxpayer identification number of the taxpayer,

''(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

''(iii) the battery capacity of the vehicle,

''(iv) verification that original use of the vehicle commences with the taxpayer, and

''(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.'',

(C) in paragraph (3)—

(i) in the heading, by striking ''MANUFACTURER'' and inserting ''QUALIFIED MANUFACTURER'',

(ii) by striking ''The term 'manufacturer' has the meaning given such term in'' and inserting ''The term 'qualified manufacturer' means any manufacturer (within the meaning of the'', and

(iii) by inserting '') which enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information related to each vehicle manufactured by such manufacturer as the Secretary may require'' before the period at the end, and

(D) by adding at the end the following:

''(6) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this section, the term 'new clean vehicle' shall include any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)) which meets the requirements under subparagraphs (G) and (H) of paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle'', and

(B) in subsection (b)(1), by striking ''new qualified plug-in electric drive motor vehicle'' and inserting ''new clean vehicle''.

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

''(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

''(1) CRITICAL MINERALS REQUIREMENT.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

''(i) extracted or processed—

''(I) in the United States, or

''(II) in any country with which the United States has a free trade agreement in effect, or

''(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

''(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

''(2) BATTERY COMPONENTS.—

''(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

''(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

''(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

''(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

''(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

''(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

''(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

''(3) REGULATIONS AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

''(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.''.

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

''(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall only be allowed once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.

''(9) VIN REQUIREMENT.—No credit shall be allowed under this section with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(10) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(i) the lesser of—

''(I) the modified adjusted gross income of the taxpayer for such taxable year, or

''(II) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(ii) the threshold amount.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $150,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

''(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

''(i) VANS.—In the case of a van, $80,000.

''(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

''(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

''(iv) OTHER.—In the case of any other vehicle, $55,000.

''(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of the Energy to determine size and class of vehicles.''.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

''(10) RECAPTURE.—In the case of any taxpayer who has made an election described in paragraph (1) with respect to a new clean vehicle and received a payment described in paragraph (2)(C) from an eligible entity, if the credit under subsection (a) would otherwise (but for this subsection) not be allowable to such taxpayer pursuant to the application of subsection (f)(10), the tax imposed on such taxpayer under this chapter for the taxable year in which such vehicle was placed in service shall be increased by the amount of the payment received by such taxpayer.''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) TERMINATION.—Section 30D is amended by adding at the end the following:

''(h) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

(i) ADDITIONAL CONFORMING AMENDMENTS.—

(1) The heading of section 30D is amended by striking ''**NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES**'' and inserting ''**CLEAN VEHICLE CREDIT**''.

(2) Section 30B is amended—

(A) in subsection (h)(8), by striking '', except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle'', and

(B) by striking subsection (i).

(3) Section 38(b)(30) is amended by striking ''qualified plug-in electric drive motor'' and inserting ''clean''.

(4) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (R), by striking ''and'' at the end,

(B) in subparagraph (S), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (S) the following:

''(T) an omission of a correct vehicle identification number required under section 30D(f)(9) (relating to credit for new clean vehicles) to be included on a return.''.

(5) Section 6501(m) is amended by striking ''30D(e)(4)'' and inserting ''30D(f)(6)''.

(6) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30D and inserting after the item relating to section 30C the following item:

''Sec. 30D. Clean vehicle credit.''.

(j) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2) of the Internal Revenue Code of 1986) pursuant to an election made under section 30D(g) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) FINAL ASSEMBLY.—The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary's delegate).

(4) TRANSFER OF CREDIT.—The amendments made by subsection (g) shall apply to vehicles placed in service after December 31, 2023.

(5) ELIMINATION OF MANUFACTURER LIMITATION.—The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(l) TRANSITION RULE.—Solely for purposes of the application of section 30D of the Internal Revenue Code of 1986, in the case of a taxpayer that—

(1) after December 31, 2021, and before the date of enactment of this Act, purchased, or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act), and

(2) placed such vehicle in service on or after the date of enactment of this Act,

such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary's delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13402. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PREVIOUSLY-OWNED CLEAN VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

''(1) $4,000, or

''(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

''(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

''(A) the lesser of—

''(i) the modified adjusted gross income of the taxpayer for such taxable year, or

''(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds

''(B) the threshold amount.

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

''(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

''(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale, and

''(D) which—

''(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

''(ii) is a motor vehicle which—

''(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(II) has a gross vehicle weight rating of less than 14,000 pounds.

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a dealer (as defined in section 30D(g)(8)),

''(B) for a sale price which does not exceed $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a qualified buyer other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151, and

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

''(f) TRANSFER OF CREDIT.—Rules similar to the rules of section 30D(g) shall apply.''.

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in subparagraph (S), by striking ''and'' at the end,

(2) in subparagraph (T), by striking the period at the end and inserting '', and'', and

(3) by inserting after subparagraph (T) the following:

''(U) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned clean vehicles.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) TRANSFER OF CREDIT.—The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45W. CREDIT FOR QUALIFIED COMMERCIAL CLEAN VEHICLES.

''(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

''(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

''(B) the incremental cost of such vehicle.

''(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

''(3) COMPARABLE VEHICLE.—For purposes of this subsection, the term 'comparable vehicle' means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

''(4) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

''(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

''(B) in the case of a vehicle not described in subparagraph (A), $40,000.

''(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this section, the term 'qualified commercial clean vehicle' means any vehicle which—

''(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

''(2) either—

''(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails), or

''(B) is mobile machinery, as defined in section 4053(8) (including vehicles that are not designed to perform a function of transporting a load over the public highways),

''(3) either—

''(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

''(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

''(4) is of a character subject to the allowance for depreciation.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Rules similar to the rules under subsection (f) of section 30D (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

''(2) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A).

''(3) NO DOUBLE BENEFIT.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

''(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

''(f) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

''(g) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2032.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ''plus'' at the end,

(B) in paragraph (36), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(37) the qualified commercial clean vehicle credit determined under section 45W.''.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ''and'' at the end,

(B) in subparagraph (U), by striking the period at the end and inserting '', and'', and

(C) by inserting after subparagraph (U) the following:

''(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45W. Qualified commercial clean vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2032''.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—

(1) IN GENERAL.—Section 30C(a) is amended by inserting ''(6 percent in the case of property of a character subject to depreciation)'' after ''30 percent''.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''with respect to all'' and inserting ''with respect to any single item of'', and

(ii) by striking ''at a location'', and

(B) in paragraph (1), by striking ''$30,000 in the case of a property'' and inserting ''$100,000 in the case of any such item of property''.

(3) BIDIRECTIONAL CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C(c) is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence

(within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(iii) Electricity.

''(2) BIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

''(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

''(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.''.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

''(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

''(A) meets the requirements of subsection (a)(2), and

''(B) is of a character subject to depreciation.

''(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

''(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

''(B) has 2 or 3 wheels, and

''(C) is propelled by electricity.''.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

''(g) WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(1) INCREASED CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

''(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROJECT.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of one or more properties that are part of a single project.

''(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

''(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2)(A) and (3).

''(ii) A project which satisfies the requirements of paragraphs (2)(A) and (3).

''(2) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.''.

(e) ELIGIBLE CENSUS TRACTS.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

''(3) PROPERTY REQUIRED TO BE LOCATED IN ELIGIBLE CENSUS TRACTS.—

''(A) IN GENERAL.—Property shall not be treated as qualified alternative fuel vehicle refueling property unless such property is placed in service in an eligible census tract.

''(B) ELIGIBLE CENSUS TRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible census tract' means any population census tract which—

''(I) is described in section 45D(e), or

''(II) is not an urban area.

''(ii) URBAN AREA.—For purposes of clause (i)(II), the term 'urban area' means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(2) LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract which—

''(A) is described in clause (iii) of section 45(b)(11)(B), and

''(B) prior to the date of enactment of this subsection, had no project which received a certification and allocation of credits under subsection (d).

''(3) CERTIFICATIONS.—

''(A) APPLICATION REQUIREMENT.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary may require.

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and to notify the Secretary that such project has been so placed in service, and if such project is not placed in service by that time period, then the certification shall no longer be valid. If any certification is revoked under this subparagraph, the amount of the limitation under paragraph (2) shall be increased by the amount of the credit with respect to such revoked certification.

''(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.

''(4) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

''(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting '6 percent' for '30 percent'.

''(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.

''(5) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements described in this subparagraph with respect to a project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

''(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

''(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(7) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.''.

(b) MODIFICATION OF QUALIFYING ADVANCED ENERGY PROJECTS.—Section 48C(c)(1)(A) is amended—

(1) by inserting '', any portion of the qualified investment of which is certified by the

Secretary under subsection (e) as eligible for a credit under this section'' after ''means a project'',

(2) in clause (i)—

(A) by striking ''a manufacturing facility for the production of'' and inserting ''an industrial or manufacturing facility for the production or recycling of'',

(B) in clause (I), by inserting ''water,'' after ''sun,'',

(C) in clause (II), by striking ''an energy storage system for use with electric or hybrid-electric motor vehicles'' and inserting ''energy storage systems and components'',

(D) in clause (III), by striking ''grids to support the transmission of intermittent sources of renewable energy, including storage of such energy'' and inserting ''grid modernization equipment or components'',

(E) in subclause (IV), by striking ''and sequester carbon dioxide emissions'' and inserting '', remove, use, or sequester carbon oxide emissions'',

(F) by striking subclause (V) and inserting the following:

''(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—

''(aa) renewable, or

''(bb) low-carbon and low-emission,'',

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (IX),

(I) by inserting after subclause (V) the following new subclauses:

''(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),

''(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—

''(aa) technologies, components, or materials for such vehicles, and

''(bb) associated charging or refueling infrastructure,

''(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or'', and

(J) in subclause (IX), as so redesignated, by striking ''and'' at the end, and

(3) by striking clause (ii) and inserting the following:

''(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

''(I) low- or zero-carbon process heat systems,

''(II) carbon capture, transport, utilization and storage systems,

''(III) energy efficiency and reduction in waste from industrial processes, or

''(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or

''(iii) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).''.

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

''(A) which is necessary for—

''(i) the production or recycling of property described in clause (i) of paragraph (1)(A),

''(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or

''(iii) re-equipping, expanding, or establishing an industrial facility described in clause (iii) of such paragraph,''.

(d) DENIAL OF DOUBLE BENEFIT.—48C(f), as redesignated by this section, is amended by striking ''or 48B'' and inserting ''48B, 48E, 45Q, or 45V''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each eligible component which is—

''(A) produced by the taxpayer, and

''(B) during the taxable year, sold by such taxpayer to an unrelated person.

''(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

''(3) UNRELATED PERSON.—

''(A) IN GENERAL.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

''(B) ELECTION.—

''(i) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

''(ii) REQUIREMENT.—As a condition of, and prior to, any election described in clause (i), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

''(b) CREDIT AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

''(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

''(i) 4 cents, multiplied by

''(ii) the capacity of such cell (expressed on a per direct current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a polymeric backsheet, 40 cents per square meter,

''(E) in the case of a solar module, an amount equal to the product of—

''(i) 7 cents, multiplied by

''(ii) the capacity of such module (expressed on a per direct current watt basis),

''(F) in the case of a wind energy component—

''(i) if such component is a related offshore wind vessel, an amount equal to 10 percent of the sales price of such vessel, and

''(ii) if such component is not described in clause (i), an amount equal to the product of—

''(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

''(II) the total rated capacity (expressed on a per watt basis) of the completed wind turbine for which such component is designed,

''(G) in the case of a torque tube, 87 cents per kilogram,

''(H) in the case of a structural fastener, $2.28 per kilogram,

''(I) in the case of an inverter, an amount equal to the product of—

''(i) the applicable amount with respect to such inverter (as determined under paragraph (2)(B)), multiplied by

''(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

''(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

''(K) in the case of a battery cell, an amount equal to the product of—

''(i) $35, multiplied by

''(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

''(L) in the case of a battery module, an amount equal to the product of—

''(i) $10 (or, in the case of a battery module which does not use battery cells, $45), multiplied by

''(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

''(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

''(2) APPLICABLE AMOUNTS.—

''(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(F)(ii), the applicable amount with respect to any wind energy component shall be—

''(i) in the case of a blade, 2 cents,

''(ii) in the case of a nacelle, 5 cents,

''(iii) in the case of a tower, 3 cents, and

''(iv) in the case of an offshore wind foundation—

''(I) which uses a fixed platform, 2 cents, or

''(II) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(I), the applicable amount with respect to any inverter shall be—

''(i) in the case of a central inverter, 0.25 cents,

''(ii) in the case of a utility inverter, 1.5 cents,

''(iii) in the case of a commercial inverter, 2 cents,

''(iv) in the case of a residential inverter, 6.5 cents, and

''(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(3) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2029, the amount determined under this subsection with respect to such component shall be equal to the product of—

''(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

''(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

''(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

''(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

''(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

''(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

''(i) any solar energy component,

''(ii) any wind energy component,

''(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

''(iv) any qualifying battery component, and

''(v) any applicable critical mineral.

''(B) APPLICATION WITH OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale applications,

''(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

''(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(i) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

''(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

''(II) has a rated output of not greater than 150 kilowatts.

''(ii) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'microinverter' means an inverter which—

''(i) is suitable to connect with one solar module,

''(ii) has a rated output of—

''(I) 120 or 240 volt single-phase power, or

''(II) 208 or 480 volt three-phase power, and

''(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

''(i) is suitable for a residence,

''(ii) has a rated output of 120 or 240 volt single-phase power, and

''(iii) has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

''(i) is suitable for commercial or utility-scale systems,

''(ii) has a rated output of not less than 600 volt three-phase power, and

''(iii) has a capacity which is greater than 125 kilowatts and not greater than 1000 kilowatts (expressed on a per alternating current watt basis)

''(3) SOLAR ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'solar energy component' means any of the following:

''(i) Solar modules.

''(ii) Photovoltaic cells.

''(iii) Photovoltaic wafers.

''(iv) Solar grade polysilicon.

''(v) Torque tubes or structural fasteners.

''(vi) Polymeric backsheets.

''(B) ASSOCIATED DEFINITIONS.—

''(i) PHOTOVOLTAIC CELL.—The term 'photovoltaic cell' means the smallest semiconductor element of a solar module which performs the immediate conversion of light into electricity.

''(ii) PHOTOVOLTAIC WAFER.—The term 'photovoltaic wafer' means a thin slice, sheet, or layer of semiconductor material of at least 240 square centimeters—

''(I) produced by a single manufacturer either—

''(aa) directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

''(bb) through formation of an ingot from molten polysilicon and subsequent slicing, and

''(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

''(iii) POLYMERIC BACKSHEET.—The term 'polymeric backsheet' means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

''(iv) SOLAR GRADE POLYSILICON.—The term 'solar grade polysilicon' means silicon which is—

''(I) suitable for use in photovoltaic manufacturing, and

''(II) purified to a minimum purity of 99.999999 percent silicon by mass.

''(v) SOLAR MODULE.—The term 'solar module' means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

''(I) suitable to generate electricity when exposed to sunlight, and

''(II) ready for installation without an additional manufacturing process.

''(vi) SOLAR TRACKER.—The term 'solar tracker' means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

''(vii) SOLAR TRACKER COMPONENTS.—

''(I) TORQUE TUBE.—The term 'torque tube' means a structural steel support element (including longitudinal purlins) which—

''(aa) is part of a solar tracker,

''(bb) is of any cross-sectional shape,

''(cc) may be assembled from individually manufactured segments,

''(dd) spans longitudinally between foundation posts,

''(ee) supports solar panels and is connected to a mounting attachment for solar panels (with or without separate module interface rails), and

''(ff) is rotated by means of a drive system.

''(II) STRUCTURAL FASTENER.—The term 'structural fastener' means a component which is used—

''(aa) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

''(bb) to connect torque tubes to drive assemblies, or

''(cc) to connect segments of torque tubes to one another.

''(4) WIND ENERGY COMPONENT.—

''(A) IN GENERAL.—The term 'wind energy component' means any of the following:

''(i) Blades.

''(ii) Nacelles.

''(iii) Towers.

''(iv) Offshore wind foundations.

''(v) Related offshore wind vessels.

''(B) ASSOCIATED DEFINITIONS.—

''(i) BLADE.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

''(ii) OFFSHORE WIND FOUNDATION.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

''(I) fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

''(II) floating platforms and associated mooring systems.

''(iii) NACELLE.—The term 'nacelle' means the assembly of the drivetrain and other tower-top components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

''(iv) RELATED OFFSHORE WIND VESSEL.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

''(v) TOWER.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

''(5) QUALIFYING BATTERY COMPONENT.—

''(A) IN GENERAL.—The term 'qualifying battery component' means any of the following:

''(i) Electrode active materials.

''(ii) Battery cells.

''(iii) Battery modules.

''(B) ASSOCIATED DEFINITIONS.—

''(i) ELECTRODE ACTIVE MATERIAL.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage .

''(ii) BATTERY CELL.—The term 'battery cell' means an electrochemical cell—

''(I) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

''(II) with an energy density of not less than 100 watt-hours per liter, and

''(III) capable of storing at least 12 watt-hours of energy.

''(iii) BATTERY MODULE.—The term 'battery module' means a module—

''(I)(aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically, in series or parallel, to create voltage or current, as appropriate, to a specified end use, or

''(bb) with no battery cells, and

''(II) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

''(6) APPLICABLE CRITICAL MINERALS.—The term 'applicable critical mineral' means any of the following:

''(A) ALUMINUM.—Aluminum which is—

''(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

''(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

''(B) ANTIMONY.—Antimony which is—

''(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

''(ii) purified to a minimum purity of 99.65 percent antimony by mass.

''(C) BARITE.—Barite which is barium sulfate purified to a minimum purity of 80 percent barite by mass.

''(D) BERYLLIUM.—Beryllium which is—

''(i) converted to copper-beryllium master alloy, or

''(ii) purified to a minimum purity of 99 percent beryllium by mass.

''(E) CERIUM.—Cerium which is—

''(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent cerium by mass.

''(F) CESIUM.—Cesium which is—

''(i) converted to cesium formate or cesium carbonate, or

''(ii) purified to a minimum purity of 99 percent cesium by mass.

''(G) CHROMIUM.—Chromium which is—

''(i) converted to ferrochromium consisting of not less than 60 percent chromium by mass, or

''(ii) purified to a minimum purity of 99 percent chromium by mass.

''(H) COBALT.—Cobalt which is—

''(i) converted to cobalt sulfate, or

''(ii) purified to a minimum purity of 99.6 percent cobalt by mass.

''(I) DYSPROSIUM.—Dysprosium which is—

''(i) converted to not less than 99 percent pure dysprosium iron alloy by mass, or

''(ii) purified to a minimum purity of 99 percent dysprosium by mass.

''(J) EUROPIUM.—Europium which is—

''(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent by mass.

''(K) FLUORSPAR.—Fluorspar which is—

''(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

''(ii) purified to a minimum purity of 99 percent fluorspar by mass.

''(L) GADOLINIUM.—Gadolinium which is—

''(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent gadolinium by mass.

''(M) GERMANIUM.—Germanium which is—

''(i) converted to germanium tetrachloride, or

''(ii) purified to a minimum purity of 99.99 percent germanium by mass.

''(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphitic carbon by mass.

''(O) INDIUM.—Indium which is—

''(i) converted to—

''(I) indium tin oxide, or

''(II) indium oxide which is purified to a minimum purity of 99.9 percent indium oxide by mass, or

''(ii) purified to a minimum purity of 99 percent indium by mass.

''(P) LITHIUM.—Lithium which is—

''(i) converted to lithium carbonate or lithium hydroxide, or

''(ii) purified to a minimum purity of 99.9 percent lithium by mass.

''(Q) MANGANESE.—Manganese which is—

''(i) converted to manganese sulphate, or

''(ii) purified to a minimum purity of 99.7 percent manganese by mass.

''(R) NEODYMIUM.—Neodymium which is—

''(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99 percent neodymium-praseodymium oxide by mass,

''(ii) converted to neodymium oxide which is purified to a minimum purity of 99.5 percent neodymium oxide by mass

''(iii) purified to a minimum purity of 99.9 percent neodymium by mass.

''(S) NICKEL.—Nickel which is—

''(i) converted to nickel sulphate, or

''(ii) purified to a minimum purity of 99 percent nickel by mass.

''(T) NIOBIUM.—Niobium which is—

''(i) converted to ferronibium, or

''(ii) purified to a minimum purity of 99 percent niobium by mass.

''(U) TELLURIUM.—Tellurium which is—

''(i) converted to cadmium telluride, or

''(ii) purified to a minimum purity of 99 percent tellurium by mass.

''(V) TIN.—Tin which is purified to low alpha emitting tin which—

''(i) has a purity of greater than 99.99 percent by mass, and

''(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

''(W) TUNGSTEN.—Tungsten which is converted to ammonium paratungstate or ferrotungsten.

''(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

''(Y) YTTRIUM.—Yttrium which is—

''(i) converted to yttrium oxide which is purified to a minimum purity of 99.999 percent yttrium oxide by mass, or

''(ii) purified to a minimum purity of 99.9 percent yttrium by mass.

''(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:

''(i) Arsenic.

''(ii) Bismuth.

''(iii) Erbium.

''(iv) Gallium.

''(v) Hafnium.

''(vi) Holmium.

''(vii) Iridium.

''(viii) Lanthanum.

''(ix) Lutetium.

''(x) Magnesium.

''(xi) Palladium.

''(xii) Platinum.

''(xiii) Praseodymium.

''(xiv) Rhodium.

''(xv) Rubidium.

''(xvi) Ruthenium.

''(xvii) Samarium.

''(xviii) Scandium.

''(xix) Tantalum.

''(xx) Terbium.

''(xxi) Thulium.

''(xxii) Titanium.

''(xxiii) Ytterbium.

''(xxiv) Zinc.

''(xxv) Zirconium.

''(d) SPECIAL RULES.—In this section—

''(1) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

''(2) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) SALE OF INTEGRATED COMPONENTS.—For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking ''plus'' at the end,

(B) in paragraph (37), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(38) the advanced manufacturing production credit determined under section 45X(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45X. Advanced manufacturing production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

PART 6—SUPERFUND

SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

''(A) the kilowatt hours of electricity—

''(i) produced by the taxpayer at a qualified facility, and

''(ii)(I) sold by the taxpayer to an unrelated person during the taxable year, or

''(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by

''(B) the applicable amount with respect to such qualified facility.

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility which is not described in clause (i) or (ii) of subparagraph (B) and does not satisfy the requirements described in clause (iii) of such subparagraph, the applicable amount shall be 0.3 cents.

''(B) ALTERNATIVE AMOUNT.—Subject to subsection (g)(7), in the case of any qualified facility—

''(i) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (9) and (10) of subsection (g), or

''(iii) which—

''(I) satisfies the requirements under paragraph (9) of subsection (g), and

''(II) with respect to the construction of such facility, satisfies the requirements under paragraph (10) of subsection (g),

the applicable amount shall be 1.5 cents.

''(b) QUALIFIED FACILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—Subject to subparagraphs (B), (C), and (D), the term 'qualified facility' means a facility owned by the taxpayer—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the greenhouse gas emissions rate (as determined under paragraph (2)) is not greater than zero.

''(B) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

''(C) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—The term 'qualified facility' shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) which was placed in service before January 1, 2025, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

''(i) A new unit which is placed in service after December 31, 2024.

''(ii) Any additions of capacity which are placed in service after December 31, 2024.

''(D) COORDINATION WITH OTHER CREDITS.—The term 'qualified facility' shall not include any facility for which a credit determined under section 45, 45J, 45Q, 45U, 48, 48A, or 48E is allowed under section 38 for the taxable year or any prior taxable year.

''(2) GREENHOUSE GAS EMISSIONS RATE.—

''(A) IN GENERAL.—For purposes of this section, the term 'greenhouse gas emissions rate' means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO_2e per KWh.

''(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H))) in the production of electricity, expressed as grams of CO_2e per KWh.

''(C) ESTABLISHMENT OF EMISSIONS RATES FOR FACILITIES.—

''(i) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

''(ii) PROVISIONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

''(D) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and—

''(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in paragraph (5) of such section.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year beginning after 2024, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(d) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' means the later of—

''(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25 percent of the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

''(B) 2032.

''(e) DEFINITIONS.—For purposes of this section:

''(1) CO_2e PER KWh.—The term 'CO_2e per KWh' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on global warming potential) per kilowatt hour of electricity produced.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given such term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(3) QUALIFIED CARBON DIOXIDE.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

''(B) is measured at the source of capture and verified at the point of disposal or utilization, and

''(C) is captured and disposed or utilized within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)).

''(f) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of greenhouse gas emission rates for qualified facilities and determination of clean electricity production credits under this section.

''(g) SPECIAL RULES.—

''(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Consumption, sales, or storage shall be taken into account under this section only with respect to electricity the production of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—For purposes of subsection (a)—

''(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

''(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

''(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term 'combined heat and power system property' has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

''(C) CONVERSION FROM BTU TO KWH.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of

electricity produced in the form of useful thermal energy shall be equal to the quotient of—

''(I) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

''(II) the heat rate for such facility.

''(ii) HEAT RATE.—For purposes of this subparagraph, the term 'heat rate' means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electricity, expressed as British thermal units per net kilowatt hour generated.

''(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

''(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 1382(d).

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

''(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

''(i) such reduction, over

''(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

''(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

''(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph.

''(8) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(9) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.

''(10) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

''(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirement under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall be increased by an amount equal to 10 percent of the amount so determined (as determined without application of paragraph (7)).

''(B) REQUIREMENT.—

''(i) IN GENERAL.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such form and manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) was produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

''(ii) STEEL AND IRON.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

''(iii) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

''(C) ADJUSTED PERCENTAGE.—

''(i) IN GENERAL.—Subject to subclause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

''(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

''(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

''(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

''(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

''(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

''(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

''(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

''(12) PHASEOUT FOR ELECTIVE PAYMENT.—

''(A) IN GENERAL.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

''(i) the value of such credit (determined without regard to this paragraph), multiplied by

''(ii) the applicable percentage.

''(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

''(i) which satisfies the requirements under paragraph (11)(B), or

''(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current),

the applicable percentage shall be 100 percent.

''(C) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

''(i) if construction of such facility began before January 1, 2024, 100 percent,

''(ii) if construction of such facility began in calendar year 2024, 90 percent,

''(iii) if construction of such facility began in calendar year 2025, 85 percent, and

''(iv) if construction of such facility began after December 31, 2025, 0 percent.

''(D) EXCEPTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall provide exceptions to the requirements under this paragraph if—

''(I) the inclusion of steel, iron, or manufactured products which are produced in the United States increases the overall costs of construction of qualified facilities by more than 25 percent, or

''(II) relevant steel, iron, or manufactured products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.

''(ii) APPLICABLE PERCENTAGE.—In any case in which the Secretary provides an exception pursuant to clause (i), the applicable percentage shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (37), by striking ''plus'' at the end,

(B) in paragraph (38), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(39) the clean electricity production credit determined under section 45Y(a).''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this

Act, is amended by adding at the end the following new item:

''Sec. 45Y. Clean electricity production credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2024.

SEC. 13702. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1, as amended by section 107(a) of the CHIPS Act of 2022, is amended by inserting after section 48D the following new section:

''SEC. 48E. CLEAN ELECTRICITY INVESTMENT CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

''(1) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to—

''(A) any qualified facility, and

''(B) any energy storage technology.

''(2) APPLICABLE PERCENTAGE.—

''(A) QUALIFIED FACILITIES.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any qualified facility—

''(I) with a maximum net output of less than 1 megawatt (as measured in alternating current),

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(B) ENERGY STORAGE TECHNOLOGY.—Subject to paragraph (3)—

''(i) BASE RATE.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

''(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

''(I) with a capacity of less than 1 megawatt,

''(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

''(III) which—

''(aa) satisfies the requirements of subsection (d)(3), and

''(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

''(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

''(A) ENERGY COMMUNITIES.—

''(i) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

''(ii) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

''(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

''(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

''(B) DOMESTIC CONTENT.—Rules similar to the rules of section 48(a)(12) shall apply.

''(b) QUALIFIED INVESTMENT WITH RESPECT TO A QUALIFIED FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

''(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

''(B) the amount of any expenditures which are—

''(i) paid or incurred by the taxpayer for qualified interconnection property—

''(I) in connection with a qualified facility which has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

''(II) placed in service during the taxable year of the taxpayer, and

''(ii) properly chargeable to capital account of the taxpayer.

''(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

''(A) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility,

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

''(3) QUALIFIED FACILITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'qualified facility' means a facility—

''(i) which is used for the generation of electricity,

''(ii) which is placed in service after December 31, 2024, and

''(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

''(B) ADDITIONAL RULES.—

''(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(1)(C) shall apply for purposes of this paragraph.

''(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

''(C) EXCLUSION.—The term 'qualified facility' shall not include any facility for which—

''(i) a renewable electricity production credit determined under section 45,

''(ii) an advanced nuclear power facility production credit determined under section 45J,

''(iii) a carbon oxide sequestration credit determined under section 45Q,

''(iv) a zero-emission nuclear power production credit determined under section 45U,

''(v) a clean electricity production credit determined under section 45Y,

''(vi) an energy credit determined under section 48, or

''(vii) a qualifying advanced coal project credit under section 48A,

is allowed under section 38 for the taxable year or any prior taxable year.

''(4) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term 'qualified interconnection property' has the meaning given such term in section 48(a)(8)(B).

''(5) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any qualified facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(6) DEFINITIONS.—For purposes of this subsection, the terms 'CO2e per KWh' and 'greenhouse gas emissions rate' have the same meaning given such terms under section 45Y.

''(c) QUALIFIED INVESTMENT WITH RESPECT TO ENERGY STORAGE TECHNOLOGY.—

''(1) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to energy storage technology for any taxable year is the basis of any energy storage technology placed in service by the taxpayer during such taxable year.

''(2) ENERGY STORAGE TECHNOLOGY.—For purposes of this section, the term 'energy storage technology' has the meaning given such term in section 48(c)(6) (except that subparagraph (D) of such section shall not apply).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

''(3) PREVAILING WAGE REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

''(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(5) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45Y(g)(12) shall apply.

''(e) CREDIT PHASE-OUT.—

''(1) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

''(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

''(B) the phase-out percentage under paragraph (2).

''(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

''(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,

''(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

''(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 50 percent, and

''(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

''(3) APPLICABLE YEAR.—For purposes of this subsection, the term 'applicable year' has the same meaning given such term in section 45Y(d)(3).

''(f) GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the same meaning given such term under section 45Y(e)(2).

''(g) RECAPTURE OF CREDIT.—For purposes of section 50, if the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO_2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

''(h) SPECIAL RULES FOR CERTAIN FACILITIES PLACED IN SERVICE IN CONNECTION WITH LOW-INCOME COMMUNITIES.—

''(1) IN GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (4)—

''(A) the applicable percentage otherwise determined under subsection (a)(2) with respect to any eligible property which is part of such facility shall be increased by—

''(i) in the case of a facility described in subclause (I) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

''(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

''(B) the increase in the credit determined under subsection (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

''(i) the environmental justice capacity limitation allocated to such facility, bears to

''(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

''(2) APPLICABLE FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable facility' means any qualified facility—

''(i) which is not described in section 45Y(b)(2)(B),

''(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

''(iii) which—

''(I) is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

''(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

''(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

''(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribally designated housing entity (as defined in section 4(22) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or such other affordable housing programs as the Secretary may provide, and

''(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

''(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

''(i) less than 200 percent of the poverty line (as defined in section 36B(d)(3)(A)) applicable to a family of the size involved, or

''(ii) less than 80 percent of area median gross income (as determined under section 142(d)(2)(B)).

''(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

''(3) ELIGIBLE PROPERTY.—For purposes of this subsection, the term 'eligible property' means a qualified investment with respect to any applicable facility.

''(4) ALLOCATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation to applicable facilities. In establishing such program and to carry out the purposes of this subsection, the Secretary shall provide procedures to allow for an efficient allocation process, including, when determined appropriate, consideration of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

''(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such year.

''(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term 'annual capacity limitation' means 1.8 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

''(D) CARRYOVER OF UNUSED LIMITATION.—

''(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

''(ii) CARRYOVER FROM SECTION 48 FOR CALENDAR YEAR 2025.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

''(E) PLACED IN SERVICE DEADLINE.—

''(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility of which such property is a part.

''(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

''(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

''(i) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46, as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) in paragraph (5), by striking ''and'' at the end,

(B) in paragraph (6), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following:

''(7) the clean electricity investment credit.''.

(2) Section 49(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) by striking ''and'' at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting a comma, and

(C) by adding at the end the following new clauses:

''(vii) the basis of any qualified property which is part of a qualified facility under section 48E, and

''(viii) the basis of any energy storage technology under section 48E.''.

(3) Section 50(a)(2)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ''or 48D(b)(5)'' and inserting ''48D(b)(5), or 48E(e)''.

(4) Section 50(c)(3) is amended by inserting ''or clean electricity investment credit'' after ''In the case of any energy credit''.

(5) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 107(d) of the CHIPS Act of 2022, is amended by inserting after the item relating to section 48D the following new item:

''48E. Clean electricity investment credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.

(a) IN GENERAL.—Section 168(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ''and'' at the end,

(2) in clause (vii), by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (vii) the following:

''(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48E) which is a qualified investment (as defined in subsection (b)(1) of such section), or any energy storage technology (as defined in subsection (c)(2) of such section).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

SEC. 13704. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

''(a) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

''(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

''(i) produced by the taxpayer at a qualified facility, and

''(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

''(B) the emissions factor for such fuel (as determined under subsection (b)).

''(2) APPLICABLE AMOUNT.—

''(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

''(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

''(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

''(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

''(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

''(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

''(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term 'sustainable aviation fuel' means liquid fuel, the portion of which is not kerosene, which is sold for use in an aircraft and which—

''(i) meets the requirements of—

''(I) ASTM International Standard D7566, or

''(II) the Fischer Tropsch provisions of ASTM International Standard D1655, Annex A1, and

''(ii) is not derived from palm fatty acid distillates or petroleum.

''(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

''(A) for use by such person in the production of a fuel mixture,

''(B) for use by such person in a trade or business, or

''(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

''(5) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

''(b) EMISSIONS FACTORS.—

''(1) EMISSIONS FACTOR.—

''(A) CALCULATION.—

''(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

''(I) an amount equal to—

''(aa) 50 kilograms of CO_2e per mmBTU, minus

''(bb) the emissions rate for such fuel, divided by

''(II) 50 kilograms of CO_2e per mmBTU.

''(B) ESTABLISHMENT OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall annually publish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of lifecycle greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO_2e per mmBTU, which a taxpayer shall use for purposes of this section.

''(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is not a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

''(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

''(I) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

''(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

''(C) ROUNDING OF EMISSIONS RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO_2e per mmBTU.

''(ii) EXCEPTION.—In the case of an emissions rate that is between 2.5 kilograms of CO_2e per mmBTU and -2.5 kilograms of CO_2e per mmBTU, the Secretary may round such rate to zero.

''(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for determination of the emissions rate with respect to such fuel.

''(2) ROUNDING.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

''(c) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale of the transportation fuel occurs. If any amount as increased under the preceding sentence is not a multiple of 1 cent, such amount shall be rounded to the nearest multiple of 1 cent.

''(2) INFLATION ADJUSTMENT FACTOR.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting 'calendar year 2022' for 'calendar year 1992' in paragraph (3) thereof.

''(d) DEFINITIONS.—In this section:

''(1) mmBTU.—The term 'mmBTU' means 1,000,000 British thermal units.

''(2) CO_2e.—The term 'CO_2e' means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)), as in effect on the date of the enactment of this section.

''(4) QUALIFIED FACILITY.—The term 'qualified facility'—

''(A) means a facility used for the production of transportation fuels, and

''(B) does not include any facility for which one of the following credits is allowed under section 38 for the taxable year:

''(i) The credit for production of clean hydrogen under section 45V.

''(ii) The credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48 with respect to any specified clean hydrogen production facility for which an election is made under subsection (a)(15) of such section.

''(iii) The credit for carbon oxide sequestration under section 45Q.

''(5) TRANSPORTATION FUEL.—

''(A) IN GENERAL.—The term 'transportation fuel' means a fuel which—

''(i) is suitable for use as a fuel in a highway vehicle or aircraft,

''(ii) has an emissions rate which is not greater than 50 kilograms of CO_2e per mmBTU, and

''(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

''(B) DEFINITIONS.—In this paragraph—

''(i) APPLICABLE MATERIAL.—The term 'applicable material' means—

''(I) monoglycerides, diglycerides, and triglycerides,

''(II) free fatty acids, and

''(III) fatty acid esters.

''(ii) BIOMASS.—The term 'biomass' has the same meaning given such term in section 45K(c)(3).

''(e) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section, including calculation of emissions factors for transportation fuel, the table described in subsection (b)(1)(B)(i), and the determination of clean fuel production credits under this section.

''(f) SPECIAL RULES.—

''(1) ONLY REGISTERED PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

''(i) the taxpayer—

''(I) is registered as a producer of clean fuel under section 4101 at the time of production, and

''(II) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

''(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

''(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation

described in subclause (I) of subsection (b)(1)(B)(iii), or

''(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

''(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

''(ii) such fuel is produced in the United States.

''(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

''(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

''(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such fuel is sold to such a person by another member of such group.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45Y(g)(6) shall apply.

''(6) PREVAILING WAGE REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), rules similar to the rules of section 45(b)(7) shall apply.

''(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

''(i) clause (i) of section 45(b)(7)(A) shall not apply, and

''(ii) clause (ii) of such section shall be applied by substituting 'with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section' for 'with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(ii)'.

''(7) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

''(g) TERMINATION.—This section shall not apply to transportation fuel sold after December 31, 2027.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 25C(d)(3), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (A), by striking ''and'' at the end,

(B) in subparagraph (B), by striking the period at the end and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(C) transportation fuel (as defined in section 45Z(d)(5)).''.

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

''(iv) Any transportation fuel (as defined in section 45Z(d)(5)).''.

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ''plus'' at the end,

(B) in paragraph (39), by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(40) the clean fuel production credit determined under section 45Z(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 45Z. Clean fuel production credit.''.

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ''every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),'' after ''section 6426(k)(3)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

''SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

''(a) IN GENERAL.—In the case of an applicable entity making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to such entity, such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(b) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following:

''(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to qualified facilities which are originally placed in service after December 31, 2022.

''(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022.

''(4) The zero-emission nuclear power production credit determined under section 45U(a).

''(5) So much of the credit for production of clean hydrogen determined under section 45V(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2012.

''(6) In the case of a tax-exempt entity described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (d)(3) thereof.

''(7) The credit for advanced manufacturing production under section 45X(a).

''(8) The clean electricity production credit determined under section 45Y(a).

''(9) The clean fuel production credit determined under section 45Z(a).

''(10) The energy credit determined under section 48.

''(11) The qualifying advanced energy project credit determined under section 48C.

''(12) The clean electricity investment credit determined under section 48E.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

''(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(B) subsection (e) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(D) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

''(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE ENTITY.—

''(A) IN GENERAL.—The term 'applicable entity' means—

''(i) any organization exempt from the tax imposed by subtitle A,

''(ii) any State or political subdivision thereof,

''(iii) the Tennessee Valley Authority,

''(iv) an Indian tribal government (as defined in section 30D(g)(9)),

''(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

''(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

''(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

''(C) ELECTION WITH RESPECT TO CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(3).

''(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

''(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which

such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

''(ii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2033.

''(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph to any taxable year described in subclause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in subclause (I). Any election under this subclause may not be subsequently revoked.

''(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (ii)(I), no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).

''(E) OTHER RULES.—

''(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

''(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2032.

''(2) APPLICATION.—In the case of any applicable entity which makes the election described in subsection (a), any applicable credit shall be determined—

''(A) without regard to paragraphs (3) and (4)(A)(i) of section 50(b), and

''(B) by treating any property with respect to which such credit is determined as used in a trade or business of the applicable entity.

''(3) ELECTIONS.—

''(A) IN GENERAL.—

''(i) DUE DATE.—Any election under subsection (a) shall be made not later than—

''(I) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), such date as is determined appropriate by the Secretary, or

''(II) in any other case, the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 180 days after the date of the enactment of this section.

''(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) with respect to any credit for the taxable year for which the election is made.

''(B) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(2), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such qualified facility is originally placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

''(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

''(I) apply separately with respect to the carbon capture equipment originally placed in service by the applicable entity during a taxable year, and

''(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(C), apply to the taxable year in which such equipment is placed in service and the 4 subsequent taxable years with respect to such equipment which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and to any subsequent taxable year which is within the period described in paragraph (3)(A) or (4)(A) of section 45Q(a) with respect to such equipment.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(II)(aa) with respect to carbon capture equipment, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

''(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

''(I) apply separately with respect to each qualified clean hydrogen production facility,

''(II) be made for the taxable year in which such facility is placed in service (or within the 1-year period subsequent to the date of enactment of this section in the case of facilities placed in service before December 31, 2022), and

''(III)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility which end before January 1, 2033, and

''(bb) in any other case, apply to such taxable year and all subsequent taxable years with respect to such facility.

''(ii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(III)(aa) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility for purposes of the credit described in subsection (b)(5).

''(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa), revoke the application of such election with respect to such facility for any subsequent taxable years during such period. Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

''(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(8), any election under subsection (a) shall—

''(i) apply separately with respect to each qualified facility,

''(ii) be made for the taxable year in which such facility is placed in service, and

''(iii) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (b)(1)(B) of section 45Y with respect to such facility.

''(4) TIMING.—The payment described in subsection (a) shall be treated as made on—

''(A) in the case of any government, or political subdivision, described in paragraph (1) and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(5) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by an applicable entity under subsection (a), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(6) EXCESSIVE PAYMENT.—

''(A) IN GENERAL.—In the case of any amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), which the Secretary determines constitutes an excessive payment, the tax imposed on such entity by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive payment, plus

''(ii) an amount equal to 20 percent of such excessive payment.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term 'excessive payment' means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

''(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for such taxable year, over

''(ii) the amount of the credit which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.

''(e) DENIAL OF DOUBLE BENEFIT.—In the case of an applicable entity making an election under this section with respect to an applicable credit, such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to such entity for such taxable year.

''(f) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in

section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

''(g) BASIS REDUCTION AND RECAPTURE.—Except as otherwise provided in subsection (c)(2)(A), rules similar to the rules of section 50 shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).''.

(b) TRANSFER OF CERTAIN CREDITS.—Subchapter B of chapter 65, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

''SEC. 6418. TRANSFER OF CERTAIN CREDITS.

''(a) IN GENERAL.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a taxpayer (referred to in this section as the 'transferee taxpayer') which is not related (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer, the transferee taxpayer specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(b) TREATMENT OF PAYMENTS MADE IN CONNECTION WITH TRANSFER.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

''(1) shall be required to be paid in cash,

''(2) shall not be includible in gross income of the eligible taxpayer, and

''(3) with respect to the transferee taxpayer, shall not be deductible under this title.

''(c) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(1) IN GENERAL.—In the case of any eligible credit determined with respect to any facility or property held directly by a partnership or S corporation, if such partnership or S corporation makes an election under subsection (a) (in such manner as the Secretary may provide) with respect to such credit—

''(A) any amount received as consideration for a transfer described in such subsection shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(B) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise eligible credit for each taxable year.

''(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

''(d) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be taken into account in the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.

''(e) LIMITATIONS ON ELECTION.—

''(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable.

''(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CREDIT.—

''(A) IN GENERAL.—The term 'eligible credit' means each of the following:

''(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).

''(ii) The renewable electricity production credit determined under section 45(a).

''(iii) The credit for carbon oxide sequestration determined under section 45Q(a).

''(iv) The zero-emission nuclear power production credit determined under section 45U(a).

''(v) The clean hydrogen production credit determined under section 45V(a).

''(vi) The advanced manufacturing production credit determined under section 45X(a).

''(vii) The clean electricity production credit determined under section 45Y(a).

''(viii) The clean fuel production credit determined under section 45Z(a).

''(ix) The energy credit determined under section 48.

''(x) The qualifying advanced energy project credit determined under section 48C.

''(xi) The clean electricity investment credit determined under section 48E.

''(B) ELECTION FOR CERTAIN CREDITS.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

''(i) separately with respect to each facility for which such credit is determined, and

''(ii) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

''(C) EXCEPTION FOR BUSINESS CREDIT CARRYFORWARDS OR CARRYBACKS.—The term 'eligible credit' shall not include any business credit carryforward or business credit carryback determined under section 39.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer which is not described in section 6417(d)(1)(A).

''(g) SPECIAL RULES.—For purposes of this section—

''(1) ADDITIONAL INFORMATION.—As a condition of, and prior to, any transfer of any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(2) EXCESSIVE CREDIT TRANSFER.—

''(A) IN GENERAL.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(i) the amount of such excessive credit transfer, plus

''(ii) an amount equal to 20 percent of such excessive credit transfer.

''(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

''(C) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term 'excessive credit transfer' means, with respect to a facility or property for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

''(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

''(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

''(3) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xi) of subsection (f)(1)(A)—

''(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

''(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period (as described in subsection (a)(1) of such section)—

''(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

''(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

''(4) PROHIBITION ON ELECTION OR TRANSFER WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of an eligible credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(h) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in subsection (c)(1).''.

(c) REAL ESTATE INVESTMENT TRUSTS.—Section 50(d) is amended by adding at the end the following: ''In the case of a real estate investment trust making an election under section 6418, paragraphs (1)(B) and (2)(B) of the section 46(e) referred to in paragraph (1) of this subsection shall not apply to any investment credit property of such real estate investment trust to which such election applies.''.

(d) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Section 39(a) is amended by adding at the end the following:

''(4) 3-YEAR CARRYBACK FOR APPLICABLE CREDITS.—Notwithstanding subsection (d), in

the case of any applicable credit (as defined in section 6417(b))—

''(A) this section shall be applied separately from the business credit (other than the applicable credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 3 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '23 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '22 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new items:

''Sec. 6417. Elective payment of applicable credits.

''Sec. 6418. Transfer of certain credits.''.

(f) GROSS-UP OF DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 of the Internal Revenue Code of 1986, or any amount treated as a payment which is made by the taxpayer under subsection (a) of such section, that is direct spending shall be increased by 6.0445 percent.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13802. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Internal Revenue Service to carry out this subtitle (and the amendments made by this subtitle), which shall supplement and not supplant any other appropriations that may be available for this purpose.

PART 9—OTHER PROVISIONS

SEC. 13901. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1006(e) of the American Rescue Plan Act of 2021 (as amended by section 22007 of this Act) or section 22006 of this Act—

(1) such payment shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation on whose behalf, or to whom, such a payment is made—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from interest that is part of such payment and the partner's share, as determined under section 752 of such Code, of principal that is part of such payment.

TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Subtitle A—General Provisions

SEC. 20001. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Agriculture.

Subtitle B—Conservation

SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $1,750,000,000 for fiscal year 2024;

(iii) $3,000,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f)(1)) shall not apply;

(ii) section 1240H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8(c)(2)) shall be applied—

(I) by substituting ''$50,000,000'' for ''$25,000,000''; and

(II) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,000,000,000 for fiscal year 2025; and

(iv) $1,500,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the funds shall only be available for 1 or more agricultural conservation practices, enhancements, or bundles that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d) for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $800,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $2,400,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1271C(d)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.

(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking ''2023'' and inserting ''2031''; and

(B) in subsection (f)(2)(B)—

(i) in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' and inserting ''2031''.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' each place it appears and inserting ''2031''.

(3) Section 1240J(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–22(a)) is amended, in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031''.

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(h)(2)(A)) is amended by striking ''2023'' and inserting ''2031''.

(5) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''2023'' and inserting ''2031'';

(ii) in paragraph (2)(F), by striking ''2023'' and inserting ''2031''; and

(iii) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''each of fiscal years 2023 through 2031'';

(B) in subsection (b), by striking ''2023'' and inserting ''2031''; and

(C) in subsection (h)—

(i) in paragraph (1)(B), in the subparagraph heading, by striking ''2023'' and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031''.

(6) Section 1244(n)(3)(A) of the Food Security Act of 1985 (16 U.S.C. 3844(n)(3)(A)) is amended by striking ''2023'' and inserting ''2031''.

(7) Section 1271D(a) of the Food Security Act of 1985 (16 U.S.C. 3871d(a)) is amended by striking ''2023'' and inserting ''2031''.

SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—

(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and

(2) $300,000,000 to carry out a program to quantify carbon sequestration and carbon dioxide, methane, and nitrous oxide emissions, through which the Natural Resources Conservation Service shall collect field-based data to assess the carbon sequestration and reduction in carbon dioxide, methane, and nitrous oxide emissions outcomes associated with activities carried out pursuant to this section and use the data to monitor and track those carbon sequestration and emissions trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031;

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development and Agricultural Credit

SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) is amended by adding at the end the following:

''(h) ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.—

''(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the cost of loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that support the types of eligible projects under that section, which shall be forgiven in an amount that is not greater than 50 percent of the loan based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of that section established by the Secretary, except as provided in paragraph (3).

''(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant this subsection that could result in disbursements after September 30, 2031.

''(3) EXCEPTION.—The Secretary shall establish criteria for waiving the 50 percent limitation described in paragraph (1).''.

SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), and notwithstanding section 9007(c)(3)(A) of that Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a), including for underutilized renewable energy technologies, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(c) LIMITATION.—The Secretary shall not enter into, pursuant to this section—

(1) any loan agreement that may result in a disbursement after September 30, 2031; or

(2) any grant agreement that may result in any outlay after September 30, 2031.

SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22001) is amended by adding at the end the following:

''(i) BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to carry out this subsection.

''(2) USE OF FUNDS.—The Secretary shall use the amounts made available by paragraph (1) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sale and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not on location where such biofuels are blended, stored, supplied, or distributed—

''(A) by installing, retrofitting, or otherwise upgrading fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuel blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary; and

''(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.''.

SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

Section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) (as amended by section 22003) is amended by adding at the end the following:

''(j) USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

''(1) APPROPRIATION.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not

otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems by providing to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area or a wholly or jointly owned subsidiary of such electric cooperative) loans, modifications of loans, the cost of loans and modifications, and other financial assistance to achieve the greatest reduction in carbon dioxide, methane, and nitrous oxide emissions associated with rural electric systems through the purchase of renewable energy, renewable energy systems, and zero-emission systems, to deploy such systems, or to make energy efficiency improvements to electric generation and transmission systems of the eligible entity after the date of enactment of this subsection.

''(2) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this subsection.

''(3) REQUIREMENT.—The amount of a grant under this subsection shall be not more than 25 percent of the total project costs of the eligible entity carrying out a project using a grant under this subsection.

''(4) PROHIBITION.—Nothing in this subsection shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this subsection if such funds are not expressly authorized or currently expended for such purposes.

''(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection—

''(A) any loan agreement that may result in a disbursement after September 30, 2031; or

''(B) any grant agreement that may result in any outlay after September 30, 2031.''.

SEC. 22005. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and administrative costs of the agencies and offices of the Department for costs related to implementing this subtitle.

SEC. 22006. FARM LOAN IMMEDIATE RELIEF FOR BORROWERS WITH AT-RISK AGRICULTURAL OPERATIONS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $3,100,000,000, to remain available until September 30, 2031, to provide payments to, for the cost of loans or loan modifications for, or to carry out section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) with respect to distressed borrowers of direct or guaranteed loans administered by the Farm Service Agency under subtitle A, B, or C of that Act (7 U.S.C. 1922 through 1970). In carrying out this section, the Secretary shall provide relief to those borrowers whose agricultural operations are at financial risk as expeditiously as possible, as determined by the Secretary.

SEC. 22007. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

Section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) is amended to read as follows:

''SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, FORESTERS.

''(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $125,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(b) LAND LOSS ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to provide grants and loans to eligible entities, as determined by the Secretary, to improve land access (including heirs' property and fractionated land issues) for underserved farmers, ranchers, and forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

''(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

''(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $250,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, for 1890 Institutions (as defined in section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

''(e) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000, as determined to be appropriate based on any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary.

''(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

''(g) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

''(1) enter into any agreement under which any payment could be outlaid or funds disbursed after September 30, 2031; or

''(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.''.

SEC. 22008. REPEAL OF FARM LOAN ASSISTANCE.

Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 1921 note; Public Law 117–2) is repealed.

Subtitle D—Forestry

SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,800,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $200,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));

(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–12); and

(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) RESTRICTIONS.—None of the funds made available by paragraph (1) or (2) of subsection (a) may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or motorized trail;

(3) that includes the construction of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled ''Special Areas; Roadless Area Conservation'' (66 Fed. Reg. 3244 (January 12, 2001)), as modified by subparts C and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(d) COST-SHARING WAIVER.—

(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement; and

(C) is subject to a non-Federal cost-share requirement.

(e) DEFINITIONS.—In this section:

(1) DECOMMISSION.—The term ''decommission'' means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, where feasible.

(2) ECOLOGICAL INTEGRITY.—The term ''ecological integrity'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(4) RESTORATION.—The term ''restoration'' has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) VEGETATION MANAGEMENT PROJECT.—The term ''vegetation management project'' means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the decommissioning of an unauthorized, temporary, or system road.

(6) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(3) $100,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(4) $50,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply; and

(5) $100,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall be not more than $5,000,000; and

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources.

(b) COST-SHARING REQUIREMENT.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(c) LIMITATIONS.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $700,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land; and

(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 23004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 23005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in subsection (b), including to subsidize gross obligations for the principal amount of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property;

(2) $60,000,000, to remain available until September 30, 2030, for the costs to the Secretary for information technology, research and evaluation, and administering and overseeing the implementation of this section;

(3) $60,000,000, to remain available until September 30, 2029, for expenses of contracts

or cooperative agreements administered by the Secretary; and

(4) $42,500,000, to remain available until September 30, 2028, for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants or loans, along with associated data analysis and evaluation at the property and portfolio level, and the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(c) DEFINITIONS.—As used in this section—

(1) the term ''eligible recipient'' means any owner or sponsor of an eligible property; and

(2) the term ''eligible property'' means a property assisted pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

(B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(C) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b));

(E) section 236 of the National Housing Act (12 U.S.C. 1715z–1); or

(F) a Housing Assistance Payments contract for Project-Based Rental Assistance in fiscal year 2021.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds appropriated, which requirements shall take effect upon issuance.

TITLE IV—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 40001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ''Tribal Government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 40002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities, facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 40003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and impacts to marine species and coastal habitat, and for related administrative expenses.

SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data processing capacity, data management, and storage assets, to carry out section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)), and for transaction agreements authorized under section 301(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses.

SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, demonstrate, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $244,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel;

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(3) $5,940,000 to fund the award of grants under this section, and oversight of the program, by the Secretary.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the capacity for the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant

funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(d) FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(E), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States or feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ''feedstock'' means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) INDUCED LAND-USE CHANGE VALUES.—The term ''induced land-use change values'' means the greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the combined greenhouse gas emissions from feedstock production, collection of feedstock, transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft engine, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ''low-emission aviation technologies'' means technologies, produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

PART 1—GENERAL PROVISIONS

SEC. 50111. DEFINITIONS.

In this subtitle:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211).

(4) STATE ENERGY OFFICE.—The term ''State energy office'' has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

(5) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).

PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program using a grant received under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that are calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(7).

(c) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-house energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (3), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) REBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(7) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES REBATE PROGRAM.—The term ''HOMES rebate program'' means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(3) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity does not receive a rebate for the same qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(8); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a heat pump for space heating or cooling; and

(iii) not more than $840 for—

(I) an electric stove, cooktop, range, or oven; or

(II) an electric heat pump clothes dryer.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $1,600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(A)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income;

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household—

(I) on behalf of which the eligible entity is working; and

(II) the annual income of which is less than 80 percent of the area median income.

(5) AMOUNT FOR INSTALLATION OF UPGRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or Indian Tribe under a high-efficiency electric home rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program (as defined in section 50121(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or nonprofit entity, as determined by the Secretary, carrying out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B).

(2) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—The term ''high-efficiency electric home rebate program'' means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ''low- or moderate-income household'' means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term ''program'' means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term ''qualified electrification project'' means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out at, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ''qualified electrification project'' does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subclauses (I) through (VIII) of subparagraph (A)(i) is not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy efficiency and electrification improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50121(d)) or a high-efficiency electric home rebate program (as defined in section 50122(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve not more than 5

percent for administrative costs necessary to carry out this section.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary shall reserve not more than 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act (42 U.S.C. 16512(h)(3)).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided in paragraph (3), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefitting from otherwise allowable Federal tax benefits;

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid exclusively in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(D) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(4)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(A)) is amended by inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)'' before the period at the end.

(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

''(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''.

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)): *Provided*, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of, advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 17013(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $25,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking ''a total of not more than $25,000,000,000 in''.

SEC. 50143. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARE.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—The Secretary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not greater than $250,000,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

''SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

''(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees, including refinancing, under this section only for projects that—

''(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

''(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

''(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental damage associated with energy infrastructure.

''(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

''(d) APPLICATION.—To apply for a guarantee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed plan describing the proposed project;

''(2) an analysis of how the proposed project will engage with and affect associated communities; and

''(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

''(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

''(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term 'energy infrastructure' means a facility, and associated equipment, used for—

''(1) the generation or transmission of electric energy; or

''(2) the production, processing, and delivery of fossil fuels, fuels derived from petroleum, or petrochemical feedstocks.''.

(d) CONFORMING AMENDMENT.—Section 1702(o)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(o)(3)) is amended by inserting ''and projects described in section 1706(a)'' before the period at the end.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), subject to the limitations that apply to loan guarantees under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking '') for an amount equal to not more than 90 percent of'' and inserting '', except that a loan guarantee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lender (as defined in section 609.2 of title 10, Code of Federal Regulations)) for''; and

(2) in paragraph (4), by striking ''$2,000,000,000'' and inserting ''$20,000,000,000''.

PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINITION OF DIRECT LOAN.—In this section, the term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ''covered transmission project'' means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ''siting authority'' means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—INDUSTRIAL

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) PRIORITY.—In providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $300,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ''advanced industrial technology'' means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means a grant, rebate, direct loan, or cooperative agreement.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available through September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2027—

(1) $133,240,000 to carry out activities for science laboratory infrastructure projects;

(2) $303,656,000 to carry out activities for high energy physics construction and major items of equipment projects;

(3) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(4) $217,000,000 to carry out activities for nuclear physics construction and major items of equipment projects;

(5) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(6) $294,500,000 to carry out activities for basic energy sciences projects; and

(7) $157,813,000 to carry out activities for isotope research and development facilities.

(b) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(c) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

Subtitle B—Natural Resources

PART 1—GENERAL PROVISIONS

SEC. 50211. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNITED STATES INSULAR AREAS.—The term ''United States Insular Areas'' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

PART 2—PUBLIC LANDS

SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands and resources administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2030, to hire employees to serve in units of the National Park System or national historic or national scenic trails administered by the National Park Service.

SEC. 50224. NATIONAL PARK SYSTEM DEFERRED MAINTENANCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects, through direct expenditures or transfers, within the boundaries of the National Park System.

PART 3—DROUGHT RESPONSE AND PREPAREDNESS

SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2031, for grants, contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) in a manner as determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50232. CANAL IMPROVEMENT PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

SEC. 50233. DROUGHT MITIGATION IN THE RECLAMATION STATES.

(a) DEFINITION OF RECLAMATION STATE.—In this section, the term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements, in accordance with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:

(1) Compensation for a temporary or multiyear voluntary reduction in diversion of water or consumptive water use.

(2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or Upper Basin of the Colorado River.

(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.

PART 4—INSULAR AFFAIRS

SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART 5—OFFSHORE WIND

SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in an area withdrawn by—

(1) the Presidential memorandum entitled ''Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 8, 2020; or

(2) the Presidential memorandum entitled ''Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' and dated September 25, 2020.

(b) OFFSHORE WIND FOR THE TERRITORIES.—

(1) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

(A) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(i) in subsection (a)—

(I) by striking ''means all'' and inserting the following: ''means—

''(1) all''; and

(II) in paragraph (1) (as so designated), by striking ''control;'' and inserting the following: ''control or within the exclusive economic zone of the United States and adjacent to any territory of the United States; and''; and

(III) by adding at the end following:

''(2) does not include any area conveyed by Congress to a territorial government for administration;'';

(ii) in subsection (p), by striking ''and'' after the semicolon at the end;

(iii) in subsection (q), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(r) The term 'State' means—

''(1) each of the several States;

''(2) the Commonwealth of Puerto Rico;

''(3) Guam;

''(4) American Samoa;

''(5) the United States Virgin Islands; and

''(6) the Commonwealth of the Northern Mariana Islands.''.

(B) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) APPLICATION.—This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.''.

(2) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.

''(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—

''(1) CALL FOR INFORMATION AND NOMINATIONS.—

''(A) IN GENERAL.—The Secretary shall issue calls for information and nominations for proposed wind lease sales for areas of the outer Continental Shelf described in paragraph (2) that are determined to be feasible.

''(B) INITIAL CALL.—Not later than September 30, 2025, the Secretary shall issue an initial call for information and nominations under this paragraph.

''(2) CONDITIONAL WIND LEASE SALES.—The Secretary may conduct wind lease sales in each area within the exclusive economic zone of the United States adjacent to the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands that meets each of the following criteria:

''(A) The Secretary has concluded that a wind lease sale in the area is feasible.

''(B) The Secretary has determined that there is sufficient interest in leasing the area.

''(C) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.''.

PART 6—FOSSIL FUEL RESOURCES

SEC. 50261. OFFSHORE OIL AND GAS ROYALTY RATE.

Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in each of subparagraphs (A) and (C), by striking ''not less than 12½ per centum'' each place it appears and inserting ''not less than 16⅔ percent'';

(2) in subparagraph (F), by striking ''no less than 12½ per centum'' and inserting ''not less than 16⅔ percent''; and

(3) in subparagraph (H), by striking ''no less than 12 and ½ per centum'' and inserting ''not less than 16⅔ percent''.

SEC. 50262. MINERAL LEASING ACT MODERNIZATION.

(a) ONSHORE OIL AND GAS ROYALTY RATES.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ''12.5'' and inserting ''16⅔''; and

(ii) by inserting ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease'' before the period at the end; and

(B) by striking ''12½ per centum'' each place it appears and inserting ''16⅔ percent''.

(2) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''16⅔'' each place it appears and inserting ''20''.

(b) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(c) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

(e) ELIMINATION OF NONCOMPETITIVE LEASING.—

(1) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraphs (2) and (3) of this subsection'' and inserting ''paragraph (2)''; and

(II) by striking the last sentence; and

(ii) by striking paragraph (3);

(B) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL ROUNDS OF COMPETITIVE BIDDING.—Land made available for leasing under subsection (b)(1) for which no bid is accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may be made available by the Secretary of the Interior for a new round of competitive bidding under that subsection.''; and

(C) by striking subsection (e) and inserting the following:

''(e) TERM OF LEASE.—

''(1) IN GENERAL.—Any lease issued under this section, including a lease for tar sand areas, shall be for a primary term of 10 years.

''(2) CONTINUATION OF LEASE.—A lease described in paragraph (1) shall continue after the primary term of the lease for any period during which oil or gas is produced in paying quantities.

''(3) ADDITIONAL EXTENSIONS.—Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of the primary term of the lease shall be extended for 2 years and for any period thereafter during which oil or gas is produced in paying quantities.''.

(2) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), in the first sentence, by striking ''or section 17(c) of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) by striking ''either''; and

(II) by striking ''or the inclusion'' and all that follows through '', all''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by adding ''and'' after the semicolon;

(II) by striking subparagraph (B); and

(III) by striking ''(3)(A) payment'' and inserting the following:

''(3) payment'';

(C) in subsection (g)—

(i) in paragraph (1), by striking ''as a competitive'' and all that follows through ''of this Act'' and inserting ''in the same manner as the original lease issued pursuant to section 17'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) in paragraph (2) (as so redesignated), by striking ''applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except,'' and inserting ''except'';

(D) in subsection (h), by striking ''subsections (d) and (f) of this section'' and inserting ''subsection (d)'';

(E) in subsection (i), by striking ''(i)(1) In acting'' and all that follows through ''of this section'' in paragraph (2) and inserting the following:

''(i) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d)'';

(F) by striking subsection (f); and

(G) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 50263. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—For all leases issued after the date of enactment of this Act, except as provided in subsection (b), royalties paid for gas produced from Federal land and on the outer Continental Shelf shall be assessed on all gas produced, including all gas that is consumed or lost by venting, flaring, or negligent releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a danger to human health, safety, or the environment;

(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or

(3) gas that is unavoidably lost.

SA 5282. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle __—Safeguarding Patient Access to Cutting-edge Therapies by Protecting Small Businesses From Onerous Permanent Mandates and Catastrophic Penalties Under the New Federal Program

SEC. 1__001. SAFEGUARDING PATIENT ACCESS TO CUTTING-EDGE THERAPIES BY PROTECTING SMALL BUSINESSES FROM ONEROUS PERMANENT MANDATES AND CATASTROPHIC PENALTIES UNDER THE NEW FEDERAL PROGRAM.

Sec. 1192(d) of the Social Security Act, as added by section 11001, is amended—

(1) in paragraph (2)(A), in the matter preceding clause (i), by striking '', with respect to the initial price applicability years 2026, 2027, and 2028,''; and

(2) in paragraph (3)(A)(ii), by striking ''for initial price applicability years 2026, 2027, and 2028,''.

SEC. 1__002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A)(i)(II) of this Act is amended by striking ''$45,637,400,000'' and inserting ''$40,637,400,000''.

SA 5283. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. ENSURING ACCESS FOR MEDICARE BENEFICIARIES TO GENETICALLY TARGETED TECHNOLOGIES.

Sec. 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

''(D) GENETICALLY TARGETED TECHNOLOGIES.—A drug product using a genetically targeted technology including cell, gene, siRNA, and radio ligand therapies.''.

SA 5284. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. EQUALIZING THE NEGOTIATION PERIOD BETWEEN SMALL-MOLECULE AND BIOLOGIC CANDIDATES UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Part E of title XI of the Social Security Act, as added by section 11001, is amended—

(1) in section 1192(e)(1)(A)(ii), by striking ''7 years'' and inserting ''11 years''; and

(2) in section 1194(g)(1)(A), by striking ''9 years'' and inserting ''13 years''.

SA 5285. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 689, strike line 8 and all that follows through page 714, line 7, and insert the following:

SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production, use, and disposal, and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) GREENHOUSE GAS.—The term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60111. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

''SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(i) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60112. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60111 of this Act, the following:

"SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

''(a) APPROPRIATIONS.—

''(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

''(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

''(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

''(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

''(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

''(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an air pollution control agency;

''(C) a municipality;

''(D) an Indian tribe; and

''(E) a group of one or more entities listed in subparagraphs (A) through (D).

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

SEC. 60113. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60114. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

(1) environmental product declarations; or

(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

''SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

SA 5286. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 708, strike lines 24 and 25 and insert the following:

''(i) PROHIBITION.—In carrying out this section, the Administrator may not ban the underground injection of fluids or propping agents with respect to hydraulic fracturing operations related to oil, gas, or geothermal production activities.

''(j) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means the air pollutants.

SA 5287. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I.

SA 5288. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 and 50262.

SA 5289. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 43, strike lines 3 through 7 and insert the following:

(c) NO TAX INCREASES ON CERTAIN TAXPAYERS.—

(1) IN GENERAL.—Nothing in this subsection shall increase taxes on any taxpayer with a taxable income below $400,000.

(2) AUDITS.—No funds obligated under this subsection shall be dedicated to enforcement activities that increase audit rates against any taxpayer with a taxable income below $400,000.

SA 5290. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. EXEMPTION OF GRANTS FROM TAXATION.

(a) IN GENERAL.—Section 421 of the Coronavirus Economic Relief for Transportation Services Act (15 U.S.C. 9111) is amended by adding at the end the following new subsection:

''(g) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986—

''(1) no amount shall be included in the gross income of the eligible provider of transportation services by reason of a grant under this section,

''(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

''(3) in the case of an eligible provider of transportation services which is a partnership or S corporation—

''(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and

''(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), any increase in the adjusted basis of a partner's interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner's distributive share of deductions resulting from costs described in subsection (d) which are paid using a grant under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of the Coronavirus Economic Relief for Transportation Services Act.

SA 5291. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 374, strike line 20 and all that follows through page 375, line 9, and insert the following:

''(A) any vehicle placed in service after December 31, 2027, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(B) any vehicle placed in service after December 31, 2026, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).''.

SA 5292. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20002. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

''SEC. 13A. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COVERED INDIAN TRIBAL ORGANIZATION.—The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

''(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

''(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

''(C) enrolled in a school—

''(i) described in subparagraph (B), (C), (D), or (E) of section 11(a)(1); or

''(ii) that is under a local educational agency that elects to receive special assistance payments under subparagraph (F) of that section.

''(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.

''(4) PROGRAM.—The term 'program' means the program established under subsection (b).

''(5) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.—The term 'special supplemental nutrition program' means the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(6) SUMMER EBT BENEFITS.—The term 'summer EBT benefits' means benefits provided under the program, during the summer months, through electronic benefit transfer.

''(7) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Summer Electronic Benefit Transfer for Children Program', under which States and covered Indian Tribal organizations participating in the program shall, for summer 2024 and summer 2025, issue summer EBT benefits

to eligible households for the purpose of providing nutrition assistance during the summer months to ensure children have continued access to food when school is not in session.

''(c) USE OF BENEFITS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), summer EBT benefits issued by a State participating in the program may be used only to purchase food (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) from retail food stores that have been approved for participation in—

''(A) the supplemental nutrition assistance program in accordance with section 9 of that Act (7 U.S.C. 2018); or

''(B) a nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa that is funded by a grant from the Department of Agriculture.

''(2) STATES PARTICIPATING IN WIC.—In the case of a State participating in the program that participated in a demonstration project carried out under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132), during calendar year 2018 using a special supplemental nutrition program model, summer EBT benefits may also be used to purchase supplemental foods (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))) from retailers that have been approved for participation in—

''(A) the special supplemental nutrition program; or

''(B) the program under this section.

''(3) COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued by a covered Indian Tribal organization participating in the program may only be used to purchase the supplemental foods described in paragraph (2).

''(d) AMOUNT.—Summer EBT benefits issued under the program shall be in an amount, per summer month for each eligible child in an eligible household, that is—

''(1) for calendar year 2024, equal to $65; and

''(2) for calendar year 2025, equal to the amount described in paragraph (1), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan (as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) for the 12-month period ending on November 30 of the preceding calendar year.

''(e) FORM OF BENEFITS.—Summer EBT benefits may be issued—

''(1) in the form of an electronic benefit transfer card; or

''(2) through electronic delivery.

''(f) ENROLLMENT IN PROGRAM.—

''(1) STATE REQUIREMENTS.—States participating in the program shall—

''(A) automatically enroll eligible children in the program without further application; and

''(B)(i) require local educational agencies to allow eligible households to opt out of participation in the program; and

''(ii) establish procedures for opting out of such participation.

''(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program shall, to the maximum extent practicable, meet the requirements described in subparagraphs (A) and (B) of paragraph (1).

''(g) IMPLEMENTATION GRANTS.—Not earlier than January 1, 2023, the Secretary shall provide grants to States and covered Indian Tribal organizations to build capacity for implementing the program.

''(h) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.—The Secretary shall establish an alternative method for determining the schedule and number of days during which summer EBT benefits may be issued under the program in the case of children who are under a continuous school calendar.

''(i) FUNDING.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, for each of fiscal years 2023 through 2025, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies), to remain available for the 2-fiscal year period following the date such amounts are made available.

''(2) IMPLEMENTATION GRANT FUNDING.—In addition to amounts otherwise available, including under paragraph (1), there is appropriated to the Secretary for fiscal year 2024, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out subsection (g).

''(j) SUNSET.—The authority under this section shall terminate on September 30, 2025.''.

SA 5293. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 70002, in the matter preceding paragraph (1), strike ''$3,000,000,000'' and insert ''$7,500,000,000''.

SA 5294. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 384, line 5, and insert the following:

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended—

(A) by redesignating subsection (g) as subsection (h), and

(B) by inserting after subsection (f) the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any

Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) EXTENSION OF CREDIT FOR QUALIFIED 2- OR 3- WHEELED PLUG-IN ELECTRIC VEHICLES; TERMINATION.—Section 30D is amended—

(1) in subsection (h)(3), as redesignated by the preceding provisions of this section—

(A) in subparagraph (B), by striking ''4 kilowatt hours'' and inserting ''7 kilowatt hours'', and

(B) by striking subparagraph (E) and inserting the following:

''(E) in the case of a vehicle placed in service after December 31, 2026, the final assembly of which occurs within the United States.''.

(2) by adding at the end the following:

''(i) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle placed in service after December 31, 2032.''.

SA 5295. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502___. WITHDRAWAL OF CERTAIN AREAS OFFERED FOR LEASE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) (as amended by section 50251(b)(2)) is amended by adding at the end the following:

''SEC. 34. RIGHT TO REQUEST WITHDRAWAL.

''Notwithstanding any other provision of this or any other Act, with respect to any area offered for lease under a 5-year plan pursuant to this Act, the Secretary, on request of the Governor of a State or territory any waters of which are not more than 50 miles from the area offered for lease, shall withdraw the area from such offer.''.

SA 5296. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50264 and 50265.

SA 5297. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING FOR HOUSING.

(a) CAPITAL FUND.—In addition to amounts otherwise available for such purposes, there are appropriated to the Capital Fund established under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)), out of amounts in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2031, which shall be—

(1) distributed under the same formula by which amounts in that Fund were distributed during fiscal year 2021; and

(2) made available not later than 60 days after the date of the enactment of this Act.

(b) REPAIR, REPLACEMENT, CONSTRUCTION.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated, $53,000,000,000, to remain available until September 30, 2026, to carry out capital and management activities under section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) for priority investments determined by the Secretary of Housing and Urban Development to repair, replace, or construct properties assisted under such section 9.

(c) HOME INVESTMENT PARTNERSHIP.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated—

(A) $10,000,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741–12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831-12840) (in this subsection referred to as ''NAHA''), subject to the terms and conditions in paragraph (2)(A); and

(B) $45,000,000,000, to remain available until September 30, 2026, for activities and assistance for the HOME Investment Partnerships Program, as authorized under sections 241 through 242, 244 through 253, 255 through 256, and 281 through 290 of NAHA (42 U.S.C. 12741–12742, 42 U.S.C. 12744–12753, 42 U.S.C. 12755–12756, 42 U.S.C. 12831–12840), subject to the terms and conditions in paragraphs (2)(B) and (3).

(2) FORMULA.—(A) The Secretary shall allocate amounts made available under paragraph (1)(A) pursuant to section 217 of NAHA (42 U.S.C. 12747) to grantees that received allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 60 days of the date of enactment of this Act.

(B) The Secretary shall allocate amounts made available under paragraph (1)(B) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 60 days of the date of enactment of this Act.

(3) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (4), funds made available under paragraph (1)(B) may only be used for eligible activities described in subparagraphs (A) through (B)(i) of section 1338(c)(7) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(7)), except that not more than 10 percent of funds made available may be used for activities under such subparagraph (B)(i).

(4) FUNDING RESTRICTIONS.—The commitment requirements in section 218(g) of NAHA (42 U.S.C. 12748(g)), the matching requirements in section 220 of NAHA (42 U.S.C. 12750), and the set aside for housing developed, sponsored, or owned by community housing development organizations required under section 231 of NAHA (42 U.S.C. 12771) shall not apply for amounts made available under this section.

(5) REALLOCATION.—For funds provided under subparagraphs (A) and (B) of paragraph (1), the Secretary may recapture certain amounts remaining available to a grantee under this section or amounts declined by a grantee, and reallocate such amounts to other grantees under that paragraph to ensure fund expenditure, geographic diversity, and availability of funding to communities within the State from which the funds have been recaptured.

(6) ADMINISTRATION.—Notwithstanding subsections (c) and (d)(1) of section 212 of NAHA (42 U.S.C. 12742), grantees may use not more than 15 percent of their allocations under this section for administrative and planning costs.

(7) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of NAHA specified in subparagraph (A) or (B) of paragraph (1) or regulation for the administration of the amounts made available under this section, other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(8) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

(d) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated, $15,000,000,000, to remain available until September 30, 2029, for—

(1) incremental tenant-based rental assistance for extremely low-income families under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

(2) renewals of the tenant-based rental assistance described in paragraph (1); and

(3) fees for the costs of administering the tenant-based rental assistance described in paragraph (1) and other expenses relating to the use of that assistance.

(e) RENTAL ASSISTANCE FOR HOUSEHOLDS EXPERIENCING OR AT RISK OF HOMELESSNESS.—In addition to amounts otherwise available for such purposes, there are appropriated to the Secretary of Housing and Urban Development, out of amounts in the Treasury not otherwise appropriated,

$7,000,000,000, to remain available until September 30, 2029, for—

(1) incremental tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for—

(A) households experiencing or at risk of homelessness;

(B) survivors of domestic violence, dating violence, sexual assault, and stalking; and

(C) survivors of trafficking;

(2) renewals of the tenant-based rental assistance described in paragraph (1); and

(3) fees for the costs of administering the tenant-based rental assistance described in paragraph (1) and other expenses relating to the use of that assistance.

SEC. _____. COMMUNITY RESTORATION AND REVITALIZATION FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Community Restoration and Revitalization Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for the award of grants to eligible recipients to create, expand, and maintain community land trusts and shared equity homeownership through the acquisition, rehabilitation, and new construction of affordable, accessible housing.

(b) ESTABLISHMENT OF FUND.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall establish a Community Restoration and Revitalization Fund (in this section referred to as the ''Fund'') to award planning and implementation grants on a competitive basis to eligible recipients for activities authorized under subsections (a) through (g) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and under this section for community-led affordable housing and civic infrastructure projects.

(c) ELIGIBLE GEOGRAPHICAL AREAS, RECIPIENTS, AND APPLICANTS.—

(1) GEOGRAPHICAL AREAS.—The Secretary shall award grants from the Fund to eligible recipients within geographical areas at the neighborhood, county, or census tract level and census tracts adjacent to the project area that are areas in need of investment, as demonstrated by two or more of the following factors:

(A) High and persistent rates of poverty.

(B) Population at risk of displacement due to rising housing costs.

(C) Dwelling unit sales prices that are lower than the cost to acquire and rehabilitate, or build, a new dwelling unit.

(D) High proportions of residential and commercial properties that are vacant due to foreclosure, eviction, abandonment, or other causes.

(E) Low rates of homeownership by race and ethnicity, relative to the national homeownership rate.

(F) Served by a local, regional, or Statewide lead applicant or joint applicant described in subsection (d) with a demonstrated commitment to, and experience with, long-term affordability through a community land trust or shared equity homeownership program.

(2) ELIGIBLE RECIPIENT.—An eligible recipient of a grant under this section shall be a local partnership of a lead applicant and one or more joint applicants with the ability to administer the grant.

(d) ELIGIBLE RECIPIENTS AND APPLICANTS.—

(1) LEAD APPLICANT.—An eligible lead applicant for a grant awarded under this section shall be an entity that is located within or serves the geographic area of the project, or derives its mission and operational priorities from the needs of the geographic area of the project, demonstrates a commitment to anti-displacement efforts, and that is—

(A) a nonprofit organization that has expertise in community planning, engagement, organizing, housing and community development;

(B) a community development corporation;

(C) a community housing development organization;

(D) a community-based development organization; or

(E) a community development financial institution, as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) JOINT APPLICANTS.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian Tribe;

(E) State housing finance agency;

(F) land bank;

(G) fair housing enforcement organization, as defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a);

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) LACK OF LOCAL ENTITY.—A regional, State, or national nonprofit organization may serve as a lead entity if there is no local entity that meets the geographic requirements in paragraph (1).

(e) COMMUNITY LAND TRUST GRANTS AND SHARED EQUITY HOMEOWNERSHIP GRANTS.—An eligible recipient of a community land trust grant awarded under this section may use the grant—

(1) for activities to support the production, acquisition, and rehabilitation of housing for use in a community land trust or shared equity homeownership program; and

(2) to expand the capacity of the recipient to carry out the grant.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY LAND TRUST.—The term ''community land trust' '' means a nonprofit organization or State or local governments or instrumentalities that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(i) make rental and homeownership units affordable to households; and

(ii) stipulate a preemptive option to purchase the affordable rentals or homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(B) monitor properties to ensure affordability is preserved.

(2) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—The term ''shared equity homeownership program'' means a program to facilitate affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities and that utilizes a ground lease, deed restriction, subordinate loan, or similar mechanism with provisions ensuring that the program shall—

(A) maintain the home as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(B) apply a resale formula that limits the homeowner's proceeds upon resale; and

(C) provide the program administrator or such administrator's assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(g) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SA 5298. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—EDUCATION AND LABOR

SEC. _____. GRANTS FOR TUITION-FREE COMMUNITY COLLEGE.

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

''PART F—AMERICA'S COLLEGE PROMISE

''SEC. 785. GRANT AWARDS.

''(a) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this part under section 793 for any fiscal year, the Secretary shall award grants to States and eligible Tribal Colleges and Universities to pay the Federal share of expenditures needed to carry out the activities and services described in section 789.

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

''SEC. 786. FEDERAL SHARE; STATE SHARE.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—

''(A) AMOUNT.—Subject to paragraph (2), the amount of the Federal share of a grant under section 785 shall be based on a formula that provides, for each eligible student enrolled in a community college operated or controlled by the State or in an eligible Tribal College or University, a per-student amount (based on full-time equivalent enrollment) that is equal to the applicable percent described in subparagraph (B), or the percent described in paragraph (2) with respect to an eligible Tribal College or University, of—

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

''(ii) for each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—

''(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

''(II) 3 percent.

''(B) APPLICABLE PERCENT.—The applicable percent for a State receiving a grant under section 785 shall be—

''(i) for the 2023–2024 award year, 100 percent;

''(ii) for the 2024–2025 award year, 95 percent;

''(iii) for the 2025–2026 award year, 90 percent;

''(iv) for the 2026–2027 award year, 85 percent; and

''(v) for the 2027–2028 award year, 80 percent.

''(2) TRIBAL COLLEGES AND UNIVERSITIES.—The amount of the Federal share for an eligible Tribal College or University receiving a grant under section 785 shall be the greater of—

''(A) 100 percent of the per-student amount determined in accordance with clause (i) or

(ii) of paragraph (1)(A), as applicable, with respect to eligible students enrolled in such eligible Tribal College or University (based on full-time equivalent enrollment); or

''(B) the amount that is 100 percent of the total amount needed to set tuition and fees to $0 for all eligible students enrolled in such eligible Tribal College or University for the 2022–2023 award year, increased by the percentage increase in the Consumer Price Index (as determined by the Secretary) between July 1, 2022, and the applicable award year, and adjusted to reflect the enrollment in such eligible Tribal College or University for such applicable award year.

''(b) STATE SHARE.—

''(1) FORMULA.—

''(A) IN GENERAL.—The State share of a grant under section 785 for each award year shall be the amount needed to pay the applicable percent described in subparagraph (B) of the median resident community college tuition and fees in all States, not weighted for enrollment, per student (based on full-time equivalent enrollment) determined in accordance with subsection (a)(1)(A)(i) for all eligible students enrolled in a community college operated or controlled by the State for such award year.

''(B) APPLICABLE PERCENT.—The applicable percent shall be—

''(i) for the 2023–2024 award year, 0 percent;

''(ii) for the 2024–2025 award year, 5 percent;

''(iii) for the 2025–2026 award year, 10 percent;

''(iv) for the 2026–2027 award year, 15 percent; and

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

''(C) OBLIGATION TO PROVIDE SHARE.—The State shall provide the State share even if the State is able to set tuition and fees charged to eligible students attending community colleges operated or controlled by the State to $0 as required by section 788(a) without such State share.

''(D) NO DOUBLE COUNTING FUNDS.—Except with respect to funding described in paragraph (2)(A), no funds that count toward the maintenance of effort requirement under section 788(c) may also count toward the State share under this subsection.

''(E) SPECIAL RULE FOR OUTLYING AREAS AND TERRITORIES.—

''(i) IN GENERAL.—If the Secretary determines that requiring an outlying area or territory to provide a State share in accordance with this subsection would represent a substantial hardship for the outlying area or territory, the Secretary may reduce or waive the State share for such area or territory. If the Secretary so reduces or waives the amount of the State share of an outlying area or territory, the Secretary shall increase the applicable percent used to calculate the Federal share for such area or territory, in proportion to the reduction in the applicable percent used to calculate such State share.

''(ii) DEFINITION.—For the purposes of this subparagraph, the term 'outlying area or territory' means the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

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

''(A) any financial aid that is provided from State funds to an eligible student and that—

''(i)(I) is not awarded predominantly on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments; and

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

''(B) any funds provided to community colleges by local governments in such State for the purpose of carrying out this part.

''(3) RELATIONSHIP TO MAINTENANCE OF EFFORT.—The inclusion of funds described in paragraph (2) as part of a State's share shall modify the maintenance of effort requirements under section 788(c) in accordance with the provisions of—

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

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

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

''(c) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

''(1) IN GENERAL.—For purposes of subsections (a) and (b), the Secretary shall, in consultation with the State or eligible Tribal College or University concerned, determine the estimated number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the applicable award year.

''(2) ADJUSTMENT OF GRANT AMOUNT.—For each year for which a State or eligible Tribal College or University receives a grant under section 785, the Secretary shall, once final enrollment data for such year are available—

''(A) in consultation with the State or eligible Tribal College or University concerned, determine the actual number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the year covered by the grant; and

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

''(d) COMMUNITY COLLEGES OPERATED OR CONTROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS WITHIN THE STATE.—For purposes of this part, the term 'community college operated or controlled by a State' shall include a community college operated or controlled by a local government within such State.

''(e) INAPPLICABILITY OF STATE REQUIREMENTS TO ELIGIBLE TCUS.—The Secretary may not apply any requirements applicable only to States under this part to an eligible Tribal College or University, including the requirements under subsection (b) and subsections (b) and (c) of section 788.

''SEC. 787. APPLICATIONS.

''In order to receive a grant under section 785, a State or eligible Tribal College or University shall submit an application to the Secretary that includes—

''(1) an estimate of the number of eligible students enrolled in the community colleges operated or controlled by the State or in the eligible Tribal College or University and the cost of waiving tuition and fees for all eligible students for each award year covered by the grant;

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

''(3) an assurance that each community college operated or controlled by the State, or the eligible Tribal College or University, as applicable, will set community college tuition and fees for eligible students to $0 as required by section 788(a);

''(4) a description of how the State or eligible Tribal College or University will ensure that programs leading to a recognized postsecondary credential meet the quality criteria established by the State under section 122(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(b)(1)) or other quality criteria determined appropriate by the State or eligible Tribal College or University; and

''(5) an assurance that each community college operated or controlled by the State or the eligible Tribal College or University, as applicable, has entered into a program participation agreement under section 487.

''SEC. 788. PROGRAM REQUIREMENTS.

''(a) GENERAL REQUIREMENTS.—As a condition of receiving a grant under section 785 in each award year, a State or eligible Tribal College or University shall—

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

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

''(3) not use any funds provided under this part for administrative purposes relating to such grant.

''(b) STATE REQUIREMENTS.—In addition to the requirements under subsection (a) and as a condition of receiving a grant under section 785, a State shall—

''(1) submit and implement a plan to align the requirements for receiving a regular high school diploma from public schools in the State with the requirements for entering credit-bearing coursework at community colleges in such State; and

''(2) not later than 3 years after the date on which the State first receives a grant under section 785, certify to the Secretary that such alignment has been achieved.

''(c) STATE MAINTENANCE OF EFFORT.—A State receiving a grant under section 785 shall be entitled to receive its full allotment of funds under this part for a fiscal year only if, for each year of the grant, the State provides—

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

''(2) financial support for operating expenses (excluding capital expenses and research and development costs) for public 4-year institutions of higher education at a level equal to or exceeding the average amount provided for the 3 consecutive preceding State fiscal years; and

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

''(d) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—A State or eligible Tribal College or University that receives a grant under section 785 may not impose additional eligibility requirements on eligible students other than the requirements under this part.

''SEC. 789. ALLOWABLE USES OF FUNDS.

''(a) IN GENERAL.—Except as provided in subsection (b)—

''(1) a State shall use a grant under section 785 only to provide funds to each community college operated or controlled by the State to enable each such community college to set community college tuition and fees for eligible students to $0 as required under section 788(a); and

''(2) an eligible Tribal College or University shall use a grant under section 785 only to set community college tuition and fees for eligible students to $0 as required under section 788(a).

''(b) ADDITIONAL USES.—If a State or an eligible Tribal College or University demonstrates to the Secretary that the State or eligible Tribal College or University has grant funds remaining after meeting the demand for activities described in subsection (a), the State or eligible Tribal College or University shall use the remaining funds to carry out 1 or more of the following:

''(1) Providing need-based financial aid to students that may be used by such students to pay any component of cost of attendance, as defined under section 472.

''(2) Reducing unmet need at public 4-year institutions of higher education.

''(3) Improving student outcomes by implementing evidence-based institutional reforms or practices.

''(c) SUPPLEMENT, NOT SUPPLANT.—Except as provided in section 786(b)(2)(A), funds made available under this part shall be used to supplement, and not supplant, other Federal, State, Tribal, and local funds that would otherwise be expended to carry out activities described in this section.

''(d) CONTINUATION OF FUNDING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State or an eligible Tribal College or University receiving a grant under section 785 for an award year may continue to receive funding under this part for subsequent award years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

''(2) DISCONTINUATION.—The Secretary shall discontinue or reduce funding of the Federal share of a grant under section 785 or section 790 if the State or an eligible Tribal College or University has violated the terms of the grant.

''(e) RULE OF CONSTRUCTION REGARDING BIE FUNDS.—Nothing in this part shall be construed to impact the availability of funds from, or uses of funds provided by, the Bureau of Indian Education for Tribal Colleges and Universities.

''SEC. 790. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—From amounts made available under subsection (f), the Secretary shall award grants, through allotments in accordance with subsection (b), to covered States for the purpose of assisting the covered States in reducing the costs of eliminating community college tuition in accordance with this part.

''(b) ALLOTMENTS.—For each fiscal year for which amounts are available under subsection (f), each covered State shall receive an allotment based on a formula developed by the Secretary that—

''(1) provides covered States with allotments under this section for each of fiscal years 2023 through 2028; and

''(2) accomplishes the purpose of this section.

''(c) USE OF FUNDS.—A covered State receiving an allotment under this section shall use the allotment to assist in paying the State share of the program under this part, as required under section 786(b).

''(d) STATE SHARE EXCEPTION.—Notwithstanding section 786 or any other provision of this part—

''(1) the Secretary shall not include amounts from allotments provided under this section in the calculation of the Federal share of a grant under section 785; and

''(2) a State may include amounts provided under this section for a fiscal year for purposes of the State share described in section 786(b).

''(e) DEFINITION OF COVERED STATE.—In this section, the term 'covered State' means a State that—

''(1) has received a grant under section 785;

''(2) applies for a supplemental grant under this section, in the manner determined by the Secretary; and

''(3) for the most recent award year for which data are available, had an average community college tuition and fees per in-State or in-district resident student, not weighted for enrollment, that is higher than the median resident community college tuition and fees per student in all States, not weighted for enrollment, for such award year.

''(f) APPROPRIATIONS.—In addition to amounts otherwise available there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2030.

''SEC. 791. DEFINITIONS.

''In this part:

''(1) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(2) COMMUNITY COLLEGE.—The term 'community college' means—

''(A) a degree-granting public institution of higher education at which—

''(i) the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded;

''(B) an eligible Tribal College or University;

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

''(i) the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded; or

''(D) at the designation of the Secretary, in the case of a State that does not operate or control any institution that meets a definition under subparagraph (A) or (C), a college or similarly defined and structured academic entity—

''(i) that was in existence on July 1, 2022;

''(ii) within a 4-year public institution of higher education; and

''(iii) at which—

''(I) the highest degree awarded is an associate degree; or

''(II) an associate degree is the predominant degree awarded.

''(3) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

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

''(5) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a community college on not less than a half-time basis;

''(B) in the case of a student who is enrolled in a community college that charges different tuition rates on the basis of in-State or in-district residency, either—

''(i) qualifies for in-State or in-district resident tuition at such community college; or

''(ii) would qualify for such in-State or in-district resident tuition at such community college, but for the immigration status of such student;

''(C) has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the community college tuition and fees of the student were set to $0 pursuant to section 788(a);

''(D) is not enrolled in a dual or concurrent enrollment program or early college high school; and

''(E) in the case of a student who is a United States citizen, has filed a Free Application for Federal Student Aid described in section 483 for the applicable award year for which the student is enrolled.

''(6) ELIGIBLE TRIBAL COLLEGE OR UNIVERSITY.—The term 'eligible Tribal College or University' means—

''(A) a 2-year Tribal College or University; or

''(B) a degree-granting Tribal College or University—

''(i) at which the highest degree awarded is an associate degree; or

''(ii) an associate degree is the predominant degree awarded.

''(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(8) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' has the meaning given the term in section 479.

''(9) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(10) STATE FISCAL SUPPORT FOR HIGHER EDUCATION.—

''(A) INCLUSIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the term 'State fiscal support for higher education', used with respect to a State for a fiscal year, means an amount that is equal to—

''(I) the gross amount of applicable State funds appropriated or dedicated, and expended by the State, including funds from lottery receipts, in the fiscal year, that are used to support institutions of higher education and student financial aid for higher education in the State; and

''(II) any funds described in clause (ii), if applicable.

''(ii) LOCAL FUNDS.—In the case of a State that includes, as part of the State share under section 786(b)(2)(B) for an award year, funds provided to community colleges by local governments in such State for the purpose of carrying out this part, local funds provided to community colleges operated or controlled by such State for operating expenses (excluding capital expenses and research and development costs) shall be included in the calculation of the State fiscal support for higher education for such award year under clause (i).

''(B) EXCLUSIONS.—State fiscal support for higher education for a State for a fiscal year shall not include—

''(i) funds described in subparagraph (A) that are returned to the State;

''(ii) State-appropriated funds derived from Federal sources, including funds provided under section 786(a);

''(iii) funds that are included in the State share under section 786(b), including funds included in the State share in accordance with paragraph (2)(A) of such section;

''(iv) amounts that are portions of multiyear appropriations to be distributed over multiple years that are not to be spent for the year for which the calculation under

this paragraph is being made, subject to subparagraph (C);

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

''(vi) funds for—

''(I) financial aid to students attending, or operating expenses of—

''(aa) out-of-State institutions of higher education;

''(bb) proprietary institutions of higher education (as defined in section 102(b)); or

''(cc) institutions of higher education not accredited by an agency or association recognized by the Secretary pursuant to section 496;

''(II) financial aid to students awarded predominantly on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments;

''(III) research and development; or

''(IV) hospitals, athletics, or other auxiliary enterprises;

''(vii) corporate or other private donations directed to one or more institutions of higher education permitted to be expended by the State; or

''(viii) any other funds that the Secretary determines shall not be included in the calculation of State fiscal support for higher education for such State.

''(C) ADJUSTMENTS FOR BIENNIAL APPROPRIATIONS.—The Secretary shall take into consideration any adjustments to the calculations under this paragraph that may be required to accurately reflect State fiscal support for higher education in States with biennial appropriation cycles.

''(11) STATE FISCAL SUPPORT FOR HIGHER EDUCATION PER FULL-TIME EQUIVALENT STUDENT.—The term 'State fiscal support for higher education per full-time equivalent student', when used with respect to a State for a fiscal year, means the amount that is equal to—

''(A) the State fiscal support for higher education for the previous fiscal year; divided by

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

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

''SEC. 792. SUNSET.

''(a) IN GENERAL.—The authority to make grants under section 785 and 790 shall expire at the end of award year 2027–2028.

''(b) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to this part.

''SEC. 793. APPROPRIATION.

''In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this part (except for section 790).''.

SA 5299. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, insert the following:

PART 10—END POLLUTER WELFARE ACT

SEC. 14001. SHORT TITLE.

This part may be cited as the ''End Polluter Welfare Act of 2022''.

SEC. 14002. DEFINITION OF FOSSIL FUEL.

In this part, the term ''fossil fuel'' means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

SEC. 14003. ROYALTY RELIEF.

(a) IN GENERAL.—

(1) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(2) ENERGY POLICY ACT OF 2005.—

(A) INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.—Section 344 of the Energy Policy Act of 2005 (42 U.S.C. 15904) is repealed.

(B) DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(b) FUTURE PROVISIONS.—Notwithstanding any other provision of law, royalty relief shall not be permitted under a lease issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337).

SEC. 14004. ROYALTIES UNDER MINERAL LEASING ACT.

(a) COAL LEASES.—Section 7(a) of the Mineral Leasing Act (30 U.S.C. 207(a)) is amended in the fourth sentence by striking ''12½ per centum'' and inserting ''18¾ percent''.

(b) LEASES ON LAND ON WHICH OIL OR NATURAL GAS IS DISCOVERED.—Section 14 of the Mineral Leasing Act (30 U.S.C. 223) is amended in the fourth sentence by striking ''12½ per centum'' and inserting ''18¾ percent''.

(c) LEASES ON LAND KNOWN OR BELIEVED TO CONTAIN OIL OR NATURAL GAS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), in the fifth sentence, by striking ''12.5 percent'' and inserting ''18¾ percent''; and

(B) in paragraph (2)(A)(ii), by striking ''12½ per centum'' and inserting ''18¾ percent'';

(2) in subsection (c)(1), in the second sentence, by striking ''12.5 percent'' and inserting ''18¾ percent'';

(3) in subsection (l), by striking ''12½ per centum'' each place it appears and inserting ''18¾ percent''; and

(4) in subsection (n)(1)(C), by striking ''12½ per centum'' and inserting ''18¾ percent''.

SEC. 14005. ELIMINATION OF INTEREST PAYMENTS FOR ROYALTY OVERPAYMENTS.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by adding at the end the following:

''(k) PAYMENT OF INTEREST.—Interest shall not be paid on any overpayment.''.

SEC. 14006. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES AND PIPELINE OPERATORS.

Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(1) in paragraph (3), by striking ''plus $75,000,000; and'' and inserting ''and the liability of the responsible party under section 1002;'';

(2) in paragraph (4)—

(A) by inserting ''(except an onshore pipeline transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen)'' after ''for any onshore facility''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) for any onshore facility transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen, the liability of the responsible party under section 1002.''.

SEC. 14007. RESTRICTIONS ON USE OF APPROPRIATED FUNDS BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR PROJECTS THAT SUPPORT FOSSIL FUEL.

(a) RESCISSION OF UNOBLIGATED FUNDS.—

(1) IN GENERAL.—Of the unobligated balance of amounts appropriated or otherwise made available for a contribution of the United States to an international financial institution, an amount specified in paragraph (2) shall be rescinded if the institution provides support for a project that supports the production or use of fossil fuels.

(2) AMOUNT SPECIFIED.—The amount specified in this paragraph is an amount the Secretary of the Treasury determines to be equivalent to the amount of support provided by an international financial institution described in paragraph (1) for a project that supports the production or use of fossil fuels.

(b) PROHIBITION ON USE OF FUTURE FUNDS.—No amounts appropriated or otherwise made available for a contribution of the United States to an international financial institution may be provided to the institution unless the institution agrees to not use the amount to provide support for any project that supports the production or use of fossil fuels.

(c) INTERNATIONAL FINANCIAL INSTITUTION DEFINED.—In this section, the term ''international financial institution'' has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

SEC. 14008. FOSSIL ENERGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of law, the authority of the Secretary of Energy to carry out the Fossil Energy Research and Development Program of the Department of Energy is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Fossil Energy Research and Development Program that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the Fossil Energy Research and Development Program shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing research of the Fossil Energy Research and Development Program, as determined by the Secretary of Energy, in consultation with other appropriate Federal agencies.

SEC. 14009. ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.

None of the funds made available to the Advanced Research Projects Agency—Energy shall be used to carry out any project that supports fossil fuel.

SEC. 14010. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (2) and (10); and

(B) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (11), and (12) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by striking subsection (c); and

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(b) CONFORMING AMENDMENT.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 14011. RURAL UTILITY SERVICE LOAN GUARANTEES.

Notwithstanding any other provision of law, the Secretary of Agriculture may not make a loan under title III of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) to an applicant for the purpose of carrying out any project that will use fossil fuel.

SEC. 14012. PROHIBITION ON USE OF FUNDS BY THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION OR THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR FINANCING PROJECTS, TRANSACTIONS, OR OTHER ACTIVITIES THAT SUPPORT FOSSIL FUEL.

Notwithstanding any other provision of law, no amounts appropriated or otherwise made available for the United States International Development Finance Corporation or the Export-Import Bank of the United States that are available for obligation on or after the date of the enactment of this Act may be obligated or expended to support any project, transaction, or other activity that supports the production or use of fossil fuels.

SEC. 14013. TRANSPORTATION FUNDS FOR GRANTS, LOANS, LOAN GUARANTEES, AND OTHER DIRECT ASSISTANCE.

Notwithstanding any other provision of law, any amounts made available to the Department of Transportation (including the Federal Railroad Administration) may not be used to award any grant, loan, loan guarantee, or provide any other direct assistance to any rail facility or port project that transports fossil fuel.

SEC. 14014. ELIMINATION OF EXCLUSION OF CERTAIN LENDERS AS OWNERS OR OPERATORS UNDER CERCLA.

Section 101(20)(F) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(F)) is amended by adding at the end the following:

''(iii) INELIGIBLE LENDERS.—The exclusions under clauses (i) and (ii) shall not apply to a person that is a lender that is—

''(I) an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), investment adviser (as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a))), or broker or dealer (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) with $250,000,000,000 or more in assets under management; or

''(II) a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with $10,000,000,000 or more in total consolidated assets.''.

SEC. 14015. TERMINATION OF VARIOUS TAX EXPENDITURES RELATING TO FOSSIL FUELS.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7875. TERMINATION OF CERTAIN PROVISIONS RELATING TO FOSSIL-FUEL INCENTIVES.

''(a) IN GENERAL.—The following provisions shall not apply to taxable years beginning after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 43 (relating to enhanced oil recovery credit).

''(2) Section 45I (relating to credit for producing oil and natural gas from marginal wells).

''(3) Section 461(i)(2) (relating to special rule for spudding of oil or natural gas wells).

''(4) Section 469(c)(3)(A) (relating to working interests in oil and natural gas property).

''(5) Section 613A (relating to limitations on percentage depletion in case of oil and natural gas wells).

''(b) PROVISIONS RELATING TO PROPERTY.—The following provisions shall not apply to property placed in service after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 168(e)(3)(C)(iii) (relating to classification of certain property).

''(2) Section 169 (relating to amortization of pollution control facilities) with respect to any atmospheric pollution control facility.

''(c) PROVISIONS RELATING TO COSTS AND EXPENSES.—The following provisions shall not apply to costs or expenses paid or incurred after the date of the enactment of the End Polluter Welfare Act of 2022:

''(1) Section 179B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations).

''(2) Section 468 (relating to special rules for mining and solid waste reclamation and closing costs).

''(d) ALLOCATED CREDITS.—No new credits shall be certified under section 48A (relating to qualifying advanced coal project credit) or section 48B (relating to qualifying gasification project credit) after the date of the enactment of the End Polluter Welfare Act of 2022.

''(e) ARBITRAGE BONDS.—Section 148(b)(4) (relating to safe harbor for prepaid natural gas) shall not apply to obligations issued after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 613(d) of the Internal Revenue Code of 1986 is amended by striking ''Except as provided in section 613A, in the case'' and inserting ''In the case''.

(2) The table of sections for subchapter C of chapter 90 of such Code is amended by adding at the end the following new item:

''Sec. 7875. Termination of certain provisions relating to fossil-fuel incentives.''.

SEC. 14016. TERMINATION OF CERTAIN DEDUCTIONS AND CREDITS RELATED TO FOSSIL FUELS.

(a) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.—Section 168(k) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(11) FOSSIL FUEL PROPERTY.—

''(A) IN GENERAL.—This subsection shall not apply with respect to any property which is primarily used for fossil fuel activities and is placed in service during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.

''(B) FOSSIL FUEL ACTIVITIES.—For purposes of this paragraph, the term 'fossil fuel activities' means the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), distribution, or marketing of coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

''(C) EXCEPTION.—The property described in subparagraph (A) shall not include any motor vehicle service station or convenience store which does not qualify as a retail motor fuels outlet under subsection (e)(3)(E)(iii).''.

(b) QUALIFIED BUSINESS INCOME.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(viii) Any item of gain or loss derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(c) CREDIT FOR INCREASING RESEARCH ACTIVITIES.—Section 41(d)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(I) FOSSIL FUEL ACTIVITIES.—Any research related to fossil fuel activities (as defined in section 168(k)(11)(B)) which is conducted after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(d) FOREIGN-DERIVED INTANGIBLE INCOME.—Subclause (V) of section 250(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

''(V) any income derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022, and''.

(e) EXCHANGE OF REAL PROPERTY HELD FOR PRODUCTIVE USE OR INVESTMENT.—Section 1031(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) EXCEPTIONS.—This subsection shall not apply to—

''(A) any exchange of real property held primarily for sale, or

''(B) any exchange of real property which—

''(i) is used for fossil fuel activities (as defined in section 168(k)(11)(B)), and

''(ii) occurs after the date of the enactment of the End Polluter Welfare Act of 2022.''.

SEC. 14017. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''24-month period'' each place it appears in paragraphs (1) and (4) and inserting ''84-month period'';

(2) by striking paragraph (2) and inserting the following:

''(2) MID-MONTH CONVENTION.—For purposes of paragraph (1), any payment paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.''; and

(3) by striking paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 14018. NATURAL GAS GATHERING LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (vi), by striking the period at the end of clause (vii) and inserting '', and'', and by adding at the end the following new clause:

''(viii) any natural gas gathering line the original use of which commences with the taxpayer after the date of the enactment of this clause.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(vii) the following new item:

''(E)(viii) .... 22''.

(c) CONFORMING AMENDMENT.—Clause (iv) of section 168(e)(3)(C) of the Internal Revenue Code of 1986 is amended by inserting ''and on or before the date of the enactment of the End Polluter Welfare Act of 2022'' after ''April 11, 2005''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service on and after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before the date of the introduction of this Act,

or, in the case of self-constructed property, has started construction on or before such date.

SEC. 14019. TERMINATION OF LAST-IN, FIRST-OUT METHOD OF INVENTORY FOR OIL, NATURAL GAS, AND COAL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TERMINATION FOR OIL, NATURAL GAS, AND COAL COMPANIES.—Subsection (a) shall not apply to any taxpayer that is in the trade or business of the production, refining, processing, transportation, or distribution of oil, natural gas, or coal for any taxable year beginning after the date of enactment of the End Polluter Welfare Act of 2022.''.

(b) ADDITIONAL TERMINATION.—Section 473 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(h) TERMINATION FOR OIL, NATURAL GAS, AND COAL COMPANIES.—This section shall not apply to any taxpayer that is in the trade or business of the production, refining, processing, transportation, or distribution of oil, natural gas, or coal for any taxable year beginning after the date of enactment of the End Polluter Welfare Act of 2022.''.

(c) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year beginning after the date of enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer; and

(2) such change shall be treated as made with the consent of the Secretary of the Treasury.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 14020. REPEAL OF PERCENTAGE DEPLETION FOR COAL AND HARD MINERAL FOSSIL FUELS.

(a) IN GENERAL.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) TERMINATION WITH RESPECT TO COAL AND HARD MINERAL FOSSIL FUELS.—In the case of coal, lignite, and oil shale (other than oil shale described in subsection (b)(5)), the allowance for depletion shall be computed without reference to this section for any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.''.

(b) CONFORMING AMENDMENTS.—

(1) COAL AND LIGNITE.—Section 613(b)(4) of the Internal Revenue Code of 1986 is amended by striking ''coal, lignite,''.

(2) OIL SHALE.—Section 613(b)(2) of such Code is amended to read as follows:

''(2) 15 PERCENT.—If, from deposits in the United States, gold, silver, copper, and iron ore.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14021. TERMINATION OF CAPITAL GAINS TREATMENT FOR ROYALTIES FROM COAL.

(a) IN GENERAL.—Subsection (c) of section 631 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''coal (including lignite), or iron ore'' and inserting ''iron ore'';

(2) by striking ''coal or iron ore'' each place it appears and inserting ''iron ore'';

(3) by striking ''iron ore or coal'' each place it appears and inserting ''iron ore''; and

(4) by striking ''COAL OR'' in the heading.

(b) CONFORMING AMENDMENTS.—

(1) The heading of section 631 of the Internal Revenue Code of 1986 is amended by striking ''**, COAL,**''.

(2) Section 1231(b)(2) of such Code is amended by striking '', coal,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this Act.

SEC. 14022. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO OIL AND GAS INDUSTRY TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued to a foreign country or possession of the United States for any period by a dual capacity taxpayer which is in the trade or business of the production, refining, processing, transportation, or distribution of fossil fuel shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if no amount other than the amount required to be paid by such taxpayer under the generally applicable income tax imposed by the country or possession were paid or accrued by such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are—

''(I) citizens or residents of the foreign country or possession, or

''(II) organized or incorporated under the laws of the foreign country or possession.

''(4) FOSSIL FUEL.—For purposes of this subsection, the term 'fossil fuel' means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(c) SPECIAL RULE FOR TREATIES.—Notwithstanding sections 894 or 7852(d) of the Internal Revenue Code of 1986, the amendments made by this section shall apply without regard to any treaty obligation of the United States.

SEC. 14023. INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4611 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c)(2)(B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(iii) in the case of crude oil received or petroleum products entered after December 31, 2021, 10 cents a barrel.''; and

(2) by striking subsection (f) and inserting the following:

''(f) APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—The Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply on and after April 1, 2006, or if later, the date which is 30 days after the last day of any calendar quarter for which the Secretary estimates that, as of the close of that quarter, the unobligated balance in the Oil Spill Liability Trust Fund is less than $2,000,000,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil received and petroleum products entered after December 31, 2021.

SEC. 14024. APPLICATION OF CERTAIN ENVIRONMENTAL TAXES TO SYNTHETIC CRUDE OIL.

(a) IN GENERAL.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) CRUDE OIL.—

''(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates, natural gasoline, and synthetic crude oil.

''(B) SYNTHETIC CRUDE OIL.—For purposes of subparagraph (A), the term 'synthetic crude oil' means—

''(i) any bitumen and bituminous mixtures,

''(ii) any oil derived from bitumen and bituminous mixtures (including oil derived from tar sands),

''(iii) any liquid fuel derived from coal, and

''(iv) any oil derived from kerogen-bearing sources (including oil derived from oil shale).''.

(b) REGULATORY AUTHORITY TO ADDRESS OTHER TYPES OF CRUDE OIL AND PETROLEUM PRODUCTS.—Subsection (a) of section 4612 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(10) REGULATORY AUTHORITY TO ADDRESS OTHER TYPES OF CRUDE OIL AND PETROLEUM PRODUCTS.—Under such regulations as the Secretary may prescribe, the Secretary may include as crude oil or as a petroleum product subject to tax under section 4611, any fuel feedstock or finished fuel product customarily transported by pipeline, vessel, railcar, or tanker truck if the Secretary determines that—

''(A) the classification of such fuel feedstock or finished fuel product is consistent with the definition of oil under the Oil Pollution Act of 1990, and

''(B) such fuel feedstock or finished fuel product is produced in sufficient commercial quantities as to pose a significant risk of hazard in the event of a discharge.''.

(c) TECHNICAL AMENDMENT.—Paragraph (2) of section 4612(a) of the Internal Revenue Code of 1986 is amended by striking ''from a well located''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to oil and petroleum products received or entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 14025. DENIAL OF DEDUCTION FOR REMOVAL COSTS AND DAMAGES FOR CERTAIN OIL SPILLS.

(a) IN GENERAL.—Section 162(f) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXPENSES FOR REMOVAL COSTS AND DAMAGES RELATING TO CERTAIN OIL SPILL LIABILITY.—Notwithstanding paragraphs (2) and (3), no deduction shall be allowed under this chapter for any costs or damages for which the taxpayer is liable under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any liability arising in taxable years ending after the date of the enactment of this Act.

SEC. 14026. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5901. Imposition of tax.
''Sec. 5902. Taxable crude oil or natural gas and removal price.
''Sec. 5903. Special rules and definitions.

''SEC. 5901. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

''SEC. 5902. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR NATURAL GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''SEC. 5903. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5901 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5901 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5901.

''(b) DEFINITIONS.—For purposes of this chapter—

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.''.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (4) the following new paragraph:

''(5) The tax imposed by section 5901(a) (after application of section 5901(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2021.

SEC. 14027. REPEAL OF CORPORATE INCOME TAX EXEMPTION FOR PUBLICLY TRADED PARTNERSHIPS WITH QUALIFYING INCOME AND GAINS FROM ACTIVITIES RELATING TO FOSSIL FUELS.

(a) IN GENERAL.—Section 7704(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or any coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel'' after ''section 613(b)(7)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14028. AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.—

''(1) IN GENERAL.—Any qualified tertiary injectant expenses paid or incurred by the taxpayer shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred.

''(2) MID-MONTH CONVENTION.—For purposes of paragraph (1), any expenses paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.''; and

(2) by striking subsection (c) and inserting the following:

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to qualified tertiary injectant expenses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14029. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

(a) IN GENERAL.—Section 616 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 616. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

''(a) IN GENERAL.—Any expenditures paid or incurred for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after the existence of ores or minerals in commercially marketable quantities has been disclosed shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expenditure was paid or incurred.

''(b) MID-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to expenditures described in subsection (a).

''(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 84-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 616 in the table of sections for part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

''Sec. 616. Amortization of development expenditures.''.

(2) Section 56(a)(2)(A) of such Code is amended by striking ''616(a) or''.

(3) Section 59(e) of such Code is amended—

(A) in paragraph (2)—

(i) in subparagraph (C), by inserting ''or'' at the end;

(ii) by striking subparagraph (D); and

(iii) by redesignating subparagraph (E) as subparagraph (D); and

(B) in paragraph (5)(A), by striking '', 616(a),''.

(4) Section 263(a)(1) of such Code is amended by striking subparagraph (A).

(5) Section 263A(c)(3) of such Code is amended by striking ''616,''.

(6) Section 291(b) of such Code is amended—

(A) in paragraph (1)(B), by striking ''616(a) or'';

(B) in paragraph (2), by striking '', 616(a),''; and

(C) in paragraph (3), by striking '', 616(a),''.

(7) Section 312(n)(2)(B) of such Code is amended by striking ''616(a) or''.

(8) Section 381(c) of such Code is amended by striking paragraph (10).

(9) Section 1016(a) of such Code is amended by striking paragraph (9).

(10) Section 1254(a)(1)(A)(i) of such Code is amended by striking '', 616,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14030. AMORTIZATION OF CERTAIN MINING EXPLORATION EXPENDITURES.

(a) IN GENERAL.—Section 617 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 617. AMORTIZATION OF CERTAIN MINING EXPLORATION EXPENDITURES.

''(a) IN GENERAL.—Any expenditures paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred before the beginning of the development stage of the mine, shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred.

''(b) MID-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

''(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to expenditures described in subsection (a).

''(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 84-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 617 in the table of sections for part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

''Sec. 617. Amortization of certain mining exploration expenditures.''.

(2) Section 56(a) of such Code, as amended by section 14029(b)(2), is amended by striking paragraph (2).

(3) Section 59(e) of such Code, as amended by section 14029(b)(3), is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting ''or'' at the end;

(ii) in subparagraph (C), by striking the comma at the end and inserting a period; and

(iii) by striking subparagraph (D); and

(B) by striking paragraph (5) and inserting the following:

''(5) DISPOSITIONS.—In the case of any disposition of property to which section 1254 applies (determined without regard to this section), any deduction under paragraph (1) with respect to amounts which are allocable to such property shall, for purposes of section 1254, be treated as a deduction allowable under section 263(c).''.

(4) Section 170(e) of such Code is amended—

(A) in paragraph (1), by striking ''617(d)(1),''; and

(B) in paragraph (3)(D), by striking ''617,''.

(5) Section 263A(c)(3) of such Code, as amended by section 14029(b)(5), is amended by striking ''291(b)(2), or 617'' and inserting ''or 291(b)(2)''.

(6) Section 291(b) of such Code, as amended by section 14029(b)(6), is amended—

(A) in the heading, by striking ''AND MINERAL EXPLORATION AND DEVELOPMENT COSTS'';

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In the case of an integrated oil company, the amount allowable as a deduction for any taxable year (determined without regard to this section) under section 263(c) shall be reduced by 30 percent.'';

(C) in paragraph (2), by striking ''or 617(a) (as the case may be)''; and

(D) in paragraph (3), by striking ''or 617(a) (whichever is appropriate)''.

(7) Section 312(n), as amended by section 14029(b)(7), is amended by striking paragraph (2) and inserting the following:

''(2) INTANGIBLE DRILLING COSTS.—Any amount allowable as a deduction under section 263(c) in determining taxable income (other than costs incurred in connection with a nonproductive well)—

''(A) shall be capitalized, and

''(B) shall be allowed as a deduction ratably over the 60-month period beginning with the month in which such amount was paid or incurred.''.

(8) Section 703(b) of such Code is amended—

(A) in paragraph (1), by adding ''or'' at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(9) Section 751(c) of such Code is amended—

(A) by inserting '', as in effect on the day before the date of the enactment of the End Polluter Welfare Act of 2022'' after ''section 617(f)(2)''; and

(B) by striking ''617(d)(1),''.

(10) Section 1254(a)(1)(A)(i) of such Code, as amended by section 14029(b)(10), is amended by striking ''or 617''.

(11) Paragraph (2) of section 1363(c) of such Code is amended to read as follows:

''(2) EXCEPTION.—In the case of an S corporation, elections under section 901 (relating to taxes of foreign countries and possessions of the United States) shall be made by each shareholder separately.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14031. AMORTIZATION OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.—Notwithstanding subsection (a), and except as provided in subsection (i), in the case of any expenses paid or incurred in connection with intangible drilling and development costs related to oil and gas wells and wells drilled for any geothermal deposit (as defined in section 613(e)(2))—

''(1) such expenses shall be allowed as a deduction ratably over the 84-month period beginning on the date that such expense was paid or incurred,

''(2) any such expenses paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month,

''(3) except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such expenses, and

''(4) if any property with respect to which such intangible drilling and development costs are paid or incurred is retired or abandoned during such 84-month period, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by striking ''263(c) or''.

(2) Section 59(e) of such Code, as amended by sections 14029 and 14030, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' at the end;

(ii) in subparagraph (B), by striking the comma at the end and inserting a period; and

(iii) by striking subparagraph (C); and

(B) by striking paragraph (5).

(3) Section 263A(c)(3) of such Code, as amended by sections 14029 and 14030, is amended by striking ''263(c),''.

(4) Section 291 of such Code, as amended by sections 14029 and 14030, is amended by striking subsection (b).

(5) Section 312(n) of such Code, as amended by sections 14029 and 14030, is amended by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14032. PERMANENT EXCISE TAX RATE FOR FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$1.10'' and inserting ''$1.38''; and

(B) in paragraph (2), by striking ''$.55'' and inserting ''$0.69''; and

(2) by striking subsection (e).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

SEC. 14033. TERMINATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT ELIGIBILITY FOR REFINED COAL.

Section 45(e)(8)(A)(ii)(II) of the Internal Revenue Code of 1986 is amended by inserting ''and before the date of enactment of the End Polluter Welfare Act of 2022'' after ''such taxable year''.

SEC. 14034. TREATMENT OF FOREIGN OIL RELATED INCOME AS SUBPART F INCOME.

(a) IN GENERAL.—Section 954(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) the foreign base company oil related income for the taxable year (determined under subsection (g) and reduced as provided in subsection (b)(5)).''.

(b) FOREIGN BASE COMPANY OIL RELATED INCOME.—Section 954 of the Internal Revenue

Code of 1986 is amended by inserting after subsection (e) the following new subsection:

''(g) FOREIGN BASE COMPANY OIL RELATED INCOME.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign base company oil related income' means foreign oil related income (within the meaning of paragraphs (2) and (3) of section 907(c)) other than income derived from a source within a foreign country in connection with—

''(A) oil or gas which was extracted from an oil or gas well located in such foreign country, or

''(B) oil, gas, or a primary product of oil or gas which is sold by the foreign corporation or a related person for use or consumption within such country or is loaded in such country on a vessel or aircraft as fuel for such vessel or aircraft.

Such term shall not include any foreign personal holding company income (as defined in subsection (c)).

''(2) PARAGRAPH (1) APPLIES ONLY WHERE CORPORATION HAS PRODUCED 1,000 BARRELS PER DAY OR MORE.—

''(A) IN GENERAL.—The term 'foreign base company oil related income' shall not include any income of a foreign corporation if such corporation is not a large oil producer for the taxable year.

''(B) LARGE OIL PRODUCER.—For purposes of subparagraph (A), the term 'large oil producer' means any corporation if, for the taxable year or for the preceding taxable year, the average daily production of foreign crude oil and natural gas of the related group which includes such corporation equaled or exceeded 1,000 barrels.

''(C) RELATED GROUP.—The term 'related group' means a group consisting of the foreign corporation and any other person who is a related person with respect to such corporation.

''(D) AVERAGE DAILY PRODUCTION OF FOREIGN CRUDE OIL AND NATURAL GAS.—For purposes of this paragraph, the average daily production of foreign crude oil or natural gas of any related group for any taxable year (and the conversion of cubic feet of natural gas into barrels) shall be determined under rules similar to the rules of section 613A (as in effect on the day before the date of enactment of the End Polluter Welfare Act of 2022) except that only crude oil or natural gas from a well located outside the United States shall be taken into account.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 952(c)(1)(B)(iii) of the Internal Revenue Code of 1986 is amended by redesignating subclauses (I) through (IV) as subclause (II) through (V), respectively, and by inserting before subclause (II) (as so redesignated) the following:

''(I) foreign base company oil related income,''.

(2) Section 954(b) of such Code is amended—

(A) by inserting at the end of paragraph (4) the following: ''The preceding sentence shall not apply to foreign base company oil-related income described in subsection (a)(4).'';

(B) by striking ''and the foreign base company services income'' in paragraph (5) and inserting ''the foreign base company services income, and the foreign base company oil related income''; and

(C) by adding at the end the following new paragraph:

''(6) FOREIGN BASE COMPANY OIL RELATED INCOME NOT TREATED AS ANOTHER KIND OF BASE COMPANY INCOME.—Income of a corporation which is foreign base company oil related income shall not be considered foreign base company income of such corporation under paragraph (2) or (3) of subsection (a).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act and to taxable years of United States shareholders ending with or within which such taxable years of foreign corporations end.

SEC. 14035. REPEAL OF EXCLUSION OF FOREIGN OIL AND GAS EXTRACTION INCOME FROM THE DETERMINATION OF TESTED INCOME.

(a) IN GENERAL.—Section 951A(c)(2)(A)(i) of the Internal Revenue Code of 1986 is amended—

(1) by adding ''and'' at the end of subclause (III);

(2) by striking ''and'' at the end of subclause (IV) and inserting ''over''; and

(3) by striking subclause (V).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14036. POWDER RIVER BASIN.

(a) DESIGNATION OF THE POWDER RIVER BASIN AS A COAL PRODUCING REGION.—As soon as practicable after the date of enactment of this Act, the Director of the Bureau of Land Management shall designate the Powder River Basin as a coal producing region.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Land Management shall submit to Congress a report that includes—

(1) a study of the fair market value and the amount and effective rate of royalties paid on coal leases in the Powder River Basin compared to other national and international coal basins and markets; and

(2) any policy recommendations to capture the future market value of the coal leases in the Powder River Basin.

SEC. 14037. STUDY AND ELIMINATION OF ADDITIONAL FOSSIL FUEL SUBSIDIES.

(a) DEFINITION OF FOSSIL-FUEL PRODUCTION SUBSIDY.—In this section, the term ''subsidy for fossil-fuel production'' means any direct funding, tax treatment or incentive, risk-reduction benefit, financing assistance or guarantee, royalty relief, or other provision that provides a financial benefit to a fossil-fuel company for the production of fossil fuels.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (referred to in this section as the ''Secretary''), in coordination with the Secretary of Energy, shall submit to Congress a report detailing each Federal law (including regulations), other than those amended by this Act, as in effect on the date on which the report is submitted, that includes a subsidy for fossil-fuel production.

(c) REPORT ON MODIFIED RECOVERY PERIOD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Commissioner of Internal Revenue, shall submit to Congress a report on the applicable recovery period under the accelerated cost recovery system provided in section 168 of the Internal Revenue Code of 1986 for each type of property involved in fossil-fuel production, including pipelines, power generation property, refineries, and drilling equipment, to determine if any assets are receiving a subsidy for fossil-fuel production.

(2) ELIMINATION OF SUBSIDY.—In the case of any type of property that the Secretary determines is receiving a subsidy for fossil-fuel production under such section 168, for property placed in service in taxable years beginning after the date of such determination, such section 168 shall not apply. The preceding sentence shall not apply to any property with respect to a taxable year unless such determination is published before the first day of such taxable year.

SA 5300. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UNIVERSAL PRESCHOOL.

(a) DEFINITIONS.—In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.—The term ''child with a disability'' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term ''comprehensive services'' means services that are provided to children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the meaning of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term ''dual language learner'' means a child who is learning 2 or more languages at the same time, or a child who is learning a second language while continuing to develop the child's first language.

(5) ELIGIBLE CHILD.—The term ''eligible child'' means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act;

(C) a licensed center-based child care provider, licensed family child care provider, or network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) HEAD START AGENCY.—The term ''Head Start agency'', as used in paragraph (6)(B), or subsection (c)(5)(D) or (f)(1), means an entity designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(9) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) POVERTY LINE.—The term ''poverty line'' means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(12) STATE.—The term ''State'' means each of the several States and the District of Columbia.

(13) TERRITORY.—The term ''territory'' means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given the term ''tribal organization'' in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATIONS FOR STATES.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(i) $3,200,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2023;

(ii) $800,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2023;

(iii) $4,800,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2024;

(iv) $1,200,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2024;

(v) $6,400,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2025; and

(vi) $1,600,000,000 to remain available until September 30, 2028, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2025.

(B) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2026 through 2028, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)).

(2) ADDITIONAL APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(A) $2,500,000,000, to remain available until September 30, 2028, for carrying out payments to Indian Tribes and Tribal organizations for activities described in this section;

(B) $1,250,000,000, to remain available until September 30, 2028, for carrying out payments to the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary in accordance with the objectives of this section, for activities described in this section;

(C) $300,000,000, to remain available until September 30, 2028, for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D)(i) $165,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2023;

(ii) $200,000,000 to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2024;

(iii) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2025;

(iv) $208,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2026;

(v) $212,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2027; and

(vi) $216,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2028;

(E)(i) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2023;

(ii) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2024;

(iii) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2025;

(iv) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2026;

(v) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2027; and

(vi) $2,500,000,000, to remain available until September 30, 2028, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), beginning in fiscal year 2028;

(F) $9,500,000,000, to remain available until September 30, 2028, to carry out the program of grants to localities described in subsection (f)(2); and

(G) $9,500,000,000, to remain available until September 30, 2028, to carry out the program of awards to Head Start agencies described in subsection (f)(3).

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.—A State that has submitted, and had approved by the Secretary in collaboration with the Secretary of Education, the State plan described in paragraph (5) is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) PAYMENTS FOR FISCAL YEARS 2023 THROUGH 2025.—From amounts made available under subsection (b)(1) for carrying out subsections (c)(3) and (d) for any of fiscal years 2023 through 2025, the Secretary shall allot for the fiscal year, to each State that has a State plan under paragraph (5) or transitional State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing grants to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who are below the age of 6 and whose families have a family income at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, residing in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) PAYMENTS FOR FISCAL YEARS 2026 THROUGH 2028.—

(i) PRESCHOOL SERVICES.—For each of fiscal years 2026 through 2028, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(I) 95.440 percent of the State's expenditures in the year for preschool services provided under subsection (d), for fiscal year 2026;

(II) 79.534 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027; and

(III) 63.627 percent of the State's expenditures in the year for such preschool services, for fiscal year 2028.

(ii) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 53.022 percent of the amount of the State's expenditures for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 5 percent of the State's expenditures described in clause (i) for such fiscal year.

(iii) NON-FEDERAL SHARE.—The remainder of the cost paid by the State for preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) AUTHORITIES.—

(i) FISCAL YEARS 2023 THROUGH 2025.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2023 through 2025, the Secretary shall have the authority to reallot funds that were allotted under subparagraph (A) from any State without an approved State plan under paragraph

(5) or transitional State plan under paragraph (7) by the date required by the Secretary, to States with an approved State plan or transitional State plan under such paragraph (5) or (7) and to eligible localities and Head Start agencies in accordance with subsection (f).

(ii) FISCAL YEAR 2026.—Notwithstanding any other provision of this section, on October 1, 2025, the Secretary shall have the authority to reallot funds from payments made from allotments under subparagraph (A) that are unobligated on such date, to any State without such unobligated funds that is a State with an approved State plan under paragraph (5) or transitional State plan under paragraph (7) to carry out the purposes of this section or to an eligible locality or Head Start agency in accordance with subsection (f).

(3) STATE ACTIVITIES.—A State that receives a payment under paragraph (2) shall carry out all of the following activities:

(A) State administration of the State preschool program described in this section.

(B) Supporting a continuous quality improvement system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use of data, research, monitoring, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(4) LEAD AGENCY.—The Governor of a State desiring for the State to receive a payment under this subsection shall designate a lead agency (such as a State agency or joint interagency office) for the administration of the State's preschool program under this section.

(5) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval by the Secretary, in collaboration with the Secretary of Education, at such time, in such manner, and containing such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, inclusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place, or will have in place no later than 18 months after the State first receives funding under this section, developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 641A(a)(1) of the Head Start Act (42 U.S.C. 9836a(a)(1)) and include program standards for class sizes and ratios; and

(ii) the State will coordinate such standards with other early learning standards in the State.

(B) An assurance that the State will ensure—

(i) all preschool services in the State funded under this section will—

(I) be universally available to all children in the State without any additional eligibility requirements; and

(II) be high-quality, free, and inclusive; and

(ii) that the local preschool programs in the State funded under this section will—

(I) by not later than 1 year after the program receives such funding, meet the State's preschool education standards described in subparagraph (A);

(II) offer programming that meets the duration requirements of at least 1,020 annual hours;

(III) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(aa) children experiencing homelessness (which, in the case of a child attending a program provided by an eligible provider described in subsection (a)(6)(A), shall include immediate enrollment for the child);

(bb) children in foster care or kinship care;

(cc) children in families who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible children who are served under part C of the Individuals with Disabilities Education Act; and

(ee) dual language learners;

(IV) provide for salaries, and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience;

(V) at a minimum, provide a living wage for all staff of such providers; and

(VI) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the date on which the State first receives funds under this section, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to individuals who were employed by an eligible provider or early education program for a cumulative 3 of the 5 years immediately preceding the date of enactment of this Act and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State; and

(bb) nothing in this section shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in a State preschool program.

(C) For States with existing publicly funded State preschool programs (as of the date of submission of the State plan), a description of how the State plans to use funding provided under this section to ensure that such existing programs in the State meet the requirements of this section for a State preschool program.

(D) A description of how the State, in establishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any new slots funded under this section, including by facilitating the participation of Head Start programs and programs offered by licensed child care providers;

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)) in the development of its plan, including consultation in how the State intends to distribute slots under clause (v);

(iv) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State; and

(v) distribute new preschool slots and resources equitably among child care (including family child care) providers, Head Start agencies, and schools within the State.

(E) A certification that the State, in operating the program described in this section for a fiscal year—

(i) will not reduce the total preschool slots provided in State-funded preschool programs from the number of such slots in the previous fiscal year; or

(ii) if the number of eligible children identified in the State declines from the previous fiscal year, will maintain at least the previous year's ratio of the total preschool slots described in clause (i) to eligible children so identified.

(F) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with Disabilities Education Act, and a description of how the State will collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs.

(G) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(H) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(I) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and assessments under this section.

(J) A certification that subgrant and contract amounts provided as described in subsection (d) will be sufficient to enable eligible providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (IV) and (V) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of funding received under this section, as the Secretary may require for the administration of this section.

(6) DURATION OF THE PLAN.—Each State plan shall remain in effect for a period of not more than 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) TRANSITIONAL STATE PLAN.—For a period of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section, for the purpose of expanding access to universal, high-quality, free, inclusive, and mixed-delivery preschool services in alignment with the requirements of this section, to States with an approved transitional State plan, submitted at such time, in such manner, and containing such information as the Secretary shall require, including at a minimum an assurance that the State will submit a State plan under paragraph (5).

(d) SUBGRANTS AND CONTRACTS FOR LOCAL PRESCHOOL PROGRAMS.—

(1) SUBGRANTS AND CONTRACTS.—

(A) IN GENERAL.—A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the payment to pay the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, and inclusive

preschool programs (which State-funded programs may be referred to in this section as ''local preschool programs'') through the State preschool program in accordance with paragraph (3). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(2)(B)(iv).

(B) AMOUNT.—A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a local preschool program that meets the requirements of subsection (c)(5)(B), which amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) DURATION.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer local preschool programs funded under this subsection to a high percentage of low-income children to support comprehensive services.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN HIGH-NEED COMMUNITIES.—In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across, or with capacity to operate within and across, such high-need communities. The State shall—

(i) use a research-based methodology approved by the Secretary to identify such high-need communities, as determined by—

(I) the rate of poverty in the community;

(II) rates of access to high-quality preschool within the community; and

(III) other indicators of community need as required by the Secretary; and

(ii) distribute funding for preschool services under this section within such a high-need community so that a majority of children in the community are offered such preschool services before the State establishes and expands preschool services in communities with lower levels of need.

(B) USE OF FUNDS.—Subgrants or contracts awarded under subparagraph (A) shall be used to enroll and serve children in such a local preschool program involved, including by paying the costs—

(i) of personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State's preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher supports, and training;

(iv) of implementing and meeting developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.—Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding local preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (vi) of paragraph (3)(B).

(e) PAYMENTS FOR UNIVERSAL PRESCHOOL SERVICES TO INDIAN TRIBES AND TERRITORIES.—

(1) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) IN GENERAL.—For each of fiscal years 2023 through 2028, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (b)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subparagraph (B), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(2) TERRITORIES.—

(A) IN GENERAL.—For each of fiscal years 2023 through 2028, from the amount appropriated for territories under subsection (b)(2)(B), the Secretary shall make payments to the territories with an application approved under subparagraph (B), and the territories shall be entitled to such payments, for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) APPLICATIONS.—A territory seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify.

(3) LEAD AGENCY.—The head of an Indian tribe or territory desiring for the Indian tribe or a related tribal organization, or territory, to receive a payment under this subsection shall designate a lead agency (such as a tribal or territorial agency or joint interagency office) for the administration of the preschool program of the Indian tribe or territory, under this section.

(f) GRANTS TO LOCALITIES AND HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(1) ELIGIBLE LOCALITY DEFINED.—In this subsection, the term ''eligible locality'' means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, shall use funds reserved in subsection (b)(2)(F) or reallotted under subsection (c)(2)(C) to award local universal preschool grants, as determined by the Secretary of Health and Human Services, to eligible localities located in States that have not received payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to conduct a preschool program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, for a universal, high-quality, free, and inclusive preschool program.

(B) ALLOTMENTS.—For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (b)(2)(F) for the fiscal year as the number of children from families with family incomes at or below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(D) RECOUPMENT OF UNUSED FUNDS.—Notwithstanding any other provision of this section, for each of fiscal years 2024 through 2028, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (b)(2)(G), reallotted under subsection (c)(2)(C), or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a ''base grant'' as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) DEFINITION.—In this paragraph, the term ''Head Start agency'' means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(4) PRIORITY FOR SERVING UNDERSERVED COMMUNITIES.—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving communities with a high percentage of children from families with family incomes at or below 200 percent of the poverty line.

(g) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(iii), relating to a payment under subsection (c)(2)(B), a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or

other private organizations, or a combination of such sources and contributions; and

(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs, calculated as the average amount of such spending by the State for fiscal years 2020, 2021, and 2022, toward the State's non-Federal share.

(h) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the ''reduction fiscal year'') relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reductions.

(i) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on prekindergarten programs in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2020, 2021, and 2022.

(j) NONDISCRIMINATION PROVISIONS.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(1) Title IX of the Education Amendments of 1972.

(2) Title VI of the Civil Rights Act of 1964.

(3) Section 504 of the Rehabilitation Act of 1973.

(4) The Americans with Disabilities Act of 1990.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5) or State transitional plan described in subsection (c)(7).

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

SA 5301. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I and insert the following:

PART 6—LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES

SEC. 13601. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6) is amended by striking ''2026'' and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5302. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30001 and insert the following:

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2024, to improve the munitions production infrastructure of the United States using the authority provided by the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.).

SA 5303. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part IX of subtitle D of title I, insert the following:

SEC. 13903. PROHIBITION ON TAX BENEFITS FOR PRODUCTS PRODUCED BY COVERED FOREIGN COUNTRIES.

(a) IN GENERAL.—With respect to any credit or deduction allowed under the Internal Revenue Code of 1986 which is added or amended by any provision of this subtitle, such credit or deduction shall not be allowed with respect to any facility, project, or property which includes or otherwise uses any covered technology which is acquired, purchased, or procured from a covered foreign country.

(b) COVERED FOREIGN COUNTRY.—For purposes of this section, the term ''covered foreign country'' means any of the following:

(1) The Russian Federation.

(2) The Islamic Republic of Iran.

(3) The Democratic People's Republic of Korea

(4) The People's Republic of China.

(c) COVERED TECHNOLOGY.—For purposes of this section, the term ''covered technology'' means—

(1) solar photovoltaic modules,

(2) wind turbines,

(3) electric vehicle batteries, and

(4) any component or part (including any critical minerals) used in the production of any property described in paragraphs (1) through (3).

SA 5304. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111 and insert the following:

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

(b) PROHIBITION.—None of the amounts made available under subsection (a) may be used to support the implementation of any regulation, rule, or standard that would require the reporting of emissions of greenhouse gases (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) from small businesses (as determined in accordance with part 121 of title 13, Code of Federal Regulations (or successor regulations)), farms, or ranches.

SA 5305. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title I, strike part 3 and insert the following:

PART 3—EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 10301. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10302. EXTENSION OF SPECIAL RULES FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' in paragraph (1) and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5306. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title

II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART __—EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 10__01. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. EXTENSION OF SPECIAL RULES FOR CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' in paragraph (1) and inserting ''January 1, 2028'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2027''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__03. ELIMINATION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.

Section 10301(a)(1)(A) of this Act is amended by striking clause (ii).

SA 5307. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE COUNTERMEASURE INJURY COMPENSATION PROGRAM.

Section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''under 319F–3(b)'' and inserting ''under section 319F–3(b)'';

(B) in paragraph (2)—

(i) by striking ''and be in the same amount'' and all that follows through ''shall not apply'' and inserting ''be in the same amount, and be subject to the same conditions as is prescribed by section 2115'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) DETERMINATION OF ELIGIBILITY AND COMPENSATION.—Compensation shall be awarded under this section to eligible individuals in accordance with the procedure set forth in sections 2111, 2112, 2113, and 2121 for purposes of the National Vaccine Injury Compensation Program, subject to the other provisions of this section.'';

(D) by inserting before paragraph (5) the following:

''(4) TIME FOR FILING PETITIONS.—

''(A) PREVIOUSLY SUBMITTED REQUESTS.—

''(i) PENDING CLAIMS.—In the case of a request for compensation submitted under this section before the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act for which no compensation has been provided prior to such date of enactment, in order to be eligible for compensation under this section, not later than 28 months after such date of enactment, the individual shall submit a new petition under this section, consistent with the amendments made by the Countermeasure Injury Compensation Fund Amendment Act.

''(ii) PREVIOUSLY PAID CLAIMS.—In the case of a request for compensation submitted under this section and paid under this section before the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act that relates to a COVID–19 countermeasure, the individual receiving such compensation may submit a subsequent petition under this section for additional compensation in the amount the individual would have received for such claim under this section after such date of enactment, less the amount already received by the individual.

''(B) SUBSEQUENT PETITIONS.—In the case of a an injury or death resulting from the administration or use of a covered countermeasure to which subparagraph (A) does not apply, a petition for benefits or compensation under this section shall be filed not later than—

''(i) subject to clause (ii)—

''(I) in the case of serious physical injury, 3 years after the first symptom or manifestation of onset of a significant aggravation of a covered injury; or

''(II) in the case of death—

''(aa) 2 years after death from the administration or use of the covered countermeasure; and

''(bb) 4 years after the occurrence of the first symptom or manifestation of onset or of the significant aggravation of the injury from which the death resulted; and

''(ii) in the case that a covered countermeasure is added to the table under paragraph (5)(A) and the effect is to permit an individual who was not, before such addition, eligible to seek compensation under this section, such individual may file a petition for such compensation not later than 2 years after the effective date of the addition of such countermeasure.'';

(E) in paragraph (5), by striking subparagraphs (B) and (C) and inserting the following:

''(B) AMENDMENT WITH RESPECT TO COVID–19 VACCINES.—

''(i) IN GENERAL.—Not later than 60 days after receipt of the report under subparagraph (C)(iii), the Secretary, taking into consideration such report, shall amend the covered countermeasure injury table established under subparagraph (A) to include all injuries related to COVID–19 vaccines that meet the standard described in subparagraph (A). In amending such table, the Secretary shall consider injuries caused by use of any vaccine that is, or was, the subject of an emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act.

''(ii) EXPLANATION OF CERTAIN DETERMINATIONS.—With respect to any recommendation of the COVID–19 Vaccine Commission included in the report under subparagraph (C)(iii) that the Secretary does not adopt pursuant to this subparagraph, the Secretary, not later than 7 days after the covered countermeasure injury table has been amended pursuant to clause (i), shall publish a written explanation of the determination not to adopt such recommendation.

''(C) COVID–19 VACCINE COMMISSION.—

''(i) IN GENERAL.—There is established a commission to be known as the COVID–19 Vaccine Commission (referred to in this subparagraph as the 'Commission') that is tasked with identifying covered injuries related to COVID–19 vaccines, for purposes of recommending to the Secretary injuries for inclusion on the covered countermeasure injury table, as described in subparagraph (B).

''(ii) MEMBERSHIP.—

''(I) IN GENERAL.—The Commission shall be composed of the following:

''(aa) The Secretary, or a designee of the Secretary, to serve as an ex officio member.

''(bb) The following members, selected, not later than 30 days after the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act, in accordance with subclause (II):

''(AA) 3 members appointed by the Chair of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(BB) 3 members appointed by the Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate.

''(CC) 3 members appointed by the Chair of the Committee on Energy and Commerce of the House of Representatives.

''(DD) 3 members appointed by the Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

''(II) ELIGIBILITY.—Members selected to serve on the Commission pursuant to subclause (I)(bb) shall—

''(aa) be chosen on the basis of their experience, integrity, impartiality, and good judgement;

''(bb) at the time of appointment, not be elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government; and

''(cc) at the time of appointment, not be a member of the board or an employee of an entity whose product is under review, or expected to be under review, by the Commission.

''(III) NO COMPENSATION.—Members of the Commission shall not be compensated.

''(IV) CONFLICT OF INTEREST.—Each member of the Commission shall recuse themselves from advising on a covered countermeasure for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

''(iii) REPORT.—No later than one year after the date of enactment of the Countermeasure Injury Compensation Fund Amendment Act, the Commission shall submit to the Secretary and make publicly available a report identifying covered injuries considered for purposes of inclusion on the covered countermeasure injury table pursuant to subparagraph (B), and the vote counts and outcomes for each such injury.

''(iv) SUNSET.—The Commission established under this subparagraph shall be terminated upon publication of the report under clause (iii).'';

(F) by redesignating paragraph (6) as paragraph (7);

(G) by inserting after paragraph (5) the following:

''(6) ELECTRONIC FILING OF PETITIONS.—The clerk of the United States Court of Federal Claims shall provide an option for the electronic filing of a petition to initiate a proceeding for compensation under this section.''; and

(H) in paragraph (7), as so redesignated—

(i) by striking ''sections 262, 263, 264, 265, and 266'' and inserting ''sections 2111, 2112, 2113, 2115, and 2121'';

(ii) in subparagraph (A), by striking ''terms 'vaccine' and 'smallpox vaccine' '' and inserting ''term 'vaccine' '';

(iii) by amending subparagraph (B) to read as follows:

''(B) the term 'Vaccine Injury Table' shall be deemed to mean the table established under paragraph (5)(A);'';

(iv) by redesignating subparagraph (C) as subparagraph (F); and

(v) by inserting after subparagraph (B) the following:

''(C) the term 'factors unrelated to the administration of the vaccine' shall be deemed to mean factors unrelated to the administration or use of a covered countermeasure;

''(D)(i) the terms 'petition', 'petition under section 2111', and 'petition filed under section 2111' shall be deemed to mean a request for compensation under this section; and

''(ii) the term 'petitioner' shall be deemed to mean a covered individual, as defined in

subsection (e), who makes a request for benefits or compensation under this section;

''(E) the term 'vaccine-related injury or death' shall be deemed to mean a covered injury, as defined in subsection (e); and''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking '', or if the Secretary fails'' and all that follows through ''319F–3(d)'' and inserting a period; and

(B) in paragraph (5), by striking ''under subsection (a) the Secretary determines that a covered individual qualifies for compensation'' and inserting ''a covered individual is determined under subsection (a) to be eligible for compensation under this section''.

SA 5308. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 4 of subtitle D of title I.

SA 5309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60201.

SA 5310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 23003 and insert the following:

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS; CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.

(a) STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(A) $675,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) for projects for the acquisition of land and interests in land,

(B) $1,475,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agriculture Research, Extnesion and Teaching Policy Act of 1977 (7 U.S.C. 3103)) an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities,

(2) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this subsection may be waived at the discretion of the Secretary.

(b) CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $50,000,000 for the Forest Service to update and promulgate new categorical exclusions in accordance with section 1b.3(b) of title 7, Code of Federal Regulations, to expedite wildfire prevention activities.

SA 5311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50223 and insert the following:

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $450,000,000, to remain available through September 30, 2030, to hire employees in units of the National Park System.

SEC. 50224. REIMBURSEMENT FOR COSTS OF SEARCH AND RESCUE ACTIVITIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available through September 30, 2030, to reimburse local authorities for search and rescue activities conducted with respect to individuals who are lost or endangered on Federal public land in accordance with 312 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1742).

SA 5312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50263.

SA 5313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 and 50262.

SA 5314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title V, strike part 2.

SA 5315. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I.

SA 5316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502___. SUPPLEMENTAL PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2031, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.

SEC. 502___. REDUCTION OF APPROPRIATION FOR HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

Notwithstanding section 50121(a)(1), the amount appropriated under that section shall be $3,840,000,000.

SA 5317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TERMINATION OF SECTION 232 DUTIES WITH RESPECT TO STEEL AND ALUMINUM.

(a) IN GENERAL.—Duties described in subsection (b) shall not apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.

(b) DUTIES DESCRIBED.—Duties described in this subsection are duties imposed under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862)—

(1) with respect to aluminum pursuant to Presidential Proclamation 9704 (83 Fed. Reg. 11619), dated March 8, 2018; and

(2) with respect to steel pursuant to Presidential Proclamation 9705 (83 Fed. Reg. 11625), dated March 8, 2018.

SA 5318. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Small Business and Entrepreneurship are rescinded.

SA 5319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Health, Education, Labor, and Pensions are rescinded.

SA 5320. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Finance, are rescinded.

SA 5321. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs are rescinded.

SA 5322. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Commerce, Science, and Transportation are rescinded.

SA 5323. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. RECISION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116–136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry are rescinded.

SA 5324. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60402, insert ‘‘facilitating efficient and effective environmental reviews, including implementation of the procedural rules contained in the fine rule of the Council on Environmental Quality entitled ‘Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act’ (85 Fed. Reg. 43304 (July 16, 2020)),’’ after ‘‘documents,’’.

SA 5325. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 584, on line 13, strike ‘‘projects,’’ and insert ‘‘projects, including dredging projects.’’

SA 5326. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60115 and insert the following:

SEC. 60115. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient reviews, accurate reviews, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) DEFINITION OF TIMELY REVIEW.—In this section, the term ‘‘timely review’’, with respect to permitting and approval processes for a proposed action, means the goal of completing all review for those processes for the proposed action not later than the date that is 2 years after the date on which the permitting and approval processes commence.

SA 5327. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 70007, add at the end the following:

MODIFICATION OF DEFINITION OF COVERED PROJECT.—Section 41001(6)(A)(i)(II) of the FAST Act (42 U.S.C. 4370m(6)(A)(i)(II)) is amended by striking ‘‘$200,000,000’’ and inserting ‘‘$10,000,000’’.

SA 5328. Ms. LUMMIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and all that follows through the period at the end of section 60201 and insert the following:

SEC. 60103. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60104. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(1) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(2) to replace, repair, operate, and maintain existing monitors.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury

not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(d) EMISSIONS FROM WOOD HEATERS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(e) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

(f) CLEAN AIR ACT GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405)—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60106. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act).

SEC. 60107. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60108. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60109. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ''embodied carbon'' means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this

Act)) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ''environmental product declaration'' means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term ''State'' has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60110. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

''SEC. 134. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

''(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

''(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations;

''(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

''(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

''(A) improving climate resiliency of communities and petroleum and natural gas systems;

''(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

''(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

''(D) permanently shutting in and plugging wells on non-Federal land;

''(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

''(F) supporting environmental restoration; and

''(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge under subsection (c), preparing inventories, gathering empirical data, and tracking emissions.

''(b) INCENTIVES FOR METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

''(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

''(d) APPLICABLE FACILITY.—For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

''(1) Offshore petroleum and natural gas production.

''(2) Onshore petroleum and natural gas production.

''(3) Onshore natural gas processing.

''(4) Onshore natural gas transmission compression.

''(5) Underground natural gas storage.

''(6) Liquefied natural gas storage.

''(7) Liquefied natural gas import and export equipment.

''(8) Onshore petroleum and natural gas gathering and boosting.

''(9) Onshore natural gas transmission pipeline.

''(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

''(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

''(2)(A) $900 for emissions reported for calendar year 2024;

''(B) $1,200 for emissions reported for calendar year 2025; or

''(C) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

''(f) WASTE EMISSIONS THRESHOLD.—

''(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

''(A) 0.20 percent of the natural gas sent to sale from such facility; or

''(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

''(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

''(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

''(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

''(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

''(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

''(A) IN GENERAL.—Charges shall not be imposed pursuant to subsection (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

''(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

''(ii) compliance with the requirements described in clause (i) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled 'Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review' (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

''(B) RESUMPTION OF CHARGE.—If the conditions in clause (i) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (i) or (ii) of that subparagraph are no longer met.

''(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with all applicable closure requirements, as determined by the Administrator.

''(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

''(h) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

''(i) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations, to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions

and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

''(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator's liability for payment of the charge under subsection (c) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

''(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).''.

SEC. 60111. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 134, as added by subtitle A of this title, the following:

''SEC. 135. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

''(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

''(1) $2,800,000,000 to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

''(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

''(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

''(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

''(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

''(C) climate resiliency and adaptation;

''(D) reducing indoor toxics and indoor air pollution; or

''(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

''(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—

''(A) a partnership between—

''(i) an Indian tribe, a local government, or an institution of higher education; and

''(ii) a community-based nonprofit organization;

''(B) a community-based nonprofit organization; or

''(C) a partnership of community-based nonprofit organizations.

''(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.''.

SEC. 60202. SUPERFUND.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 through 9675).

SA 5329. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 383, strike lines 21 and 22 and insert the following:

''(i) the name and Social Security number of the taxpayer (including a certification by the person who sold such vehicle to the taxpayer that, at the time of such sale, the taxpayer demonstrated that they were a citizen or national of the United States or an alien lawfully present in the United States),

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SA 5330. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title I, insert the following:

SEC. ________. INCOME CAP ON TEMPORARY INCREASE IN PREMIUM TAX CREDIT.

(a) IN GENERAL.—The table contained in clause (iii) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ''and higher'' in the last line and inserting ''up to 750.0 percent''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5331. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 568, strike line 20 and all that follows through page 569, line 11.

SA 5332. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20002. INCREASING INFANT FORMULA MANUFACTURER CONTRACTS UNDER WIC PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (b)(17), by striking ''selects a single source (a single infant formula manufacturer) offering the lowest price'' and inserting ''selects, in accordance with subsection (h)(8)(A)(iii), infant formula manufacturers''; and

(2) in subsection (h)(8)(A)—

(A) in clause (iii)—

(i) by striking ''A State'' and all that follows through ''bidders'' and inserting the following:

''(I) IN GENERAL.—A State agency using a competitive bidding system for infant formula shall award contracts to—

''(aa) not less than 2 infant formula manufacturers; and

''(bb) bidders''; and

(ii) by adding at the end the following:

''(II) LIMITATION.—A State agency shall not award a contract to a single infant formula manufacturer that is for more than 70 percent of the infant formula for which the State agency contracts in a year.'';

(B) by striking clauses (v) and (vi);

(C) by redesignating clauses (vii) through (x) as clauses (v) through (viii), respectively; and

(D) in clause (viii) (as so redesignated), by striking ''clause (ix)'' and inserting ''clause (vii)''.

SA 5333. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXCISE TAXES ON ONLINE PORNOGRAPHIC SERVICES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986, as amended by section 11003, is amended by adding at the end the following new chapter:

''CHAPTER 50B—ONLINE PORNOGRAPHIC SERVICES

''Sec. 5000E. Online pornographic services.

''SEC. 5000E. ONLINE PORNOGRAPHIC SERVICES.

''(a) IN GENERAL.—

''(1) CONTENT.—There is hereby imposed on the sale of any pornographic content, or any subscription for such content, by an online pornographic service a tax in an amount equal to 20 percent of the amount paid for such content or subscription.

''(2) ADVERTISEMENTS.—There is hereby imposed on the sale of any advertisement on an online pornographic service a tax in an amount equal to 20 percent of the amount paid for such advertisement.

''(b) DEFINITIONS.—In this section—

''(1) ONLINE PORNOGRAPHIC SERVICE.—The term 'online pornographic service' means an entity which is—

''(A) an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))),

''(B) engaged in interstate or foreign commerce or purposefully avails itself of the United States market or a portion thereof, and

''(C) in the regular course of the trade or business of the entity, creating, hosting, or making available pornographic content provided by a user or other information content provider, with the objective intent of earning a profit as a result of those activities.

''(2) PORNOGRAPHIC CONTENT.—The term 'pornographic content' means, with respect to a picture, image, graphic image file, film, videotape, or other visual depiction, that such picture, image, graphic image file, film, videotape, or other depiction depicts an actual or simulated sexual act or sexual contact (as defined in section 2246 of title 18, United States Code), actual or simulate normal or perverted sexual acts, or lewd exhibition of the genitals.

''(c) PAYMENT OF TAX.—For purposes of this section, rules similar to the rules of section 5000B(c) shall apply.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to chapter 50A the following new item:

''CHAPTER 50B—ONLINE PORNOGRAPHIC SERVICES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales made after the date of enactment of this Act.

SEC. _____. ENHANCEMENT OF ADOPTION TAX CREDIT.

(a) INCREASE IN AMOUNTS.—

(1) IN GENERAL.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 is amended by striking ''$10,000'' and inserting ''$20,000''.

(2) ADOPTION OF CHILD WITH SPECIAL NEEDS.—Paragraph (3) of section 23(a) of such Code is amended—

(A) by striking ''$10,000'' in the heading and inserting ''$20,000'', and

(B) by striking ''$10,000'' and inserting ''$20,000''.

(b) INFLATION ADJUSTMENT OF INCREASE AND INCOME LIMITATION.—Subsection (g) of section 23 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2002'' and inserting ''December 31, 2022'', and

(2) by striking ''2001'' in paragraph (2) thereof and inserting ''2021''.

(c) MEDICAL EXPENSES.—23(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(4) MEDICAL EXPENSES.—The term 'qualified adoption expenses' shall include any reasonable medical expenses which are—

''(A) related to the pregnancy and birth of an eligible child,

''(B) incurred by an individual who has adopted such child, and

''(C) not reimbursed under a health plan or otherwise.''.

(d) TEMPORARY REFUNDABILITY.—

(1) IN GENERAL.—Section 23 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(j) TEMPORARY REFUNDABILITY.—

''(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2022, and before January 1, 2028, this section shall be applied as provided in paragraph (2).

''(2) PORTION OF CREDIT REFUNDABLE.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the greater of—

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $3,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children (as defined in section 24(c)), the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under section 32 for the taxable year.

''(3) ADDITIONAL RULES.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a). For purposes of subparagraph (B) of paragraph (2), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(4) SOCIAL SECURITY TAXES.—For purposes of this subsection, the term 'social security taxes' has the same meaning given such term under section 24(d)(2).

''(5) EXCEPTION FOR TAXPAYERS EXCLUDING FOREIGN EARNED INCOME.—This subsection shall not apply to any taxpayer for any taxable year if such taxpayer elects to exclude any amount from gross income under section 911 for such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 23(c)(1) is amended by inserting ''(after the application of subsection (j))'' after ''for any taxable year''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5334. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TEMPORARY EXEMPTIONS FROM FDA INFANT FORMULA REQUIREMENTS.

(a) IN GENERAL.—With respect to any infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce during the 187-day period beginning on the date of the enactment of this Act—

(1) the requirements under section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) shall not apply;

(2) such infant formula may be manufactured, processed, packed, or held in a domestic or foreign facility that is not registered under section 415 of such Act (21 U.S.C. 350d);

(3) the requirements under parts 106 and 107 of title 21, Code of Federal Regulations, shall not apply; and

(4) such infant formula shall not be considered to be misbranded or adulterated solely on the basis of not being in compliance with the requirements of such section 412 or 415, or such part 106 or 107.

(b) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—A person who introduces or delivers for introduction into interstate commerce an infant formula as described in subsection (a) shall notify the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') if such person has knowledge which reasonably supports the conclusion that such infant formula—

(A) may not provide the nutrients required by section 412(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(i)); or

(B) is a product that meets any criterion under section 402(a) of such Act (21 U.S.C. 342(a)), or which otherwise may be unsafe for infant consumption.

(2) KNOWLEDGE DEFINED.—For purposes of paragraph (1), the term ''knowledge'' as applied to a person subject to such subparagraph means—

(A) the actual knowledge that the manufacturer had; or

(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

(c) RECALL AUTHORITY.—If the Secretary determines that infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce is a product described in subsection (b)(1)(B), the manufacturer or importer shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary.

(d) CLARIFICATION.—Section 801(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(j)) shall apply with respect to any infant formula introduced or delivered for introduction into interstate commerce pursuant to this section during the 187-day period beginning on the date of the enactment of this Act.

(e) INFANT FORMULA DESCRIBED.—Infant formula is described in this subsection if the infant formula—

(1) is classified under heading 1901.10 of the Harmonized Tariff Schedule of the United States;

(2) was approved by the agency of the government of that country that regulates infant formula; and

(3) is imported from—

(A) Australia;

(B) Israel;

(C) Japan;

(D) New Zealand;

(E) Switzerland;

(F) South Africa;

(G) the United Kingdom;

(H) a member country of the European Union; or

(I) a member country of the European Economic Area.

SA 5335. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. OFFICE OF FEDERAL REGULATORY RELIEF.

(a) ESTABLISHMENT.—There is established within the Office of Information and Regulatory Affairs within the Office of Management and Budget an Office of Federal Regulatory Relief.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be the Administrator or a designee thereof, who shall—

(A) be responsible for—

(i) establishing a regulatory sandbox program described in section 70009;

(ii) receiving Program applications and ensuring those applications are complete;

(iii) referring complete Program applications to the applicable agencies;

(iv) filing final Program application decisions from the applicable agencies;

(v) hearing appeals from applicants if their applications are denied by an applicable agency in accordance with section 70009(c)(6); and

(vi) designating staff to the Office as needed; and

(B) not later than 180 days after the date of enactment of this Act—

(i) establish a process that is used to assess likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers related to applications submitted for the Program, which shall be—

(I) published in the Federal Register and made publicly available with a detailed list of the criteria used to make such determinations; and

(II) subject to public comment before final publication in the Federal Register; and

(ii) establish the application process described in section 70009(c)(1).

(2) ADVISORY BOARDS.—

(A) ESTABLISHMENT.—The Director shall require the head of each agency to establish an advisory board, which shall—

(i) be composed of 10 private sector representatives appointed by the head of the agency—

(I) with expertise in matters under the jurisdiction of the agency, with not more than 5 representatives from the same political party;

(II) who shall serve for a period of not more than 3 years; and

(III) who shall not receive any compensation for participation on the advisory board; and

(ii) be responsible for providing input to the head of the agency for each Program application received by the agency.

(B) VACANCY.—A vacancy on an advisory board established under subparagraph (A), including a temporary vacancy due to a recusal under subparagraph (C)(ii), shall be filled in the same manner as the original appointment with an individual who meets the qualifications described in subparagraph (A)(i)(I).

(C) CONFLICT OF INTEREST.—

(i) IN GENERAL.—If a member of an advisory board established under subparagraph (A) is also the member of the board of an applicant that submits an application under review by the advisory board, the head of the agency or a designee thereof may appoint a temporary replacement for that member.

(ii) FINANCIAL INTEREST.—Each member of an advisory board established under subparagraph (A) shall recuse themselves from advising on an application submitted under the Program for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

(D) SMALL BUSINESS CONCERNS.—Not less than 5 of the members of each advisory board established under subparagraph (A) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent an agency from establishing additional advisory boards as needed to assist in reviewing Program applications that involve multiple or unique industries.

SEC. 70009. REGULATORY SANDBOX PROGRAM.

(a) IN GENERAL.—The Director shall establish a regulatory sandbox program under which applicable agencies shall grant or deny waivers of covered provisions to temporarily test products or services on a limited basis, or undertake a project to expand or grow business facilities consistent with the purpose described in subsection (b), without otherwise being licensed or authorized to do so under that covered provision.

(b) PURPOSE.—The purpose of the Program is to incentivize the success of current or new businesses, the expansion of economic opportunities, the creation of jobs, and the fostering of innovation.

(c) APPLICATION PROCESS FOR WAIVERS.—

(1) IN GENERAL.—The Office shall establish an application process for the waiver of covered provisions, which shall require that an application shall—

(A) confirm that the applicant—

(i) is subject to the jurisdiction of the Federal Government; and

(ii) has established or plans to establish a business that is incorporated or has a principal place of business in the United States from which their goods or services are offered from and their required documents and data are maintained;

(B) include relevant personal information such as the legal name, address, telephone number, email address, and website address of the applicant;

(C) disclose any criminal conviction of the applicant or other participating persons, if applicable;

(D) contain a description of the good, service, or project to be offered by the applicant for which the applicant is requesting waiver of a covered provision by the Office under the Program, including—

(i) how the applicant is subject to licensing, prohibitions, or other authorization requirements outside of the Program;

(ii) each covered provision that the applicant seeks to have waived during participation in the Program;

(iii) how the good, service, or project would benefit consumers;

(iv) what likely risks the participation of the applicant in the Program may pose, and how the applicant intends to reasonably mitigate those risks;

(v) how participation in the Program would render the offering of the good, service, or project successful;

(vi) a description of the plan and estimated time periods for the beginning and end of the offering of the good, service, or project under the Program;

(vii) a recognition that the applicant will be subject to all laws and rules after the conclusion of the offering of the good, service, or project under the Program;

(viii) how the applicant will end the demonstration of the offering of the good, service, or project under the Program;

(ix) how the applicant will repair harm to consumers if the offering of the good, service, or project under the Program fails; and

(x) a list of each agency that regulates the business of the applicant; and

(E) include any other information as required by the Office.

(2) ASSISTANCE.—The Office may, upon request, provide assistance to an applicant to complete the application process for a waiver under the Program, including by providing the likely covered provisions that could be eligible for such a waiver.

(3) AGENCY REVIEW.—

(A) TRANSMISSION.—Not later than 14 days after the date on which the Office receives an application under paragraph (1), the Office shall submit a copy of the application to each applicable agency.

(B) REVIEW.—The head of an applicable agency, or a designee thereof, shall review a Program application received under subparagraph (A) with input from the advisory board established under section 70008(b)(2).

(C) CONSIDERATIONS.—In reviewing a copy of an application submitted to an applicable agency under subparagraph (A), the head of the applicable agency, or a designee thereof, with input from the advisory board of the applicable agency established under section 70008(b)(2), shall consider whether—

(i) the plan of the applicant to deploy their offering will adequately protect consumers from harm;

(ii) the likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers are outweighed by the potential benefits to consumers from the offering of the applicant; and

(iii) it is possible to provide the applicant a waiver even if the Office does not waive every covered provision requested by the applicant.

(D) FINAL DECISION.—

(i) IN GENERAL.—Subject to clause (ii), the head of an applicable agency, or a designee thereof, who receives a copy of an application under subparagraph (A) shall, with the consideration of the recommendations of the advisory board of the applicable agency established under section 70008(b)(2), make the final decision to grant or deny the application.

(ii) IN PART APPROVAL.—

(I) IN GENERAL.—If more than 1 applicable agency receives a copy of an application under subparagraph (A)—

(aa) the head of each applicable agency (or their designees), with input from the advisory board of the applicable agency established under section 70008(b)(2), shall grant or deny the waiver of the covered provisions over which the applicable agency has jurisdiction for enforcement or implementation; and

(bb) if each applicable agency that receives an application under subparagraph (A) grants the waiver under item (aa), the Director shall grant the entire application.

(II) IN PART APPROVAL BY DIRECTOR.—If an applicable agency denies part of an application under subclause (I) but another applicable agency grants part of the application, the Director shall approve the application in part and specify in the final decision which covered provisions are waived.

(E) RECORD OF DECISION.—

(i) IN GENERAL.—Not later than 180 days after receiving a copy of an application under subparagraph (A), an applicable agency shall approve or deny the application and submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the applicant is seeking to have waived protects against, and—

(I) if the application is approved, a description of how the identifiable, significant harms will be mitigated and how consumers will be protected under the waiver;

(II) if the applicable agency denies the waiver, a description of the reasons for the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(III) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that an applicant is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(ii) NO RECORD SUBMITTED.—If the applicable agency does not submit a record of the decision with respect to an application for a waiver submitted to the applicable agency,

the Office shall assume that the applicable agency does not object to the granting of the waiver.

(iii) EXTENSION.—The applicable agency may request one 30-day extension of the deadline for a record of decision under clause (i).

(iv) EXPEDITED REVIEW.—If the applicable agency provides a recommendation described in clause (i)(III), the Office shall provide the applicant with a 60-day period to make necessary changes to the application, and the applicant may resubmit the application to the applicable agency for expedited review over a period of not more than 60 days.

(4) NONDISCRIMINATION.—In considering an application for a waiver, an applicable agency shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason.

(5) RESCISSION; FEE.—

(A) RESCISSION.—There is hereby rescinded $100,000,000 from amounts appropriated under section 70002.

(B) APPLICATION FEE.—The Office may collect an application fee from each applicant under the Program, which—

(i) shall be in a fair amount and reflect the cost of the service provided;

(ii) shall be deposited in the general fund of the Treasury and allocated to the Office, subject to appropriations; and

(iii) shall not be increased more frequently than once every 2 years.

(6) WRITTEN AGREEMENT.—If each applicable agency grants a waiver requested in an application submitted under paragraph (1), the waiver shall not be effective until the applicant enters into a written agreement with the Office that describes each covered provision that is waived under the Program.

(7) LIMITATION.—An applicable agency may not waive under the Program any tax, fee, or charge imposed by the Federal Government.

(8) APPEALS.—

(A) IN GENERAL.—If an applicable agency denies an application under paragraph (3)(E), the applicant may submit to the Office one appeal for reconsideration, which shall—

(i) address the comments of the applicable agency that resulted in denial of the application; and

(ii) include how the applicant plans to mitigate the likely risks identified by the applicable agency.

(B) OFFICE RESPONSE.—Not later than 60 days after receiving an appeal under subparagraph (A), the Director shall—

(i) determine whether the appeal sufficiently addresses the concerns of the applicable agency; and

(ii)(I) if the Director determines that the appeal sufficiently addresses the concerns of the applicable agency, file a record of decision detailing how the concerns have been remedied and approve the application; or

(II) if the Director determines that the appeal does not sufficiently address the concerns of the applicable agency, file a record of decision detailing how the concerns have not been remedied and deny the application.

(9) NONDISCRIMINATION.—The Office shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason in the implementation of the Program.

(10) JUDICIAL REVIEW.—

(A) RECORD OF DECISION.—A record of decision described in paragraph (3)(E) or (8)(B) shall be considered a final agency action for purposes of review under section 704 of title 5, United States Code.

(B) LIMITATION.—A reviewing court considering claims made against a final agency action under this section shall be limited to whether the agency acted in accordance with the requirements set forth under this section.

(C) RIGHT TO JUDICIAL REVIEW.—Nothing in this paragraph shall be construed to establish a right to judicial review under this section.

(d) PERIOD OF WAIVER.—

(1) INITIAL PERIOD.—Except as provided in this subsection, a waiver granted under the Program shall be for a term of 2 years.

(2) CONTINUANCE.—The Office may continue a waiver granted under the Program for a maximum of 4 additional periods of 2 years as determined by the Office.

(3) NOTIFICATION.—Not later than 30 days before the end of an initial waiver period under paragraph (1), an entity that is granted a waiver under the Program shall notify the Office if the entity intends to seek a continuance under paragraph (2).

(4) REVOCATION.—

(A) SIGNIFICANT HARM.—If the Office determines that an entity that was granted a waiver under the Program is causing significant harm to the health or safety of the public, inflicting severe economic damage on the public, or engaging in unfair or deceptive practices, the Office may immediately end the participation of the entity in the Program by revoking the waiver.

(B) COMPLIANCE.—If the Office determines that an entity that was granted a waiver under the Program is not in compliance with the terms of the Program, the Office shall give the entity 30 days to correct the action, and if the entity does not correct the action by the end of the 30-day period, the Office may end the participation of the entity in the Program by revoking the waiver.

(e) TERMS.—An entity for which a waiver is granted under the Program shall be subject to the following terms:

(1) A covered provision may not be waived if the waiver would prevent a consumer from seeking actual damages or an equitable remedy in the event that a consumer is harmed.

(2) While a waiver is in use, the entity shall not be subject to the criminal or civil enforcement of a covered provision identified in the waiver.

(3) An agency may not file or pursue any punitive action against a participant during the period for which the waiver is in effect, including a fine or license suspension or revocation for the violation of a covered provision identified in the waiver.

(4) The entity shall not have immunity related to any criminal offense committed during the period for which the waiver is in effect.

(5) The Federal Government shall not be responsible for any business losses or the recouping of application fees if the waiver is denied or the waiver is revoked at any time.

(f) CONSUMER PROTECTION.—

(1) IN GENERAL.—Before distributing an offering to consumers under a waiver granted under the Program, and throughout the duration of the waiver, an entity shall publicly disclose the following to consumers:

(A) The name and contact information of the entity.

(B) That the entity has been granted a waiver under the Program, and if applicable, that the entity does not have a license or other authorization to provide an offering under covered provisions outside of the waiver.

(C) If applicable, that the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified in the record of decision of the applicable agency submitted under section 70009(c)(3)(E).

(D) That the entity is not immune from civil liability for any losses or damages caused by the offering.

(E) That the entity is not immune from criminal prosecution for violation of covered provisions that are not suspended under the waiver.

(F) That the offering is a temporary demonstration and may be discontinued at the end of the initial period under subsection (d)(1).

(G) The expected commencement date of the initial period under subsection (d)(1).

(H) The contact information of the Office and that the consumer may contact the Office and file a complaint.

(2) ONLINE OFFERING.—With respect to an offering provided over the internet under the Program, the consumer shall acknowledge receipt of the disclosures required under paragraph (1) before any transaction is completed.

(g) RECORD KEEPING.—

(1) IN GENERAL.—An entity that is granted a waiver under this section shall retain records, documents, and data produced that is directly related to the participation of the entity in the Program.

(2) NOTIFICATION BEFORE ENDING OFFERING.—If an applicant decides to end their offering before the initial period ends under subsection (d)(1), the applicant shall submit to the Office and the applicable agency a report on actions taken to ensure consumers have not been harmed as a result.

(3) REQUEST FOR DOCUMENTS.—The Office may request records, documents, and data from an entity that is granted a waiver under this section that is directly related to the participation of the entity in the Program, and upon the request, the applicant shall make such records, documents, and data available for inspection by the Office.

(4) NOTIFICATION OF INCIDENTS.—An entity that is granted a waiver under this section shall notify the Office and any applicable agency of any incident that results in harm to the health or safety of consumers, severe economic damage, or an unfair or deceptive practice under the Program not later than 72 hours after the incident occurs.

(h) REPORTS.—

(1) ENTITIES GRANTED A WAIVER.—

(A) IN GENERAL.—Any entity that is granted a waiver under this section shall submit to the Office reports that include—

(i) how many consumers are participating in the good, service, or project offered by the entity under the Program;

(ii) an assessment of the likely risks and how mitigation is taking place;

(iii) any previously unrealized risks that have manifested; and

(iv) a description of any adverse incidents and the ensuing process taken to repair any harm done to consumers.

(B) TIMING.—An entity shall submit a report required under subparagraph (A)—

(i) 10 days after 30 days elapses from commencement of the period for which a waiver is granted under the Program;

(ii) 30 days after the halfway mark of the period described in clause (i); and

(iii) 30 days before the expiration of the period described in subsection (d)(1).

(2) ANNUAL REPORT BY DIRECTOR.—The Director shall submit to Congress an annual report on the Program, which shall include, for the year covered by the report—

(A) the number of applications approved;

(B) the name and description of each entity that was granted a waiver under the Program;

(C) any benefits realized to the public from the Program; and

(D) any harms realized to the public from the Program.

(i) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the covered provisions that were recommended for repeal under paragraph (2)(A)(ii) in a special message submitted to Congress under that paragraph; and

(ii) a provision that immediately repeals the listed covered provisions described in paragraph (2)(A)(ii) upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director shall submit to Congress a special message that—

(i) details each covered provision that the Office recommends should be amended or repealed as a result of entities being able to operate safely without those covered provisions during the Program;

(ii) lists any covered provision that should be repealed as a result of having been waived for a period of not less than 6 years during the Program; and

(iii) explains why each covered provision described in clauses (i) and (ii) should be amended or repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a covered provision recommended for amendment or repeal by the Office.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (7) are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require an entity that is granted a waiver under this section to publicly disclose proprietary information, including trade secrets or commercial or financial information that is privileged or confidential; or

(2) affect any other provision of law or regulation applicable to an entity that is not included in a waiver provided under this section.

(k) DIRECT APPROPRIATIONS.—There is appropriated to the Office for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out the Program.

SEC. 70010. DEFINITIONS.

In sections 70008 and 70009:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs.

(2) AGENCY; RULE.—The terms ''agency'' and ''rule'' have the meanings given those terms in section 551 of title 5, United States Code.

(3) APPLICABLE AGENCY.—The term ''applicable agency'' means an agency that has jurisdiction over the enforcement or implementation covered provision for which an applicant is seeking a waiver under the Program.

(4) COVERED PROVISION.—The term ''covered provision'' means—

(A) a rule, including a rule required to be issued under law; or

(B) guidance or any other document issued by an agency.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office.

(6) ECONOMIC DAMAGE.—The term ''economic damage'' means a risk that is likely to cause tangible, physical harm to the property or assets of consumers.

(7) HEALTH OR SAFETY.—The term ''health or safety'', with respect to a risk, means the risk is likely to cause bodily harm to a human life, loss of human life, or an inability to sustain the health or life of a human being.

(8) OFFICE.—The term ''Office'' means the Office of Federal Regulatory Relief established under section 70008(a).

(9) PROGRAM.—The term ''Program'' means the program established under section 70009(a).

(10) UNFAIR OR DECEPTIVE TRADE PRACTICE.—The term ''unfair or deceptive trade practice'' has the meaning given the term in—

(A) the Policy Statement of the Federal Trade Commission on Deception, issued on October 14, 1983; and

(B) the Policy Statement of the Federal Trade Commission on Unfairness, issued on December 17, 1980.

SA 5336. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 40008. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.

(a) IN GENERAL.—The National Marine Fisheries Service shall—

(1) immediately upon the enactment of this Act, take action to address the outstanding backlog of letters of authorization from Federal oil and gas lessees to develop their Federal leases;

(2) not later than 45 days after such date of enactment, issue an interim rule that allows

the Service to approve outstanding and future applications for letters of authorization consistent with the Service's permitting activities that existed before the issuance, on January 21, 2021, of the final rule relating to taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of Mexico (86 Fed. Reg. 5322); and

(3) on and after such date of enactment, prioritize the consideration of applications for letters of authorization that would likely lead to immediate energy production.

(b) FUNDING.—Of amounts appropriated by section 40001, there are available to the Administrator of the National Oceanic and Atmospheric Administration such amounts as are necessary to carry out subsection (a).

SA 5337. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 40003, strike the period at the end and insert '', with the goal of completing all of the permitting and approval processes for each proposed action not later than two years after commencement.''.

SA 5338. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 50302, insert ''that are completed not later than 2 years after commencement'' before the period at the end.

SA 5339. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 729, line 22, strike ''timely'' and insert ''expedited''.

SA 5340. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 20 through 23 and insert the following:

collection systems;

(3) to support efforts to ensure that any mapping or screening tool is accessible to community-based organizations and community members; and

(4) to collect and make publicly available information relating to the impacts of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) across Federal agencies, including—

(A)(i) the number of proposed actions for which a Federal agency issued a categorical exclusion in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to issue each such categorical exclusion;

(B) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of a categorical exclusion is pending;

(C)(i) the number of proposed actions for which a Federal agency issued an environmental assessment in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental assessment;

(D) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of an environmental assessment is pending;

(E)(i) the number of proposed actions for which a Federal agency issued an environmental impact statement in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental impact statement;

(F) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of an environmental impact statement is pending; and

(G) the comprehensive costs of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each action proposed by a Federal agency within the year preceding the date of enactment of this Act, including—

(i) the amount of money expended, as of the date of enactment of this Act, to carry out that process for each proposed action; and

(ii) an estimate of the remaining cost to complete each proposed action.

SA 5341. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 50301, insert ''that are completed not later than 2 years after commencement'' before the period at the end.

SA 5342. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70001 and insert the following:

SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT OFFICER.

In addition to the amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70002. REGULATORY OVERSIGHT AND REVIEW TASK FORCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available through September 30, 2031, for—

(1) the establishment of a task force to be known as the ''Regulatory Oversight and Review Task Force'' (referred to in this section as the ''Task Force'') described in subsection (b)(6)(A);

(2) the creation of a website described in subsection (b)(6)(B);

(3) the solicitation, collection, and publication of recommendations described in subsection (b)(6)(C); and

(4) reports to Congress on the findings of the Task Force described in subsection (b)(6)(D).

(b) TASK FORCE.—

(1) MEMBERSHIP.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force and shall be a non-voting, ex officio member of the Task Force;

(B) 1 representative of the Office of Information and Regulatory Affairs, who shall be a non-voting, ex officio member of the Task Force; and

(C) 16 individuals from the private sector, of whom—

(i) 4 shall be appointed by the majority leader of the Senate;

(ii) 4 shall be appointed by the minority leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives; and

(iv) 4 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with expertise in Federal regulatory policy, Federal regulatory compliance, economics, law, or business management.

(B) SMALL BUSINESS CONCERNS.—Not fewer than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(C) POLITICAL AFFILIATION.—Not more than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) may be affiliated with the same political party.

(3) CONSULTATION WITH GAO.—In carrying out its functions under this section, the Task Force shall consult with the Government Accountability Office.

(4) NO COMPENSATION.—A member of the Task Force may not receive any compensation for serving on the Task Force.

(5) STAFF.—

(A) DESIGNATION OF EXISTING STAFF.—The Director of the Office of Management and Budget may designate employees of the Office of Management and Budget, including employees of the Office of Information and Regulatory Affairs, as necessary to help the Task Force carry out its duties under this section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the provision of any additional compensation to an employee designated under that subparagraph.

(6) RESPONSIBILITIES.—The Task Force shall—

(A) evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations or guidance that—

(i) exclude or otherwise inhibit competition, causing industries of the United States to be less competitive with global competitors;

(ii) create barriers to entry for United States businesses, including entrepreneurs and startups;

(iii) increase the operating costs for domestic manufacturing;

(iv) impose substantial compliance costs and other burdens on industries of the United States, making those industries less competitive with global competitors;

(v) impose burdensome and lengthy permitting processes and requirements;

(vi) impact energy production by United States businesses and make the United States dependent on foreign countries for energy supply;

(vii) restrict domestic mining, including the mining of critical minerals; or

(viii) inhibit capital formation in the economy of the United States;

(B) establish and maintain a user-friendly, public-facing website to be—

(i) a portal for the submission of written comments under subparagraph (C); and

(ii) a gateway for reports and key information;

(C)(i) not later than 15 days after the first meeting of the Task Force, initiate a process to solicit and collect written recommendations regarding regulations or guidance described in subparagraph (A) from the general public, interested parties, Federal agencies, and other relevant entities;

(ii) allow written recommendations under clause (i) to be submitted through—

(I) the website of the Task Force;

(II) regulations.gov;

(III) the mail; or

(IV) other appropriate written means;

(iii) publish each recommendation submitted under clause (i)—

(I) in the Federal Register;

(II) on the website of the Task Force; and

(III) on regulations.gov;

(iv) in addition to soliciting and collecting written recommendations under clause (i), conduct public outreach and convene focus groups in geographically diverse areas throughout the United States to solicit feedback and public comments regarding regulations or guidance described in subparagraph (A); and

(v) review the information received under clauses (i) and (iv) and consider including that information in the reports required under subparagraph (D); and

(D) submit quarterly and annual reports to Congress on the findings of the Task Force under this section that, subject to clause (iii) of this subparagraph—

(i) analyze the Federal regulations or guidance identified in accordance with subparagraph (A);

(ii) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations or guidance described in clause (i) of this subparagraph; and

(iii) only include a finding or recommendation if a majority of the members of the Task Force have approved the finding or recommendation.

(c) DUTY OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

SA 5343. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified manufacturing property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED MANUFACTURING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified manufacturing property' means any property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(iv) which is integral to the operation of the manufacturing facility (as defined in section 144(a)(12)), and

''(v) the construction of which begins before January 1, 2028.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified manufacturing property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to manufacturing.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(E) shall apply.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified manufacturing property which ceases to be qualified manufacturing property.''.

(b) COORDINATION WITH OTHER BONUS DEPRECIATION PROVISIONS.—

(1) Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified property' shall not include any property to which subsection (n) applies.''.

(2) Section 168(l)(3) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified second generation biofuel plant property'shall not include any property to which subsection (n) applies.''.

(3) Section 168(m)(2)(B) of such Code is amended by adding at the end the following new clause:

''(iv) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified reuse and recycling property'shall not include any property to which subsection (n) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5344. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DUTY-FREE TREATMENT OF CERTAIN CHASSIS.

A finished or unfinished chassis classified under statistical reporting number 8716.39.0090, 8716.90.5010, or 8716.90.5060 of the Harmonized Tariff Schedule of the United States and imported from a country with which the United States has in effect a collective defense arrangement as of the date of the enactment of this Act shall enter the United States free of duty on and after that date.

SA 5345. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified cargo handling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CARGO HANDLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified cargo handling property' means any property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(iv) which is—

''(I) used for purposes of cargo handling, and

''(II) remotely operated or remotely monitored (with or without the exercise of human intervention or control), and

''(v) the construction of which begins before January 1, 2028.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified cargo handling property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to cargo handling.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(E) shall apply.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cargo handling property which ceases to be qualified cargo handling property.''.

(b) CONFORMING AMENDMENT.—Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) COORDINATION WITH QUALIFIED CARGO HANDLING PROPERTY.—The term 'qualified property' shall not include any property to which subsection (n) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5346. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title I, add the following:

SEC. ________. TAX TREATMENT OF LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM.

(a) IN GENERAL.—Section 197 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) TEMPORARY SPECIAL RULE FOR LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM.—

''(1) IN GENERAL.—At the election of the taxpayer, in the case of any license, permit, or other right granted by a governmental unit or an agency or instrumentality thereof which is purchased at auction—

''(A) subsection (a) shall not apply, and

''(B) such license, permit, or other right shall be treated as an amount which is not chargeable to capital account and shall be allowed as a deduction.

''(2) TERMINATION.—This subsection shall not apply to any property acquired after September 30, 2031.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

SA 5347. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF SECTION 466 OF TARIFF ACT OF 1930.

Section 466 of Tariff Act of 1930 (19 U.S.C. 1466) is repealed.

SA 5348. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COSTS AND FEES OF PARTIES.

(a) TITLE 5.—Section 504(b)(1)(A) of title 5, United States Code, is amended by striking ''or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved,''.

(b) TITLE 28.—Section 2412(d)(2) of title 28, United States Code, is amended by striking ''or a special factor, such as the limited availability of qualified attorneys for the proceedings involved,''.

SA 5349. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In part 4 of subtitle D of title 1, strike all that precedes section 13403.

SA 5350. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Title I is amended by striking subtitles C and D and inserting the following:

Subtitle C—Other Provisions

PART 1—PERMANENT EXPENSING

SEC. 12101. PERMANENT FULL EXPENSING FOR QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (6) of section 168(k) is amended to read as follows:

''(6) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means, in the case of property placed in service (or, in the case of a specified plant described in paragraph (5), a plant which is planted or grafted) after September 27, 2017, 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 168(k) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i)(V), by inserting ''and'' at the end,

(II) in clause (ii), by striking ''clause (ii) of subparagraph (E), and'' and inserting ''clause (i) of subparagraph (E).'', and

(III) by striking clause (iii),

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking subclauses (II) and (III), and

(bb) by redesignating subclauses (IV) through (VI) as subclauses (II) through (IV), respectively,

(II) by striking clause (ii), and

(III) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively,

(iii) in subparagraph (C)—

(I) in clause (i), by striking ''and subclauses (II) and (III) of subparagraph (B)(i)'', and

(II) in clause (ii), by striking ''subparagraph (B)(iii)'' and inserting ''subparagraph (B)(ii)'', and

(iv) in subparagraph (E)—

(I) by striking clause (i), and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) in paragraph (5)(A), by striking ''planted before January 1, 2027, or is grafted before such date to a plant that has already been planted,'' and inserting ''planted or grafted''.

(2) Section 460(c)(6)(B) of such Code is amended by striking ''which'' and all that follows through the period and inserting ''which has a recovery period of 7 years or less.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13201 of Public Law 115–97.

PART 2—SUPERFUND

SEC. 12201. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ''9.7 cents'' and inserting ''16.4 cents''.

(B) Section 4611(c) is amended by adding at the end the following:

''(3) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.''.

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ''December 31, 1995'' and inserting ''December 31, 2032''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 3—OTHER PROVISIONS

SEC. 12301. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 12302. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5351. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002(c)(1), by inserting ''who prohibit from federally assisted housing any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program'' after ''property''.

SA 5352. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. RESCISSION OF AMERICAN RESCUE PLAN ACT FUNDING.

There is rescinded the unobligated balance of amounts made available under title III of the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 53).

SA 5353. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002(c), strike paragraph (1) and insert the following:

(1) the term ''eligible recipient'' means any owner or sponsor of eligible property for whom the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)) shall apply; and

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SA 5354. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(b) and insert the following:

(b) LOAN AND GRANT TERMS AND CONDITIONS.—

(1) IN GENERAL.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to eligible recipients that agree to an extended period of affordability for the property.

(2) REPORTING GREENHOUSE GAS EMISSIONS.—

(A) REPORTING REQUIREMENT.—A recipient of amounts made available under this section shall annually report to the Secretary, until the end of the extended period of affordability described in paragraph (1), the scope 1 emissions, scope 2 emissions, and scope 3 emissions of the recipient for the preceding year.

(B) DEFINITIONS.—For purposes of this paragraph, with respect to a recipient of amounts made available under this section:

(i) DIRECT GREENHOUSE GAS EMISSIONS.—The term ''direct greenhouse gas emissions'' means greenhouse gas emissions expressed in metric tons of carbon dioxide equivalent from operations that are owned or controlled by the recipient.

(ii) GREENHOUSE GAS.—The term ''greenhouse gas'' means carbon dioxide, methane, nitrous oxide, nitrogen trifluoride, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(iii) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means greenhouse gas emissions expressed in metric tons of carbon dioxide equivalent that result from the activities of the recipient, but occur at sources not owned or controlled by the recipient.

(iv) SCOPE 1 EMISSIONS.—The term ''scope 1 emissions'' means direct greenhouse gas emissions.

(v) SCOPE 2 EMISSIONS.—The term ''scope 2 emissions'' means indirect greenhouse gas emissions from the generation of purchased or acquired electricity, steam, heat, or cooling that is consumed by operations owned or controlled by the recipient.

(vi) SCOPE 3 EMISSIONS.—The term ''scope 3 emissions'' means all indirect greenhouse gas emissions that—

(I) are not scope 2 emissions; and

(II) occur in the upstream activities or downstream activities of the value chain of the recipient.

SA 5355. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve security, prevent crime, and increase resident safety;

SA 5356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in—

''(I) the People's Republic of China,

''(II) the Russian Federation,

''(III) the Islamic Republic of Iran,

''(IV) the Democratic People's Republic of Korea, or

''(V) the Republic of Belarus, or

''(B) any vehicle with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in any nation described in subparagraph (A)(ii).''.

SA 5357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. CVV REQUIREMENT FOR ONLINE CONTRIBUTIONS TO POLITICAL ORGANIZATIONS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(m) CVV REQUIREMENT FOR ONLINE CONTRIBUTIONS.—An organization shall not be treated as an organization described in this section unless, in the case of any Internet credit card contribution accepted by such organization, the individual or entity making such contribution is required, at the time such contribution is made, to disclose the credit verification value of such credit card.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SA 5358. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. LIMITATION RELATING TO IN-PERSON EMPLOYEES.

None of the amounts made available under section 10301 shall be used to hire any new employee until 90 percent of Internal Revenue Service employees employed as of the date of the enactment of this Act are working in person at an Internal Revenue Service office or job site.

SA 5359. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Extending Telehealth Flexibilities Under Medicare

SEC. 14001. REMOVING GEOGRAPHIC REQUIREMENTS AND EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(B)(iii)—

(A) by striking ''With'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, with''; and

(B) by striking ''that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''that are furnished during the period beginning on the first day after the end of such emergency period and ending September 12, 2023''; and

(2) in paragraph (4)(C)(iii)—

(A) by striking ''With'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, with''; and

(B) by striking ''that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''that are furnished during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14002. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.

Section 1834(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking ''and, for the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''and, in the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, for the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14003. EXTENDING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

Section 1834(m)(8)(A) of the Social Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking ''during the 151-day period beginning on the first day after the end of such emergency period'' and inserting ''in the case that such emergency period ends before September 12, 2023, during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14004. DELAYING THE IN-PERSON REQUIREMENTS UNDER MEDICARE FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH AND TELECOMMUNICATIONS TECHNOLOGY.

(a) DELAY IN REQUIREMENTS FOR MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Section 1834(m)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amended, in the matter preceding subclause (I), by striking ''on or after the day that is the 152nd day after the end of the period at the end of the emergency sentence described in section 1135(g)(1)(B))'' and inserting ''on or after September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

(b) MENTAL HEALTH VISITS FURNISHED BY RURAL HEALTH CLINICS.—Section 1834(y) of the Social Security Act (42 U.S.C. 1395m(y)) is amended—

(1) in the heading, by striking ''TO HOSPICE PATIENTS''; and

(2) in paragraph (2), by striking ''prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))'' and inserting ''prior to September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

(c) MENTAL HEALTH VISITS FURNISHED BY FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834(o)(4) of the Social Security Act (42 U.S.C. 1395m(o)(4) is amended—

(1) in the heading, by striking ''TO HOSPICE PATIENTS''; and

(2) in subparagraph (B), by striking ''prior to the day that is the 152nd day after the end of the emergency period described in section 1135(g)(1)(B))'' and inserting ''prior to September 13, 2023 (or, if later, the first day after the end of the emergency period described in section 1135(g)(1)(B))''.

SEC. 14005. ALLOWING FOR THE FURNISHING OF AUDIO-ONLY TELEHEALTH SERVICES.

Section 1834(m)(9) of the Social Security Act (42 U.S.C. 1395m(m)(9)) is amended by striking ''The Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only telecommunications system during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)'' and inserting ''In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, the Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) that are furnished via an audio-only communications system during the period beginning on the first day after the end of such emergency period and ending on September 12, 2023''.

SEC. 14006. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.

Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by striking ''and during the 151-day period beginning on the first day after the end of such emergency period'' and inserting ''and, in the case that such emergency period ends before September 12, 2023, during the period beginning on the first day after the end of such emergency period described in such section 1135(g)(1)(B) and ending on September 12, 2023''.

SEC. 14007. REDUCTION IN FUNDING.

Section 11004 of this Act is amended by striking ''$3,000,000,000'' and inserting ''500,000,000''.

SA 5360. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 391, strike line 22 and all that follows through page 393, line 13, and insert the following:

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $75,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANUFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of $42,000.''.

SA 5361. Ms. ERNST (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security, or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.''.

SA 5362. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 12.

SA 5363. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title

II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 386, strike line 7 and all that follows through page 390, line 18, and insert the following:

"(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the electric motor of such vehicle and the battery from which such electric motor draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such motor and such battery that were—

"(i) extracted or processed in any country with which the United States has a free trade agreement in effect, or

"(ii) recycled in North America,

is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

"(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent,

"(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

"(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

"(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent, and

"(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

"(2) BATTERY AND ELECTRIC MOTOR COMPONENTS.—

"(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to—

"(i) the electric motor of such vehicle, and

"(ii) the battery from which such electric motor draws electricity,

the percentage of the value of the components contained in such motor and such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

"(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

"(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent,

"(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

"(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

"(v) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

"(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

"(3) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

"(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.".

(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

"(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

"(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the electric motor or battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

"(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the electric motor or battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).".

SA 5364. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 404, strike line 11 and all that follows through page 406, line 2, and insert the following:

"(2) THRESHOLD AMOUNT.—For purposes of paragraph (1)(B), the threshold amount shall be—

"(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $100,000, and

"(B) in the case of a taxpayer not described in subparagraph (A), $50,000.

"(3) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) DEFINITIONS.—For purposes of this section—

"(1) PREVIOUSLY-OWNED CLEAN VEHICLE.—The term 'previously-owned clean vehicle' means, with respect to a taxpayer, a motor vehicle—

"(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

"(B) the original use of which commences with a person other than the taxpayer,

"(C) which is acquired by the taxpayer in a qualified sale, and

"(D) which—

"(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

"(ii) is a motor vehicle which—

"(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

"(II) has a gross vehicle weight rating of less than 14,000 pounds.

"(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

"(A) by a dealer (as defined in section 30D(g)(8)),

"(B) for a sale price which does not exceed $20,000, and

SA 5365. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 391, strike line 19 and all that follows through page 392, line 5, and insert the following:

"(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

"(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $100,000, and

"(ii) in the case of a taxpayer not described in clause (i), $50,000.

SA 5366. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50173 and insert the following:

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

(d) PROHIBITION.—Amounts appropriated by subsection (a) may not be used to purchase or otherwise acquire, use or make available for use, support the availability of, or otherwise provide funding for uranium or other nuclear fuel that is sourced from—

(1) the Russian Federation; or

(2) an entity that—

(A) is owned or controlled by the Government of the Russian Federation; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation.

SA 5367. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 5030__. PERMITTING AND REVIEW PROCESSES FOR DOMESTIC HARDROCK MINERAL PRODUCTION.

(a) FINDINGS.—Congress finds that—

(1) the United States is not only reliant on foreign sources for many of the raw materials needed for the economic and national

security of the United States, but is also attracting a decreasing share of global investment in the raw materials sector, a sector important to the economic and national security of the United States; and

(2) that trends of increased reliance on foreign sources for raw materials and decreasing global investment in the domestic raw materials sector have serious and negative implications for the domestic mineral supply chains necessary for technological innovation, modern infrastructure, and national security.

(b) PERMITTING.—The Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Chief of the Forest Service shall work collaboratively to reverse the trends described in subsection (a)(2) by—

(1) streamlining permitting and review processes to ensure that all necessary use authorizations for domestic hardrock mineral production are completed not later than 2 years after receipt of the applicable request or application; and

(2) enhancing access to all hardrock mineral resources in order to increase discovery, production, and domestic refining of critical minerals by—

(A) evaluating and, where appropriate, reversing prior withdrawals from location, entry, and patent under the mining laws; and

(B) ensuring that future withdrawals from location, entry, and patent under the mining laws can only occur if—

(i) updated geological assessments have been completed;

(ii) the Governors of relevant States have been consulted; and

(iii) the acreage of any single withdrawal does not exceed 5,000 acres.

(c) RULEMAKING.—The Chief of the Forest Service shall revise all relevant regulations of the Forest Service governing hardrock mineral production on Federal land in order to ensure that those regulations are consistent with—

(1) the requirements of this section; and

(2) relevant regulations of the Bureau of Land Management.

SA 5368. Mr. CRAMER submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 390, line 5, strike ''2024'' and insert ''2023''.

SA 5369. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111.

SA 5370. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike subtitle D of title VI.

SA 5371. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 23003 and insert the following:

SEC. 23003. FOREST SERVICE MAINTENANCE.

In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $600,000,000 for Forest Service recreational maintenance for campgrounds and recreation areas; and

(2) $1,000,000,000 for deferred maintenance of Forest Service roads and trails, subject to the condition that none of those funds may be used to decommission roads.

SA 5372. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. STRIKING THE PROVISIONS THAT PRECLUDE ADMINISTRATIVE OR JUDICIAL REVIEW.

(a) DRUG PRICE NEGOTIATION PROGRAM.—Part E of title XI of the Social Security Act, as added by section 11001, is amended by striking section 1198.

(b) MEDICARE PART D REBATE.—Section 1860D–14B of the Social Security Act, as added by section 11102, is amended by striking subsection (f).

(c) OFFSET.—The amount appropriated under section 10301(a)(1)(A)(ii) shall be reduced by $45,000,000,000.

SA 5373. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 10301(a)(1), strike subparagraph (B) and insert the following:

(B) REDUCTION IN IRS RETURN BACKLOG.—For necessary expenses of the Internal Revenue Service for reducing the backlog in processing income tax returns for tax years 2020 and 2021, $15,000,000, to remain available until September 30, 2023: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5374. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) LIMITATION.—None of the funds appropriated under this section may be obligated before the date on which he Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable years 2020 and 2021 has been eliminated.

SA 5375. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30001, strike ''to carry out'' and insert ''to increase oil refinery capacity in the United States using authorities under''.

SA 5376. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 50262, add the following:

(g) ONSHORE WIND AND SOLAR ENERGY ROYALTY RATE.—

(1) IN GENERAL.—The Secretary shall require, as a term and condition of any lease, right-of-way, permit, or other authorization for the development of solar or wind energy on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the payment of a royalty in accordance with paragraph (2).

(2) AMOUNT.—The royalty on electricity produced using wind or solar resources under paragraph (1) shall be not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of this Act, and not less than 16⅔ percent thereafter, of the gross proceeds from the sale of that electricity.

(3) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be disposed of in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SA 5377. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261 and insert the following:

SEC. 50261. OFFSHORE WIND ENERGY ROYALTY RATE.

Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''(A) The Secretary'' and inserting the following:

''(A) ROYALTIES, FEES, RENTALS, BONUSES, OR OTHER PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraphs (B) and (C), the Secretary''; and

(B) by adding at the end the following:

''(ii) ROYALTY RATE FOR OFFSHORE WIND-POWERED ELECTRIC GENERATION PROJECTS.—In establishing the royalty rate for a lease, easement, or right-of-way granted under paragraph (1)(C) for a wind-powered electric generation project, the Secretary shall establish the rate at not less than 12.5 percent of the gross proceeds from the sale of electricity produced by the wind-powered electric generation project.''; and

(2) in subparagraph (B)—

(A) by striking ''(B) The Secretary'' and inserting the following:

''(B) PAYMENTS TO CERTAIN STATES.—The Secretary''; and

(B) in the first sentence, by inserting ''(including amounts received as royalties, as established under subparagraph (A)(ii))'' after ''under this section''.

SA 5378. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 60501 through 60506 and insert the following:

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $393,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§ 178. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to

facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities to conduct environmental review processes;

''(B) to facilitate the environmental review process for proposed projects by—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Environmental review implementation funds.''.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement or incentives under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Low-carbon transportation materials grants.''.

SEC. 60507. RETENTION OF RECREATION FEES.

(a) IN GENERAL.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall—

''(A) be deposited in a special account in the Treasury; and

''(B) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army, subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site.''; and

(2) by adding at the end the following:

''(5) SUPPLEMENT, NOT SUPPLANT.—Fees collected under this subsection—

''(A) shall be in addition to annual appropriated funding provided for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army; and

''(B) shall not be used as a basis for reducing annual appropriated funding for those purposes.''.

(b) SPECIAL ACCOUNTS.—Amounts in the special account for the Corps of Engineers described in section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as in effect on the day before the date of enactment of this Act) that are unobligated on that date shall—

(1) be transferred to the special account established under section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as amended by subsection (a)(1)); and

(2) be available to the Secretary of the Army for operation and maintenance of any recreation sites and facilities under the jurisdiction of the Secretary of the Army, without further appropriation.

SA 5379. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 60501 through 60506 and insert the following:

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 177. Neighborhood access and equity grant program

''(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,643,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

''(1) to improve walkability, safety, and affordable transportation access through projects that are context-sensitive—

''(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

''(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

''(C) to retrofit or cap a facility described in subsection (c)(1);

''(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

''(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

''(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

''(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

''(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

''(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

''(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

''(E) safety improvements for vulnerable road users; and

''(3) for planning and capacity building activities in disadvantaged or underserved communities to—

''(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

''(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

''(C) conduct predevelopment activities for projects eligible under this subsection;

''(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

''(E) administer or obtain technical assistance related to activities described in this subsection.

''(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

''(1) a State;

''(2) a unit of local government;

''(3) a political subdivision of a State;

''(4) an entity described in section 207(m)(1)(E);

''(5) a territory of the United States;

''(6) a special purpose district or public authority with a transportation function;

''(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7).

''(c) FACILITY DESCRIBED.—A facility referred to in subsection (a) is—

''(1) a surface transportation facility for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or

''(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.

''(d) INVESTMENT IN ECONOMICALLY DISADVANTAGED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,262,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to provide grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a).

''(2) COMMUNITIES DESCRIBED.—A community referred to in paragraph (1) is a community that—

''(A) is economically disadvantaged, underserved, or located in an area of persistent poverty;

''(B) has entered or will enter into a community benefits agreement with representatives of the community;

''(C) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

''(D) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

''(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available for a grant under this section and administered by or through a State department of transportation shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.

''(f) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

''(g) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

''(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

''(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to deliver surface transportation projects; and

''(3) operations and administration of the Federal Highway Administration.

''(h) LIMITATIONS.—Amounts made available under this section shall not—

''(1) be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways; and

''(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''177. Neighborhood access and equity grant program.''.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,150,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to acquire and install materials and products for use in the construction or alteration of buildings under the jurisdiction, custody, and control of the General Services Administration that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ''greenhouse gas'' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60504. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainability and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 178. Environmental review implementation funds

''(a) ESTABLISHMENT.—In addition to amounts otherwise available, for fiscal year 2022, there is appropriated to the Administrator, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

''(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

''(2) providing funds made available under this subsection to eligible entities—

''(A) to build capacity of such eligible entities to conduct environmental review processes;

''(B) to facilitate the environmental review process for proposed projects by—

''(i) defining the scope or study areas;

''(ii) identifying impacts, mitigation measures, and reasonable alternatives;

''(iii) preparing planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

''(iv) conducting public engagement activities; and

''(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

''(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

''(b) COST SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

''(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied using funds made available to the eligible entity under any other Federal, State, or local grant program.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203; or

''(G) a metropolitan planning organization (as defined in section 134(b)(2)).

''(3) ENVIRONMENTAL REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

''(4) PROPOSED PROJECT.—The term 'proposed project' means a surface transportation project for which an environmental review process is required.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''178. Environmental review implementation funds.''.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''§ 179. Low-carbon transportation materials grants

''(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operations and administration of the Federal Highway Administration to carry out this section.

''(b) REIMBURSEMENT OF INCREMENTAL COSTS; INCENTIVES.—

''(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients that use low-embodied carbon construction materials and products on a project funded under this title.

''(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

''(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

''(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

''(3) FEDERAL SHARE.—If a reimbursement or incentive is provided under paragraph (1), the total Federal share payable for the project for which the reimbursement or incentive is provided shall be up to 100 percent.

''(4) LIMITATIONS.—

''(A) IN GENERAL.—The Administrator shall only provide a reimbursement or incentive under paragraph (1) for a project on a—

''(i) Federal-aid highway;

''(ii) tribal transportation facility;

''(iii) Federal lands transportation facility; or

''(iv) Federal lands access transportation facility.

''(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

''(C) SINGLE OCCUPANT PASSENGER VEHICLES.—Funds made available under this section shall not be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

''(5) MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

''(A) appropriate for use in projects eligible under this title; and

''(B) eligible for reimbursement or incentives under this section.

''(c) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

''(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a State;

''(B) a unit of local government;

''(C) a political subdivision of a State;

''(D) a territory of the United States;

''(E) an entity described in section 207(m)(1)(E);

''(F) a recipient of funds under section 203;

''(G) a metropolitan planning organization (as defined in section 134(b)(2)); or

''(H) a special purpose district or public authority with a transportation function.

''(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''179. Low-carbon transportation materials grants.''.

SEC. 60507. IDENTIFICATION OF UNDERUTILIZED GSA BUILDINGS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to identify Federal buildings managed by the General Services Administration that have underutilized office space, for the purpose of initiating a sale of those buildings not later than 1 year after the date of enactment of this Act.

(b) CONSIDERATION.—In identifying Federal buildings that have underutilized office space under subsection (a), the Administrator of General Services may consider, when determining whether office space is underutilized, whether the Federal buildings were temporarily unoccupied, or are still underutilized as of the date of enactment of this Act, due to increased teleworking policies implemented as a result of the Coronavirus Disease 2019 (COVID–19) pandemic.

SA 5380. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5381. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SA 5382. Mrs. CAPITO submitted an amendment inteded to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (g).

SA 5383. Mrs. CAPITO (for herself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VI, add the following

Subtitle F—Regulatory Authority

SEC. 60601. CODIFICATION OF NEPA REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled ''Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act'' and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 60602. PROVIDING REGULATORY CERTAINTY UNDER THE FEDERAL WATER POLLUTION CONTROL ACT.

(a) WATERS OF THE UNITED STATES.—The definitions of the term ''waters of the United States'' and the other terms defined in section 328.3 of title 33, Code of Federal Regulations (as in effect on January 1, 2021), are enacted into law.

(b) CODIFICATION OF SECTION 401 CERTIFICATION RULE.—The final rule of the Environmental Protection Agency entitled ''Clean

Water Act Section 401 Certification Rule'' (85 Fed. Reg. 42210 (July 13, 2020)) is enacted into law.

(c) CODIFICATION OF NATIONWIDE PERMITS.—The Nationwide Permits issued, reissued, or modified, as applicable, in the following final rules of the Corps of Engineers are enacted into law:

(1) The final rule of the Corps of Engineers entitled ''Reissuance and Modification of Nationwide Permits'' (86 Fed. Reg. 2744 (January 13, 2021)).

(2) The final rule of the Corps of Engineers entitled ''Reissuance and Modification of Nationwide Permits'' (86 Fed. Reg. 73522 (December 27, 2021)).

SEC. 60603. PROHIBITION ON USE OF SOCIAL COST OF GREENHOUSE GAS ESTIMATES RAISING GASOLINE PRICES.

(a) IN GENERAL.—In promulgating regulations, issuing guidance, or taking any agency action (as defined in section 551 of title 5, United States Code) relating to the social cost of greenhouse gases, no Federal agency shall adopt or otherwise use any estimates for the social cost of greenhouse gases that may raise gasoline prices, as determined through a review by the Energy Information Administration.

(b) INCLUSION.—The estimates referred to in subsection (a) include the interim estimates in the document of the Interagency Working Group on the Social Cost of Greenhouse Gases entitled ''Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990'' and dated February 2021.

SEC. 60604. EXPEDITING PERMITTING AND REVIEW PROCESSES.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZATION.—The term ''authorization'' means any license, permit, approval, finding, determination, or other administrative decision issued by a Federal department or agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of an energy project, including any authorization described in section 41001(3) of the FAST Act (42 U.S.C. 4370m(3)).

(2) ENERGY PROJECT.—The term ''energy project'' means any project involving the exploration, development, production, transportation, combustion, transmission, or distribution of an energy resource or electricity for which—

(A) an authorization is required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B)(i) the head of the lead agency has determined that an environmental impact statement is required; or

(ii) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as an energy project.

(3) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESS.—The term ''environmental review and authorization process'' means—

(A) the process for preparing for an energy project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the completion of any authorization decision required for an energy project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) LEAD AGENCY.—The term ''lead agency'' means—

(A) the Department of Energy;

(B) the Department of the Interior;

(C) the Department of Agriculture;

(D) the Federal Energy Regulatory Commission;

(E) the Nuclear Regulatory Commission; or

(F) any other appropriate Federal agency, as applicable, that may be responsible for navigating the energy project through the environmental review and authorization process.

(6) PROJECT SPONSOR.—The term ''project sponsor'' means an agency or other entity, including any private or public-private entity, that seeks approval from a lead agency for an energy project.

(b) TIMELY AUTHORIZATIONS FOR ENERGY PROJECTS.—

(1) IN GENERAL.—

(A) DEADLINE.—Except as provided in subparagraph (C), all authorization decisions necessary for the construction of an energy project shall be completed by not later than 90 days after the date of the issuance of a record of decision for the energy project by the lead agency.

(B) DETAIL.—The final environmental impact statement for an energy project shall include an adequate level of detail to inform decisions necessary for the role of any Federal agency involved in the environmental review and authorization process for the energy project.

(C) EXTENSION OF DEADLINE.—The head of a lead agency may extend the deadline under subparagraph (A) if—

(i) Federal law prohibits the lead agency or another agency from issuing an approval or permit within the period described in that subparagraph;

(ii) the project sponsor requests that the permit or approval follow a different timeline; or

(iii) an extension would facilitate completion of the environmental review and authorization process of the energy project.

(2) ENERGY PROJECT SCHEDULE.—To the maximum extent practicable and consistent with applicable Federal law, for an energy project, the lead agency shall develop, in concurrence with the project sponsor, a schedule for the energy project that is consistent with a time period of not more than 2 years for the completion of the environmental review and authorization process for an energy project, as measured from, as applicable—

(A) the date of publication of a notice of intent to prepare an environmental impact statement to the record of decision; or

(B) the date on which the head of the lead agency determines that an environmental assessment is required to a finding of no significant impact.

(3) LENGTH OF ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), to the maximum extent practicable, the text of the items described in paragraphs (4) through (6) of section 1502.10(a) of title 40, Code of Federal Regulations (or successor regulations), of an environmental impact statement for an energy project shall be 200 pages or fewer.

(B) EXEMPTION.—The text referred to in subparagraph (A) of an environmental impact statement for an energy project may exceed 200 pages if the lead agency establishes a new page limit for the environmental impact statement for that energy project.

(c) DEADLINE FOR FILING ENERGY-RELATED CAUSES OF ACTION.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY ACTION.—The term ''agency action'' has the meaning given the term in section 551 of title 5, United States Code.

(B) ENERGY-RELATED CAUSE OF ACTION.—The term ''energy-related cause of action'' means a cause of action that—

(i) is filed on or after the date of enactment of this Act; and

(ii) seeks judicial review of a final agency action to issue a permit, license, or other form of agency permission for an energy project.

(2) DEADLINE FOR FILING.—

(A) IN GENERAL.—Notwithstanding any other provision of Federal law, an energy-related cause of action shall be filed by—

(i) not later than 60 days after the date of publication of the applicable final agency action; or

(ii) if another Federal law provides for an earlier deadline than the deadline described in clause (i), the earlier deadline.

(B) PROHIBITION.—An energy-related cause of action that is not filed within the applicable time period described in subparagraph (A) shall be barred.

(d) APPLICATION OF CATEGORICAL EXCLUSIONS FOR ENERGY PROJECTS.—In carrying out requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for an energy project, a Federal agency may use categorical exclusions designated under that Act in the implementing regulations of any other agency, subject to the conditions that—

(1) the agency makes a determination, in consultation with the lead agency, that the categorical exclusion applies to the energy project;

(2) the energy project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) the use of the categorical exclusion does not otherwise conflict with the implementing regulations of the agency, except any list of the agency that designates categorical exclusions.

SEC. 60605. FRACTURING AUTHORITY WITHIN STATES.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—The treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SEC. 60606. FEDERAL LAND FREEDOM.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of May 31, 2013—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian Tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a congressionally designated wilderness area.

(2) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(3) STATE LEASING, PERMITTING, AND REGULATORY PROGRAM.—The term ''State leasing, permitting, and regulatory program'' means a program established pursuant to State law that regulates the exploration and development of oil, natural gas, and other forms of energy on land located in the State.

(b) STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.—

(1) STATE LEASING, PERMITTING, AND REGULATORY PROGRAMS.—Any State that has established a State leasing, permitting, and regulatory program may—

(A) submit to the Secretaries of the Interior, Agriculture, and Energy a declaration that a State leasing, permitting, and regulatory program has been established or amended; and

(B) seek to transfer responsibility for leasing, permitting, and regulating oil, natural gas, and other forms of energy development from the Federal Government to the State.

(2) STATE ACTION AUTHORIZED.—Notwithstanding any other provision of law, on submission of a declaration under paragraph (1)(A), the State submitting the declaration may lease, permit, and regulate the exploration and development of oil, natural gas, and other forms of energy on Federal land located in the State in lieu of the Federal Government.

(3) EFFECT OF STATE ACTION.—Any action by a State to lease, permit, or regulate the exploration and development of oil, natural gas, and other forms of energy pursuant to paragraph (2) shall not be subject to, or considered a Federal action, Federal permit, or Federal license under—

(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'');

(B) division A of subtitle III of title 54, United States Code;

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(D) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) NO EFFECT ON FEDERAL REVENUES.—

(1) IN GENERAL.—Any lease or permit issued by a State pursuant to subsection (b) shall include provisions for the collection of royalties or other revenues in an amount equal to the amount of royalties or revenues that would have been collected if the lease or permit had been issued by the Federal Government.

(2) DISPOSITION OF REVENUES.—Any revenues collected by a State from leasing or permitting on Federal land pursuant to subsection (b) shall be deposited in the same Federal account in which the revenues would have been deposited if the lease or permit had been issued by the Federal Government.

(3) EFFECT ON STATE PROCESSING FEES.—Nothing in this section prohibits a State from collecting and retaining a fee from an applicant to cover the administrative costs of processing an application for a lease or permit.

SEC. 60607. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) DEFINITION OF MOUNTAIN VALLEY PIPELINE.—In this section, the term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10 and CP19–477.

(b) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline—

(1) the Secretary of the Army shall issue all permits or verifications necessary—

(A) to complete the construction of the Mountain Valley Pipeline across the waters of the United States; and

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(2) the Federal Energy Regulatory Commission shall approve any amendments to the certificate of public convenience and necessity issued by the Federal Energy Regulatory Commission on October 13, 2017, and grant any extensions that are necessary—

(A) to complete the construction of the Mountain Valley Pipeline; and

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(3) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest in a manner that is substantively identical to the record of decision with respect to the Mountain Valley Pipeline issued on January 11, 2021; and

(4) the Secretary of the Interior shall—

(A) reissue the biological opinion and incidental take statement for the Mountain Valley Pipeline in a manner that is substantively identical to the biological opinion and incidental take statement previously issued on September 4, 2020; and

(B) grant all necessary rights-of-way and temporary use permits in a manner that is substantively identical to the those permits approved in the record of decision with respect to the Mountain Valley Pipeline issued on January 14, 2021.

(c) JUDICIAL REVIEW.—No action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, or the Secretary of the Interior that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval related to the Mountain Valley Pipeline, including the issuance of any authorization, permit, verification, authorization, biological opinion, incidental take statement, or other approval described in subsection (b), shall be subject to judicial review.

(d) EFFECT.—This section preempts any statute (including any other section of this Act), regulation, judicial decision, or agency guidance that is inconsistent with the issuance of any authorization, permit, verification, authorization, biological opinion, incidental take statement, or other approval described in subsection (b).

SEC. 60608. FASTER PROJECT CONSULTATION.

Section 7(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(1)) is amended—

(1) in subparagraph (A), by striking ''90-day'' and inserting ''60-day''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i)—

(i) by striking ''90 days'' and inserting ''60 days''; and

(ii) by striking ''90th day'' and inserting ''60th day'';

(B) in clause (i), in the matter preceding subclause (I), by striking ''150th day'' and inserting ''100th day''; and

(C) in clause (ii), by striking ''150 or more'' and inserting ''100 or more''.

SEC. 60609. NEW SOURCE REVIEW PERMITTING.

(a) CLARIFICATION OF DEFINITION OF A MODIFICATION FOR EMISSION RATE INCREASES, POLLUTION CONTROL, EFFICIENCY, SAFETY, AND RELIABILITY PROJECTS.—Paragraph (4) of section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)) is amended—

(1) by inserting ''(A)'' before ''The term'';

(2) by inserting before the period at the end the following: ''. For purposes of the preceding sentence, a change increases the amount of any air pollutant emitted by such source only if the maximum hourly emission rate of an air pollutant that is achievable by such source after the change is higher than the maximum hourly emission rate of such air pollutant that was achievable by such source during any hour in the 10-year period immediately preceding the change''; and

(3) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), the term 'modification' does not include a change at a stationary source that is designed—

''(i) to reduce the amount of any air pollutant emitted by the source per unit of production; or

''(ii) to restore, maintain, or improve the reliability of operations at, or the safety of, the source,

except, with respect to either clause (i) or (ii), when the change would be a modification as defined in subparagraph (A) and the Administrator determines that the increase in the maximum achievable hourly emission rate of a pollutant from such change would cause an adverse effect on human health or the environment.''.

(b) CLARIFICATION OF DEFINITION OF CONSTRUCTION FOR PREVENTION OF SIGNIFICANT DETERIORATION.—Subparagraph (C) of section 169(2) of the Clean Air Act (42 U.S.C. 7479(2)) is amended to read as follows:

''(C) The term 'construction', when used in connection with a major emitting facility, includes a modification (as defined in section 111(a)) at such facility, except that for purposes of this subparagraph a modification does not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.''.

(c) CLARIFICATION OF DEFINITION OF MODIFICATIONS AND MODIFIED FOR NONATTAINMENT AREAS.—Paragraph (4) of section 171 of the Clean Air Act (42 U.S.C. 7501) is amended to read as follows:

''(4) The terms 'modifications' and 'modified' mean a modification as defined in section 111(a)(4), except that such terms do not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to treat any change as a modification for purposes of any provision of the Clean Air Act (42 U.S.C. 7401 et seq.) if such change would not have been so treated as of the day before the date of enactment of this Act.

SEC. 60610. PROHIBITION ON RETROACTIVE PERMIT VETOES.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF EPA ADMINISTRATOR.—

''(1) POSSIBLE PROHIBITION OF SPECIFICATION.—Until such time as the Secretary has issued a permit under this section, the Administrator may prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and the Administrator may deny or restrict the use

of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever the Administrator determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION REQUIRED.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) WRITTEN FINDINGS REQUIRED.—The Administrator shall set forth in writing and make public the findings and reasons of the Administrator for making any determination under this subsection.''.

SA 5384. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in title IX, insert the following:

SEC. ______. FUNDING FOR TITLE 42 IMPLEMENTATION.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Centers for Disease Control and Prevention, out of amounts in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2023, for the purpose described in paragraph (2).

(2) USE OF FUNDS.—The Director of the Centers for Disease Control and Prevention shall use the amounts appropriated under paragraph (1) for the continued implementation of the orders by the Director pursuant to section 362 of the Public Health Service Act (42 U.S.C. 265) regarding the suspension of entry into the United States of persons from countries where a quarantinable communicable disease exists, until the date that is 120 days after the termination of the public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19, including renewals of such emergency.

(b) PREVENTION AND PUBLIC HEALTH FUND.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) for fiscal year 2023, $999,000,000;''.

SA 5385. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROVIDING DISCOUNTED INSULIN TO LOW- AND MIDDLE-INCOME AMERICANS.

(a) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), out of any monies in the Treasury not otherwise appropriated, $3,100,000,000 for fiscal year 2023, to remain available through September 30, 2026, for making payments to Federally-qualified health centers for purposes of covering direct costs incurred by such centers for making discounted insulin and epinephrine available to qualifying center patients, as described in subsection (b).

(b) INSULIN AND EPINEPHRINE AFFORDABILITY.—

(1) IN GENERAL.—If a Federally-qualified health center participates in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) and makes insulin or injectable epinephrine available to its patients, such center shall provide insulin and injectable epinephrine at or below the discounted price paid by the center or subgrantee of the center under the drug discount program under such section 340B (plus a minimal administration fee) to qualifying center patients through fiscal year 2026.

(2) LIMITATION.—As applicable, the cost of insulin and injectable epinephrine made available to patients pursuant to this subsection shall not exceed the cost of such insulin and injectable epinephrine pursuant to the schedule of fees or payment under section 330(k)(3)(G) of the Public Health Service Act (42 U.S.C. 254b(k)(3)(G)).

(c) PAYMENTS.—The Secretary shall make prospective quarterly payments to Federally-qualified health centers in an amount that equals the sum of the following:

(1) The product of—

(A) the number of units of insulin furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of insulin at the discounted rate provided for under this section.

(2) The product of—

(A) the number of units of injectable epinephrine furnished to qualifying center patients in the previous quarter; and

(B) the direct costs of procuring and making available each such unit of injectable epinephrine at the discounted rate provided for under this section.

(d) USE OF PAYMENTS.—Payments made to Federally-qualified health centers under this section shall be used for the sole purpose of covering direct costs incurred by such centers in making insulin and injectable epinephrine available to qualifying center patients under subsection (b).

(e) DEFINITIONS.—In this section:

(1) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ''Federally-qualified health center'' has the meaning given such term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(2) QUALIFYING CENTER PATIENT.—The term ''qualifying center patient'' means a patient of a Federally-qualified health center whose household income is equal to or less than 350 percent of the Federal poverty line and who—

(A) has a cost-sharing requirement under a health insurance plan for insulin or injectable epinephrine under which the patient out-of-pocket share is more than 20 percent of the total amount charged by the center for insulin or epinephrine;

(B) has a high unmet deductible under a health insurance plan; or

(C) has no health insurance.

(f) PREVENTION AND PUBLIC HEALTH FUND OFFSET.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022'';

(2) by striking paragraphs (7) and (8);

(3) by redesignating paragraph (9) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

''(7) for fiscal year 2027, $1,800,000,000; and''.

SA 5386. Mr. COTTON (for himself, Mr. GRASSLEY, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DETENTION OF SINGLE ADULT CRIMINAL ALIENS.

In addition to amounts otherwise available, there is appropriated to U.S. Immigration and Customs Enforcement for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, which shall remain available until expended, for necessary expenses of custody operations for the detention of criminal aliens, as described in section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

SA 5387. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V, insert the following:

SEC. 502_____. MANDATORY OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALES.

(a) GULF OF MEXICO OIL AND GAS LEASE SALES.—

(1) REQUIREMENT.—Subject to paragraph (2), the Secretary of the Interior (acting through the Director of the Bureau of Ocean Energy Management) (referred to in this section as the ''Secretary'') shall conduct not fewer than 10 area-wide oil and gas lease sales under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the period beginning on July 1, 2022, and ending on June 30, 2027.

(2) SCHEDULE.—Not fewer than 2 area-wide oil and gas lease sales required under paragraph (1) shall be held each year during the period described in that paragraph in the following planning areas of the Gulf of Mexico Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(A) The Central Gulf of Mexico Planning Area.

(B) The Western Gulf of Mexico Planning Area.

(b) COOK INLET OIL AND GAS LEASE SALES.—The Secretary shall conduct not fewer than 1 oil and gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in the Cook Inlet Planning Area of the Alaska Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016), during the period beginning on July 1, 2022, and ending on June 30, 2027.

SA 5388. Mr. SCOTT of South Carolina (for himself, Mr. TOOMEY, Ms. LUMMIS, Mr. TILLIS, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, including the costs of modifying such loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects for lead abatement, fire alarms, carbon monoxide detectors, and security and crime prevention, of an eligible property;

SA 5389. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table as follows:

At the end of title I, add the following:

Subtitle E—Ensuring Patient Access to Drugs and Biological Products That Treat Serious Conditions

SEC. 14001. ENSURING PATIENT ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT SERIOUS CONDITIONS.

Section 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraphs:

''(D) SIX PROTECTED CLASSES.—A covered part D drug in a category or class that is identified under section 1860D–4(b)(3)(G)(iv).

''(E) BREAKTHROUGH THERAPIES.—A drug or biological product designated under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) as a breakthrough therapy and approved under section 505 of such Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).''.

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT AND OPERATIONS.

Section 10301(a)(1)(A)(i) of this Act is amended—

(1) in subclause (II), by striking ''$45,637,400,000'' and inserting ''$10,326,400,000''; and

(2) in subclause (III), by striking ''$25,326,400,000'' and inserting ''$326,400,000''.

SA 5390. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. CONSULTATION REQUIREMENT.

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Secretary of Health and Humans Services shall consult with other agencies including the Department of Commerce and Office of the United States Trade Repesentative, to assess—

(1) the implications of implementing price controls on pharmaceuticals for United States global competitiveness compared to countries like China; and

(2) the potential United States economic impacts and national security implications.

SA 5391. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. CONSULTATION REQUIREMENT.

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Government Accountability Office shall to submit a report to Congress with recommendations to ensure that the implementation of such provisions does not—

(1) negatively impact the United States pharmaceutical industry market competitiveness with China regarding biopharmaceutical innovation and domestic manufacturing capacity; or

(2) increase the United States' current importation levels of essential generic drugs and drugs on the FDA shortages list that are produced or manufactured by foreign entities in China.

SA 5392. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 5 of subtitle B of title I, add the following:

SEC. 11406. REQUIREMENTS RELATING TO PAYMENT OF PHARMACY BENEFIT MANAGERS UNDER MEDICARE PART D.

(a) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) PAYMENT OF PHARMACY BENEFIT MANAGERS.—

''(A) IN GENERAL.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that any pharmacy benefit manager (or affiliate, subsidiary, or agent of a pharmacy benefit manager) that manages prescription drug coverage under a contract with such sponsor, shall not receive fees from any entity or individual other than bona fide service fees.

''(B) DEFINITION OF BONA FIDE SERVICE FEES.—For purposes of this paragraph, 'bona fide service fees' represent fair market value for a bona fide, itemized service actually performed on behalf of the fee recipient, that the recipient would otherwise perform (or contract for) in the absence of the service arrangement with the pharmacy benefit manager, and that the pharmacy benefit manager does not pass on to another party. A bona fide service fee must be a flat fixed fee that is not based on, contingent upon, or otherwise related to—

''(i) drug price, such as wholesale acquisition cost or drug benchmark price (such as average wholesale price);

''(ii) discounts, rebates, fees, or other remuneration with respect to prescription drugs dispensed to enrollees; or

''(iii) any other amounts prohibited by the Secretary.''.

(b) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) PAYMENT OF PHARMACY BENEFIT MANAGERS.—Section 1860D–12(b)(8).''.

SA 5393. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that it is in the interest of the United States to ensure that family farms and small businesses can utilize step-up in basis for inherited assets.

SA 5394. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 110002.

SA 5395. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON IMPLEMENTATION OF SEC RULE.

Notwithstanding any other provision of law or regulation, the Securities and Exchange Commission may not implement the proposed rule of the Commission entitled ''The Enhancement and Standardization of Climate-Related Disclosures for Investors'' (87 Fed. Reg. 21334 (April 11, 2022)).

SA 5396. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 136101.

SA 5397. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title II of the bill, strike subtitle G (relating to National Service and Workforce Development in Support of Climate Resilience and Mitigation).

SA 5398. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. RESTORING HOURS OF OPERATION AND PORTS OF ENTRY ALONG THE NORTHERN BORDER.

The Commissioner of U.S. Customs and Border Protection shall modify the hours of operation of all ports of entry along the northern border to match the hours of operation at such ports of entry as of February 2020.

SA 5399. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. ENHANCING BORDER SECURITY ALONG THE NORTHERN BORDER.

The Commissioner of U.S. Customs and Border Protection shall allocate additional resources to enhance border security along

the international border between Canada and the United States.

SA 5400. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50262.

SA 5401. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60113 and all that follows through the end of section 60201.

SA 5402. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261.

SA 5403. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50265 and insert the following:

SEC. 50265. ENSURING ENERGY SECURITY.

(a) ANNUAL LEASE SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary shall conduct a minimum of 4 oil and natural gas lease sales annually in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Any other State in which there is land available for oil and natural gas leasing under that Act.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary shall include a minimum of 25 percent of the outstanding nominated acreage in the applicable State under part 3120 of title 43, Code of Federal Regulations (or successor regulations).

(3) REPLACEMENT SALES.—If, for any reason, a lease sale under paragraph (2) for a calendar year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary shall conduct a replacement sale during the same calendar year.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) OFFSHORE LEASE SALE.—The term ''offshore lease sale'' means an oil and gas lease sale—

(i) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(ii) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(C) ONSHORE LEASE SALE.—The term ''onshore lease sale'' means a quarterly oil and gas lease sale—

(i) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(ii) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(2) LIMITATION.—During the 10-year period beginning on the date of enactment of this Act—

(A) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(i) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(ii) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(I) 2,000,000 acres; and

(II) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(B) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(i) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(ii) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(3) SAVINGS.—Except as expressly provided in subparagraphs (A) and (B) of paragraph (2), nothing in this paragraph supersedes, amends, or modifies existing law.

SA 5404. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used to audit taxpayers with taxable incomes below $400,000.

SA 5405. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5406. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 13301 and insert the following:

SEC. _______. REPEAL OF MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(2) the aggregate number of such transactions exceeds 200.''.

(b) CONFORMING AMENDMENT.—Section 6050W(c)(3) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (d)(3)(A)(iii)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to transactions after the date of the enactment of the American Rescue Plan Act of 2021.

SA 5407. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY CRIMINAL OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $440,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5408. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 1 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joe Manchin's Build Back Even Better Act''.

SA 5409. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026_. MANDATORY ADDITIONAL ONSHORE OIL AND GAS LEASE SALES IN CERTAIN STATES.

(a) REQUIREMENT.—Subject to subsections (b) and (c), not later than December 31, 2022,

the Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall conduct an oil and gas lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in each of the States in which the Bureau of Land Management conducted lease sales in June 2022.

(b) PARCELS.—The oil and gas lease sales required under subsection (a) shall include, at a minimum, all parcels—

(1) that were evaluated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process for the June 2022 sales; but

(2) that were deferred by the applicable Bureau of Land Management State Director.

(c) ADDITIONAL LEASE SALES.—The oil and gas lease sales required under subsection (a) shall be conducted in addition to the quarterly oil and gas lease sales required under section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

SA 5410. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 6 of subtitle A of title 5 and insert the following:

PART 6—NATIONAL PARK SYSTEM DEFERRED MAINTENANCE

SEC. 50161. ADDRESSING DEFERRED MAINTENANCE IN THE NATIONAL PARK SYSTEM.

(a) DEFINITIONS.—In this section:

(1) ASSET.—The term ''asset'' means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

(A) has a specific service of function; and

(B) is tracked and managed as a distinct, identifiable entity by the National Park Service.

(2) PROJECT.—The term ''project'' means any activity to reduce or eliminate deferred maintenance of an asset, which may include resolving directly related infrastructure deficiencies of the asset that would not by itself be classified as deferred maintenance.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 to remain available through September 30, 2024, to carry out this section.

(c) USE OF FUNDS.—The Secretary of the Interior shall use funds made available under subsection (b) for priority deferred maintenance projects in the National Park System.

(d) LIMITATIONS.—

(1) NON-TRANSPORTATION PROJECTS.—Not less than 65 percent of funds made available under subsection (a) shall be used for non-transportation projects.

(2) TRANSPORTATION PROJECTS.—The amounts made available under subsection (b) that are remaining after the allocations required under paragraph (1) may be allocated for transportation projects of the National Park Service, including paved and unpaved roads, bridges, tunnels, and paved parking areas.

(3) PLAN.—Any priority deferred maintenance project funded under this section shall be consistent with an applicable transportation, deferred maintenance, or capital improvement plan developed by the National Park Service.

(e) PROHIBITED USE OF FUNDS.—No amounts made available under subsection (b) shall be used—

(1) for land acquisition;

(2) to supplant discretionary funding made available for annually recurring facility operations, maintenance, and construction needs; or

(3) for bonuses for employees of the Federal Government that are carrying out this section.

SA 5411. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010__. ALLOWANCE OF CERTAIN DEDUCTIONS IN DETERMINING APPLICABLE FINANCIAL STATEMENT INCOME.

(a) IN GENERAL.—Section 56A(c), as added by section 10101, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

''(15) ADJUSTMENT FOR THE PRODUCTION OF OIL, COAL, AND NATURAL GAS AND FOR MINING.—

''(A) IN GENERAL.—Adjusted financial statement income shall be—

''(i) appropriately adjusted to disregard any amount of qualified expense that is taken into account on the taxpayer's applicable financial statement, and

''(ii) reduced by the amount of qualified expenses which are deductible under this chapter to the extent allowed as a deduction in computing taxable income for the taxable year.

''(B) QUALIFIED EXPENSES.—For purposes of this paragraph, the term 'qualified expenses' means—

''(i) any intangible drilling and development costs (within the meaning of section 263(c)),

''(ii) geological and geophysical expenditures (within the meaning of section 167(h)),

''(iii) qualified tertiary injectant expenses (as defined in section 193(b)),

''(iv) expenses to which sections 616 and 617 apply, and

''(v) amounts allowable as a depletion deduction under section 611.''.

SEC. 1010__. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) is amended by striking '', and before January 1, 2026''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5412. Mr. BARRASSO (for himself, Ms. COLLINS, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Ensuring Access to Drugs and Biological Products That Treat Rare Diseases and Conditions

SEC. 14001. ENSURING ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT RARE DISEASES AND CONDITIONS.

Sec. 1192(e)(3)(A) of the Social Security Act, as added by section 11001, is amended to read as follows:

''(A) CERTAIN ORPHAN DRUGS.—A drug that is designated under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition and is approved only for an indication or indications for a rare disease or condition.''.

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR OPERATIONS SUPPORT.

Section 10301(a)(1)(A)(i)(III) of this Act is amended by striking ''$25,326,400,000'' and inserting ''$10,326,400,000''.

SA 5413. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. ENSURING THAT QUALITY-ADJUSTED LIFE YEAR (QALY) MEASURES ARE NOT USED IN CONSIDERATION OF THE MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1194(e)(2) of the Social Security Act, as added by section 11001, is amended by inserting at the end of the flush matter following subparagraph (D) the following new sentence: ''Additionally, the Secretary shall not use evidence or findings relating to a drug's ability or inability to extend a patient's life in considering information described in subparagraph (C).''.

SA 5414. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. ___. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (6), by striking ''each of fiscal years 2022 and 2023'' and inserting ''fiscal year 2022''; and

(2) by striking paragraphs (7) through (9).

SEC. ___. COMMUNITY HEALTH CENTER PROGRAM.

Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by inserting '', and an additional $442,000,000 for fiscal year 2022'' after ''2023''.

SA 5415. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. PERMANENT EXTENSION OF SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE FOR TELEHEALTH.

(a) IN GENERAL.—Section 223(c)(2)(E) of the Internal Revenue Code of 1986 is amended by striking ''In the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023, a plan'' and inserting ''A plan''.

(b) CERTAIN COVERAGE DISREGARDED.—Section 223(c)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking ''(in the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.

SEC. ___. TELEHEALTH SERVICES AS INDEPENDENT, NONCOORDINATED BENEFITS.

(a) PHSA.—Section 2791(c)(3) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(3)) is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

(b) ERISA.—Section 733(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(c)(3)) is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

(c) IRC.—Section 9832(c)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(C) Coverage only for telehealth services.''.

SA 5416. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL STUDENT LOAN INTEGRITY.

(a) PROHIBITION.—The Secretary of Education may not use the authority under section 2(a)(1) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb(a)(1)) to issue a waiver or modification, or to extend a waiver or modification issued before the date of enactment of this Act, of any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) in connection with the national emergency declared by the President on March 13, 2020, pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) (Proclamation 9994).

(b) LIMITATION ON WAIVERS AND MODIFICATIONS.—Section 2(a)(1) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098bb(a)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) AUTHORITY OF SECRETARY.—Except as provided in subparagraph (B), notwithstanding''; and

(2) by adding at the end the following:

''(B) LIMITATION.—A waiver or modification under paragraph (1) may not—

''(i) provide for a period that exceeds 60 days during which—

''(I) payments of principal or interest due on loans made, insured, or guaranteed under part B, D, or E of title IV of the Act are suspended; or

''(II) interest does not accrue on such loans; or

''(ii) result in the discharge or cancellation of a loan made, insured, or guaranteed under part B, D, or E of title IV of the Act.''.

(c) NO LOAN FORGIVENESS AUTHORITY.—

(1) REMOVAL OF LOAN FORGIVENESS AUTHORITY.—Section 432(a)(6) of the Higher Education Act of 1965 (20 U.S.C. 1082(a)(6)) is amended by striking '', pay, compromise, waive, or release''.

(2) NO AUTHORITY FOR ANY LOAN FORGIVENESS PLAN.—The amendment made by paragraph (1) shall prohibit the President or the Secretary of Education from—

(A) cancelling $10,000 in student loan debt under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.) for borrowers with an annual income of not more than $125,000; or

(B) carrying out any other loan forgiveness program not explicitly authorized under such title.

SA 5417. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 1390__. INCOME LIMITATION FOR INCREASED PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iv) LIMITATION FOR 2023 THROUGH 2025.—In the case of a taxable year beginning in 2023, 2024, or 2025, the table contained in clause (iii)(II) shall be applied by substituting 'up to 700 percent' for 'and higher'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (E) of section 36B(c)(1) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by striking ''In the case of a taxable year'' and all that follows and inserting ''In the case of—

''(i) a taxable year beginning in 2021 or 2022, subparagraph (A) shall be applied without regard to 'but does not exceed 400 percent', and

''(ii) a taxable year beginning in 2023, 2024, or 2025, subparagraph (A) shall be applied by substituting '700 percent' for '400 percent'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 1390__. TREATMENT OF DIETARY SUPPLEMENTS AS MEDICAL EXPENSES.

(a) IN GENERAL.—Subsection (d) of section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) DIETARY SUPPLEMENTS.—In the case of taxable years beginning before January 1, 2024, amounts paid for dietary supplements shall be treated as paid for medical care. For purposes of this paragraph, the term 'dietary supplement' has the meaning given such term by section 201(ff) of the Federal Food, Drug, and Cosmetic Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5418. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026________. MANDATORY LEASING FOR CERTAIN QUALIFIED APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ''coal lease'' means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400-012.

(2) QUALIFIED APPLICATION.—The term ''qualified application'' means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on October 1, 2021), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the

Interior required for mining activities to commence.

SA 5419. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60201.

SA 5420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13904. EMPLOYMENT VERIFICATION REQUIREMENT.

(a) WAGE REQUIREMENT.—In the case of any requirement described in any applicable wage requirement provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures that—

(1) with respect any laborers and mechanics described in such applicable wage requirement provision, such laborers and mechanics have had their employment eligibility confirmed through the E-Verify program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable wage requirement provision agrees to confirm the employment eligibility of any laborers or mechanics employed by such contractor or subcontractor, as described in paragraph (1).

(b) APPRENTICESHIP REQUIREMENT.—In the case of any requirement described in any applicable apprenticeship provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures that—

(1) with respect to any qualified apprentice described in such applicable apprenticeship provision, such apprentice has had their employment eligibility confirmed in the manner described in paragraph (1) of subsection (a), and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable apprenticeship provision agrees to confirm the employment eligibility of any qualified apprentice employed by such contractor or subcontractor, as described in such paragraph.

(c) APPLICATION.—Subsection (a) shall apply to—

(1) all covered, existing, and new hire workers employed by any contractor or subcontractor which is described in any applicable wage requirement provision, and

(2) all qualified apprentices employed by any contractor or subcontractor which is described in any applicable apprenticeship provision.

(d) PENALTY.—In the case of any taxpayer which fails to satisfy the requirement under subsection (a) with respect to any laborer or mechanic or the requirement under subsection (b) with respect to any qualified apprentice, such taxpayer shall make payment to the Secretary of a penalty in an amount equal to the product of—

(1) $5,000, multiplied by

(2) the total number of laborers, mechanics, and qualified apprentices for whom the taxpayer failed to satisfy the requirement under subsection (a) or (b), as applicable.

(e) ANTI-DISCRIMINATION.—Any employer who complies with the requirements described in this section shall not be found to have violated—

(1) section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b); or

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(f) ADJUSTMENT OF CERTAIN CREDITS.—

(1) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—

(A) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986, as amended by section 13101, is amended—

(i) in subsection (a)(1), by striking ''0.3 cents'' and inserting ''0.29 cents'', and

(ii) in subsection (b)(2)—

(I) by striking ''0.3 cents'' and inserting ''0.29 cents'', and

(II) by striking ''0.05 cent'' each place it appears and inserting ''0.01 cent''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to facilities placed in service after December 31, 2021.

(2) ENERGY CREDIT.—

(A) IN GENERAL.—Section 48 of the Internal Revenue Code of 1986, as amended by section 13102, is amended—

(i) in paragraph (2)(A)—

(I) in clause (i), by striking ''6 percent'' and inserting ''5.9 percent'', and

(II) in clause (ii), by striking ''2 percent'' and inserting ''1.9 percent'', and

(ii) in paragraph (5)(A)(ii), by striking ''6 percent'' and inserting ''5.9 percent''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to property placed in service after December 31, 2021.

(g) DEFINITIONS.—In this section—

(1) APPLICABLE APPRENTICESHIP PROVISION.—The term ''applicable apprenticeship provision'' means any of the following sections of the Internal Revenue Code of 1986:

(A) Section 30C(g)(3).
(B) Section 45(b)(8).
(C) Section 45Q(h)(4).
(D) Section 45V(e)(4).
(E) Section 45Y(g)(10).
(F) Section 45Z(f)(7).
(G) Section 48(a)(11).
(H) Section 48C(e)(6).
(I) Section 48D(d)(4).
(J) Section 179D(b)(5).

(2) APPLICABLE WAGE REQUIREMENT PROVISION.—The term ''applicable wage requirement provision'' means any of the following sections of the Internal Revenue Code of 1986:

(A) Section 30C(g)(2)(A).
(B) Section 45(b)(7)(A).
(C) Section 45L(g)(2)(A).
(D) Section 45Q(h)(3)(A).
(E) Section 45U(d)(2)(A).
(F) Section 45V(e)(3)(A).
(G) Section 45Y(g)(9).
(H) Section 45Z(f)(6)(A).
(I) Section 48(a)(10)(A).
(J) Section 48C(e)(5)(A).
(K) Section 48D(d)(3).
(L) Section 179D(b)(4)(A).

(3) QUALIFIED APPRENTICE.—The term ''qualified apprentice'' has the same meaning given such term in section 45(b)(8)(E)(ii) of the Internal Revenue Code of 1986.

SA 5421. Mr. GRASSLEY (for himself and Mr. YOUNG) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the end of title I, insert the following:

Subtitle __—MIDDLE-CLASS INFLATION RELIEF

SEC. 10__01. MODIFICATION OF CAPITAL GAIN RATES.

(a) EXPANSION OF ZERO PERCENT RATE.—

(1) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2023.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2022 and before 2024, paragraph (1)(B)(i) shall be applied by substituting 'below the maximum zero rate amount' for 'which would (without regard to this paragraph) be taxed at a rate below 25 percent'.

''(B) MAXIMUM ZERO RATE AMOUNT.—The maximum zero rate amount shall be—

''(i) in the case of a joint return or surviving spouse, $165,000,

''(ii) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under clause (i), and

''(iii) in the case of an estate or trust, $2,600.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2022, each of the dollar amounts in subparagraph (B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(2) CONFORMING AMENDMENT.—Paragraph (5) of section 1(j) of such Code is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN TAXABLE YEARS.—In the case of any taxable year beginning after 2022 and before 2024, subparagraph (A) shall be applied without regard to clause (i) thereof.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__02. PARTIAL EXCLUSION OF CERTAIN INTEREST RECEIVED BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

''SEC. 116. PARTIAL EXCLUSION OF CERTAIN INTEREST RECEIVED BY INDIVIDUALS.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include the sum of the amounts received during the taxable year by an individual as qualified interest.

''(b) LIMITATIONS.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $300 ($600 in the case of a joint return).

''(c) QUALIFIED INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified interest' means any interest other than interest excluded from gross income under any other provision of this chapter.

''(2) SPECIAL RULES FOR DIVIDENDS RECEIVED FROM CERTAIN MONEY MARKET MUTUAL FUNDS.—

''(A) IN GENERAL.—The term 'qualified interest' shall include qualified interest-related dividends.

''(i) IN GENERAL.—Except as provided in clause (ii), a qualified interest-related dividend is any dividend or part thereof (other than a capital gain dividend or exempt interest dividend)—

''(I) paid by a regulated investment company regulated as a money market fund under section 270.2a–7 of title 17, Code of Federal Regulations, and

''(II) reported by the company as a qualified interest-related dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the applicable qualified interest of the company for such taxable year, a qualified interest-related dividend is the excess of—

''(I) the reported qualified interest-related dividend amount, over

''(II) the excess reported amount which is allocable to such reported qualified interest-related dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported qualified interest-related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported qualified interest-related dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED QUALIFIED INTEREST-RELATED DIVIDEND AMOUNT.—The term 'reported qualified interest-related dividend amount' means the amount reported to its shareholders under clause (i) as a qualified interest-related dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the applicable qualified interest of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as qualified interest-related dividends for the taxable year (including qualified interest-related dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(V) APPLICABLE QUALIFIED INTEREST.—The term 'applicable qualified interest' means interest described in paragraph (1).

''(d) NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—Subsection (a) shall not apply to any nonresident alien individual.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this section in the case of interest received—

''(1) from partnerships and S corporations, and

''(2) from a trade or business of the taxpayer.

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2024.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 265(a) of such Code is amended by inserting before the period at the end the following: '', or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116''.

(2) Subsection (c) of section 584 of such Code is amended by adding at the end the following: ''The proportionate share of each participant in the amount of qualified interest (as defined in section 116) received by the common trust fund shall be considered for purposes of such section as having been received by such participant.''.

(3) Subsection (a) of section 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) QUALIFIED INTEREST.—There shall be included the amount of any qualified interest (as defined in section 116) excluded from gross income pursuant to section 116 (reduced by amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10__03. INFLATION ADJUSTMENT FOR CERTAIN TAX BENEFITS.

(a) CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 24 of such Code is amended by adding at the end the following new paragraph:

''(8) ADJUSTMENT FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2021 and before 2023, the $2,000 amount in paragraph (2) and each of the dollar amounts in paragraph (3) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any increase under subparagraph (A)—

''(i) is not a multiple of $100, in the case of the amount in paragraph (2), such increase shall be rounded to the next lowest multiple of $100, or

''(ii) is not a multiple of $1,000, in the case of the amounts in paragraph (3), such increase shall be rounded to the next lowest multiple of $1,000.''.

(2) PARTIAL CREDIT FOR CERTAIN OTHER DEPENDENTS.—Paragraph (4) of section 24(h) of such Code is amended by adding at the end the following new subparagraph:

''(D) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $500 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(b) CREDIT FOR HOUSEHOLD AND DEPENDENT CARE SERVICES.—Subsection (e) of section 21 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(11) ADJUSTMENTS FOR INFLATION.—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2021 and before 2023, the $15,000 amount in subsection (a)(2) and the $3,000 and $6,000 amounts in subsection (c) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING.—If any increase under subparagraph (A)—

''(i) is not a multiple of $100, in the case of the amounts in subsection (c), such increase shall be rounded to the next lowest multiple of $100, or

''(ii) is not a multiple of $1,000, in the case of the amount in subsection (a)(2), such increase shall be rounded to the next lowest multiple of $1,000.''.

(c) AMERICAN OPPORTUNITY AND LIFETIME LEARNING CREDITS.—

(1) AMERICAN OPPORTUNITY TAX CREDIT.—Subsection (b) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $2,000 and $4,000 amounts in paragraph (1) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(2) LIFETIME LEARNING CREDIT.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, the $10,000 amount in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(3) LIMITATIONS BASED ON MODIFIED ADJUSTED GROSS INCOME.—Subsection (d) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2021 and before 2023, each of the dollar amounts in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this paragraph is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.''.

(d) DEDUCTION FOR INTEREST ON EDUCATION LOANS.—

(1) IN GENERAL.—Subsection (f) of section 221 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) ADJUSTMENTS FOR INFLATION.—

''(1) LIMITATION.—In the case of a taxable year beginning after 2021 and before 2023, the $2,500 amount in subsection (b)(1) and the $15,000 and $30,000 amounts in subsection (b)(2)(B)(ii) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar

year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof, and

''(2) INCOME THRESHOLDS.—In the case of a taxable year beginning after 2002, the $50,000 and $100,000 amounts in subsection (b)(2)(B)(i)(II) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2001' for '2016' in subparagraph (A)(ii) thereof.

''(3) ROUNDING.—If any increase under this subsection—

''(A) is not a multiple of $100, in the case of the amount in subsection (b)(1), such increase shall be rounded to the next lowest multiple of $100, or

''(B) is not a multiple of $1,000, in the case of the amounts in subsection (b)(2)(B)(ii) and (b)(2)(B)(i)(II), such increase shall be rounded to the next lowest multiple of $1,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 10_04. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2027'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2026''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10_05. REDUCTION IN ADDITIONAL INTERNAL REVENUE SERVICE ENFORCEMENT FUNDING.

Section 10301(a)(1)(A)(i)(II) of this Act is amended by striking ''$45,637,400,000'' and inserting ''$25,637,400,000''.

SA 5422. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 1389, strikes lines 15 through 21 and insert the following:

''(B) in the case of an electricity generating facility, not less than 18,750 metric tons of qualified carbon oxide during the taxable year, and

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SA 5423. Mrs. BLACKBURN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11002 and insert the following:

SEC. 11002. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.

(a) TREATMENT OF BIOLOGICAL PRODUCTS HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION UNDER DRUG PRICE NEGOTIATION PROGRAM.—

(1) IN GENERAL.—Section 1191(c) of the Social Security Act, as added by section 11001, is amended by adding the following new paragraph:

''(7) BIOLOGICAL PRODUCT HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION.—

''(A) IN GENERAL.—The term 'biological product highly likely to be subject to biological competition' means a selected drug that is a biological reference product licensed under section 351(a) of the Public Health Service Act, for which the Secretary has determined that there is a high likelihood that a biosimilar biological product will be licensed under section 351(k) of the Public Health Service Act and marketed by the end of the second year after the selected drug publication date of the selected drug.

''(B) DETERMINATION.—For purposes of subparagraph (A), the Secretary shall determine that a selected drug is a 'biological product highly likely to be subject to biological competition' if, with respect to a biosimilar biological product for which the selected drug is the reference product—

''(i)(I) a biosimilar biological product application under section 351(k) of the Public Health Service Act has been licensed by the Food and Drug Administration;

''(II) no more than 2 years have elapsed since such licensure;

''(III) marketing of such biosimilar biological product has not commenced; and

''(IV)(aa) there has been no public announcement of a patent litigation settlement or other agreement under which the biosimilar application sponsor has agreed not to market the biosimilar biological product; or

''(bb) there has been a publicly announced patent litigation settlement or other agreement that permits the biosimilar application sponsor to market the biosimilar biological product before February 1 of the year that is two years after the selected drug publication date of the selected drug; or

''(ii)(I) a biosimilar biological product application under section 351(k) of the Public Health Service Act has been accepted for filing under such section by the Food and Drug Administration;

''(II) the Food and Drug Administration has not issued a complete response letter with respect to such application;

''(III) the biosimilar application sponsor has not withdrawn such application; and

''(IV)(aa) there has been no public announcement of a patent litigation settlement or other agreement under which the biosimilar application sponsor has agreed not to market the biosimilar biological product; or

''(bb) there has been a publicly announced patent litigation settlement or other agreement that permits the biosimilar application sponsor to market the biosimilar biological product before February 1 of the year that is two years after the selected drug publication date of the selected drug.

''(C) TIMING.—The Secretary shall make and announce a determination under subparagraph (A) within 1 week of the selected drug publication date of the selected drug.

''(D) RECONSIDERATION.—

''(i) IN GENERAL.—The manufacturer of the selected drug or the manufacturer of a biosimilar biological product for which the selected drug is the reference product may submit to the Secretary a petition for reconsideration of a determination under subparagraph (A) within 1 week of such determination.

''(ii) RESPONSE BY SECRETARY.—The Secretary shall respond in writing to a petition for reconsideration submitted under clause (i) and, as appropriate, make and announce a different determination under subparagraph (A) within 1 week of the end of the period during which such a petition may be submitted under such clause.

''(E) TREATMENT.—For purposes of sections 1194 and 1195, a selected drug that is a biological product highly likely to be subject to biological competition shall be treated as if the initial price applicability year with respect to such drug were the initial price applicability year that is 2 years after the initial price applicability year with respect to such drug.

''(F) CLARIFICATION.—A selected drug that is a biological product highly likely to be subject to biological competition shall continue to be considered a selected drug under this part with respect to the number of negotiation-eligible drugs published on the list under section 1192(a) with respect to the initial price applicability year with respect to such drug.

''(G) DEFINITIONS.—In this paragraph:

''(i) BIOSIMILAR; BIOLOGICAL PRODUCT.—The terms 'biosimilar' and 'biological product' have the meaning given those terms in section 351(i) of the Public Health Service Act.

''(ii) BIOSIMILAR APPLICATION SPONSOR.—The term 'bosimilar application sponsor' means the person who submits an application for licensure under section 351(k) of the Public Health Service Act.

''(iii) PATENT LITIGATION SETTLEMENT.—The term 'patent litigation settlement' means an agreement reached between a patent owner and a biosimilar applicant to resolve a patent litigation dispute in whole or in part, reached either before or after court action begins.

''(H) REGULATIONS.—The Secretary shall promulgate regulations implementing this paragraph through notice and comment rulemaking, with a final rule published not later than the date that is 90 days before the selected drug publication date with respect to initial price applicability year 2026.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1191 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (b)—

(I) in paragraph (2), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in subsection (c)(7)), the year that is 2 years after the first initial price applicability year)'' after ''the first initial price applicability year'';

(II) in paragraph (3), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition, the date that is 2 years after the first initial price applicability year)'' before the period; and

(III) in paragraph (4)(A)—

(aa) in the matter preceding clause (i), by inserting '', subject to subsection (c)(7)(E)'' after ''an initial price applicability year with respect to a selected drug''; and

(bb) in clause (ii), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in subsection (c)(7)), February 28 of the year that is 2 years after the year of the selected drug publication date)'' after ''the selected drug publication date''; and

(ii) in subsection (d)—

(I) in paragraph (2), by inserting ''and by substituting '3 years' for '2 years' '' after ''such selected drug'';

(II) in paragraph (4), by inserting ''and by substituting '3 years' for '2 years' '' after ''such selected drug''.

(B) The flush matter at the end of section 1192 of the Social Security Act, as added by section 11001, is amended by inserting '', section 1191(c)(7)(E),'' after ''subsection (c)(2)''.

(C) Section 1193(a) of the Social Security Act, as added by section 11001, is amended—

(i) in the matter preceding paragraph (1), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)), February 28 of the year that is 2 years after the year of the selected drug publication date)'' after ''the selected drug publication date''; and

(ii) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and

subject to section 1191(c)(7)(E)'' after ''in accordance with section 1194''.

(D) Section 1194 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting '', and subject to section 1191(c)(7)(E),'' after ''For purposes of this part'';

(ii) in subsection (b)(2)—

(I) in subparagraph (A), by striking ''with respect to the selected drug'' and inserting ''with respect to such initial price applicability year''; and

(II) in subparagraph (B), by inserting ''with respect to such initial price applicability year,'' after ''the selected drug publication date,''.

(E) Section 1195 of the Social Security Act, as added by section 11001, is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''With respect to an initial price applicability year'' and inserting ''Subject to section 1191(c)(7)(E), with respect to an initial price applicability year''; and

(ii) in subsection (b)(2), by inserting ''(or, in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)), the date that is two years after the date of publication under this section)'' after ''the date of publication under this section''.

(F) Section 5000D(b) of the Internal Revenue Code of 1986, as added by section 11003(a), is amended—

(i) in paragraph (1), by inserting ''(except in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7) of the Social Security Act))'' after ''initial price applicability year 2026''; and

(ii) in paragraph (2), by inserting ''(except in the case of a biological product highly likely to be subject to biosimilar competition (as defined in section 1191(c)(7)) of the Social Security Act))'' after ''initial price applicability year 2026''.

(b) REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.—Section 10301(a)(1)(A)(i) of this Act is amended by striking subclause (II).

SA 5424. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 21001(a), strike paragraphs (1) through (4) and insert the following:

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A) $250,000,000 for fiscal year 2023;

(B) $1,750,000,000 for fiscal year 2024;

(C) $3,000,000,000 for fiscal year 2025; and

(D) $3,450,000,000 for fiscal year 2026;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 3839aa–21 through 3839aa–25)—

(A) $250,000,000 for fiscal year 2023;

(B) $500,000,000 for fiscal year 2024;

(C) $1,000,000,000 for fiscal year 2025; and

(D) $1,500,000,000 for fiscal year 2026;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the agricultural conservation easement program under subtitle H of title XII of that Act (16 U.S.C. 3865 through 3865d)—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $600,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle I of title XII of that Act (16 U.S.C. 3871 through 3871f)—

(A) $250,000,000 for fiscal year 2023;

(B) $800,000,000 for fiscal year 2024;

(C) $1,500,000,000 for fiscal year 2025; and

(D) $2,400,000,000 for fiscal year 2026.

SA 5425. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 50261 through 50263 and insert the following:

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(b) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(c) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

SA 5426. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I and insert the following:

PART 3—APPROPRIATIONS TO THE FEDERAL HOSPITAL INSURANCE TRUST FUND

SEC. 10301. FUNDING THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, to the Federal Hospital Insurance Trust Fund, $79,662,000,000.

SA 5427. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike subsection (b) of section 10301.

SA 5428. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used—

(1) to audit taxpayers with taxable incomes below $400,000,

(2) to target any taxpayer for political or ideological or religious beliefs, or

(3) for the construction or operation of any Internal Revenue Service business system designed to receive or process information on flows of deposits or withdrawals over any period of time in a taxpayer's private transaction account with a financial intermediary or payment processor or platform.

SA 5429. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraph (5) of section 10301(a).

SA 5430. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraph (3) of section 10301(a).

SA 5431. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5432. Mr. CRAPO submitted an amendment intended to be proposed to

amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 38, line 9 and 10, insert ''privacy protections against leaks of private, legally protected taxpayer data outside of the Internal Revenue Service, universal audit trails to track the utilization and access of private, legally protected taxpayer data by Internal Revenue Service personnel and by contractors and researchers,'' after ''taxpayer advocacy services,''.

SA 5433. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraphs (2) and (3) of section 10301(a) and insert the following:

(2) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $507,533,803, to remain available until September 30, 2031: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5434. Mr. DURBIN (for Mr. VAN HOLLEN) proposed an amendment to the resolution S. Res. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association; as follows:

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.

SA 5435. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, for necessary expenses relating to the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

SA 5436. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103.

SA 5437. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60111.

SA 5438. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title II, add at the end the following:

SEC. 20002. UNUSED ELECTRONIC BENEFITS.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (12) and inserting the following:

''(12) UNUSED ELECTRONIC BENEFITS.—

''(A) IN GENERAL.—If a household has not accessed electronic benefits from the account of the household for a period of not less than 3 months, a State agency shall—

''(i) revoke access to the account;

''(ii) store the account off-line; and

''(iii) revert any amount of electronic benefits remaining in the account to the Department of the Treasury.

''(B) NOTICE.—A State agency shall provide notice of revocation under subparagraph (A)(i) not later than 2 days before the date on which access to the account is revoked.

''(C) REINSTATEMENT.—If the access of a household has been revoked under clause (i) of subparagraph (A) and the account stored off-line under clause (ii) of that subparagraph, the household shall be required to reapply to the State agency for restoration of the account and benefits thereunder.''.

SA 5439. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In subtitle A of title II, add at the end the following:

SEC. 20002. PHOTOGRAPHIC IDENTIFICATION FOR EBT CARD USERS.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended—

(1) in paragraph (9), in the heading, by inserting ''ON EBT CARD'' after ''IDENTIFICATION'';

(2) by redesignating paragraph (10) as paragraph (15); and

(3) by inserting after paragraph (9) the following:

''(10) REQUIRED PHOTOGRAPHIC IDENTIFICATION.—A member of a household with an EBT card shall be required to show photographic identification at the point of sale when using the EBT card.''.

SA 5440. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) IN GENERAL.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act, and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable year 2020 has been eliminated.

(b) DEFINITIONS.—In this section—

(1) APPLICABLE EMPLOYEE.—The term ''applicable employee'' means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework, on a temporary or permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ''telework'' has the same meaning given such term under section 6501(3) of title 5, United States Code.

SA 5441. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002, strike paragraph (1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for natural disasters declared during the period beginning on January 1, 2020 and ending on December 31, 2021.

SA 5442. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I and insert the following:

PART 3—DEDUCTION FOR QUALIFIED BUSINESS INCOME

SEC. 10301. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5443. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) IN GENERAL.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act, and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that

the processing backlog with respect to income tax returns for taxable year 2020 has been eliminated.

(b) DEFINITIONS.—In this section—

(1) APPLICABLE EMPLOYEE.—The term ''applicable employee'' means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework, on a temporary or permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ''telework'' has the same meaning given such term under section 6501(3) of title 5, United States Code.

SA 5444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 381, strike line 20 and all that follows through page 385, line 20, and insert the following:

(c) DEFINITION OF NEW CLEAN VEHICLE.—Subsection (d) of section 30D is amended to read as follows:

''(d) NEW CLEAN VEHICLE.—For purposes of this section, the term 'new clean vehicle' means any vehicle that is cleaner than what the taxpayer owns.''.

SA 5445. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I and insert the following:

SEC. 1300__. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ''2025'' and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13900__. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2026'' and inserting ''January 1, 2031'', and

(2) by striking ''2025'' in the heading thereof and inserting ''2030''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026_____. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in paragraph (1), by striking ''50'' and inserting ''37.5''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''50'' and inserting ''62.5'';

(B) in subparagraph (A), by striking ''75'' and inserting ''80''; and

(C) in subparagraph (B), by striking ''25'' and inserting ''20''.

SA 5447. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in part 7 of subtitle A of title V, insert the following:

SEC. 5017__. PRICING PREFERENCE FOR DOMESTIC ENTITIES IN SALE OF DRAWDOWNS FROM STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—Section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4), (6), (8), (9), (10), and (11) as paragraphs (3), (5), (6), (7), (8), and (9), respectively;

(3) in each of paragraphs (3) through (9) (as so redesignated), by inserting a paragraph heading, the text of which comprises the term defined in the paragraph;

(4) by inserting after paragraph (3) (as so redesignated) the following:

''(4) QUALIFIED BIDDER.—The term 'qualified bidder' means an individual or entity that—

''(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 161; and

''(B) meets such criteria as the Secretary determines to be appropriate to participate in that sale.''; and

(5) by striking the section designation and heading and all that follows through ''(2) The term'' and inserting the following:

''SEC. 152. DEFINITIONS.

''In this part and part C:

''(1) DOMESTIC ENTITY.—The term 'domestic entity' means a commercial entity that, as determined by the Secretary—

''(A) is headquartered in the United States; and

''(B) purchases or sells petroleum products in the United States.

''(2) IMPORTER.—The term''.

(b) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) in subsection (a), by striking ''the provisions of'';

(2) in subsection (d)—

(A) by striking ''(d)(1) Drawdown'' and inserting the following:

''(b) PREREQUISITE PRESIDENTIAL FINDING.—

''(1) IN GENERAL.—A drawdown''; and

(B) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting the following:

''(2) FACTORS FOR DEEMED EXISTENCE.—For purposes''; and

(ii) by indenting subparagraphs (A) through (C) appropriately;

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

''(3) CANCELLATIONS.—The Secretary may cancel, in whole or in part, any offer to sell petroleum products as part of any drawdown and sale under this section.''; and

(B) by striking ''(e)(1) The Secretary'' and all that follows through the end of paragraph (1) and inserting the following:

''(c) PROCEDURE FOR SALES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve—

''(A) at public sale;

''(B) after providing public notice of each sale;

''(C) for such period as the Secretary considers to be appropriate; and

''(D) without regard to Federal, State, or local regulations relating to sales of petroleum products.

''(2) PRICING.—The Secretary shall—

''(A) establish the price for each sale of petroleum products withdrawn from the Reserve; and

''(B) sell the petroleum products to the qualified bidder offering the highest bid, subject to the condition that pricing preference shall be given to qualified bidders that are domestic entities, in accordance with subsection (d).'';

(4) by inserting after subsection (c) (as so redesignated) the following:

''(d) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in each sale under this section of petroleum products withdrawn from the Reserve, the Secretary shall provide to qualified bidders that are domestic entities a pricing preference in accordance with paragraph (2).

''(2) MECHANISM FOR ADJUSTMENT.—To provide pricing preference required by paragraph (1) in conducting a sale under this section the Secretary shall, in accordance with subsection (c)—

''(A) accept bids from all qualified bidders; but

''(B) in evaluating the accepted bids to identify the highest bidder, add to the bid price offered by each qualified bidder that is a domestic entity—

''(i) for a domestic entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), an amount equal to the product obtained by multiplying—

''(I) the amount of the bid price offered by that domestic entity; and

''(II) 15 percent; and

''(ii) for a domestic entity that is not a small business concern described in clause (i), an amount equal to the product obtained by multiplying—

''(I) the amount of the bid price offered by that domestic entity; and

''(II) 10 percent.

''(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

''(A) requires the Secretary to sell petroleum products withdrawn from the Reserve to a domestic entity if the highest bid received from a qualified bidder that is a domestic entity, as adjusted pursuant to paragraph (2), is lower than a bid received from a qualified bidder that is not a domestic entity; or

''(B) modifies, supercedes, or otherwise affects the application of, or any requirement under, subsection (h).'';

(5) in subsection (g)—

(A) by striking the subsection designation and all that follows through ''Such a'' in the third sentence of paragraph (1) and inserting the following:

''(e) EVALUATION; TEST DRAWDOWNS.—

''(1) EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures under this section, including the application of the pricing preference for domestic entities under subsection (d).

''(2) TEST DRAWDOWNS.—In conducting an evaluation under paragraph (1), the Secretary may carry out a test drawdown and sale or exchange of petroleum products from the Reserve, subject to the condition that such a'';

(B) in paragraph (4), by inserting '', subject to the condition that pricing preference may be provided to domestic entities in accordance with subsection (d), as the Secretary

determines to be appropriate'' before the period at the end; and

(C) by indenting paragraph (6) appropriately;

(6) in subsection (h)(1)—

(A) by striking the undesignated matter following subparagraph (D);

(B) by striking ''(h)(1) If'' and inserting the following:

''(f) PRESIDENTIAL FINDING ON SHORTAGES.—

''(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve if'';

(C) in subparagraph (A), by striking ''subsection (d)'' and inserting ''subsection (b)'';

(D) by indenting subparagraphs (A) and (B) appropriately; and

(E) in subparagraph (D), by striking the comma at the end and inserting a period;

(7) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively; and

(8) in paragraph (2) of subsection (h) (as so redesignated), in the paragraph heading, by striking ''IN GENERAL'' and inserting ''STATE OF HAWAI'I''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234) is amended—

(A) by striking subsection (f) and inserting the following:

''(c) DRAWDOWN AND DISTRIBUTION.—

''(1) IN GENERAL.—The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only in accordance with section 161.

''(2) PROHIBITION.—A drawdown and distribution of petroleum products for purposes other than the objectives described in section 160(b) shall be prohibited.

''(3) REQUEST OF FUNDS.—

''(A) IN GENERAL.—In the annual budget submission of the Secretary, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve.

''(B) NO REQUEST.—If no request for funds is submitted under subparagraph (A) for a fiscal year, the Secretary shall provide a written explanation of the reasons why no request was submitted.'';

(B) in subsection (b), by striking ''(b) The Secretary'' and inserting the following:

''(b) AUTHORITY OF SECRETARY.—The Secretary''; and

(C) by striking the section designation and heading and all that follows through ''shall be created'' in subsection (a) and inserting the following:

''SEC. 154. STRATEGIC PETROLEUM RESERVE.

''(a) ESTABLISHMENT.—A Strategic Petroleum Reserve for the storage of up to 1,000,000,000 barrels of petroleum products shall be established''.

(2) Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''following objectives:'' and inserting ''objectives of—''; and

(II) by striking ''(b) The Secretary shall, to the greatest'' and inserting the following:

''(b) OBJECTIVES FOR ACQUISITIONS.—The Secretary shall, to the maximum'';

(ii) by inserting after paragraph (1) the following:

''(2) support of domestic entities by providing pricing preference in accordance with section 161(d);''; and

(iii) by indenting paragraphs (1), (3), (4), and (5) appropriately;

(B) in subsection (f)—

(i) by striking ''the Reserve and may sell'' and inserting the following: ''the Reserve; and

''(2) subject to section 161(d), may sell'';

(ii) by striking ''the Secretary may suspend'' and inserting the following: ''the Secretary—

''(1) may suspend''; and

(iii) by striking ''(f) If the'' and inserting the following:

''(d) IMMINENT SEVERE ENERGY SUPPLY INTERRUPTIONS.—If the'';

(C) in subsection (h)—

(i) in paragraph (2)—

(I) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(II) in the matter preceding clause (i) (as so redesignated), in the second sentence, by striking ''The price paid by the Secretary— '' and inserting the following:

''(B) PRICE.—The price paid by the Secretary for an acquisition pursuant to this subsection—''; and

(III) by striking ''(2) Crude oil'' and inserting the following:

''(2) PRICING FOR ACQUISITIONS.—

''(A) COMPETITIVE BID.—Crude oil'';

(ii) in paragraph (1), by striking the second sentence and inserting the following:

''(B) TERMS AND CONDITIONS.—Subject to paragraph (2), the Secretary may establish such terms and conditions for an acquisition pursuant to this subsection as the Secretary determines to be necessary.''; and

(iii) by striking ''(h)(1) If'' and inserting the following:

''(e) DECLINES IN DOMESTIC OIL PRODUCTION.—

''(1) DIRECTED ACQUISITIONS.—

''(A) IN GENERAL.—If''; and

(D) by striking the section designation and heading and all that follows through ''(a) The Secretary'' and inserting the following:

''SEC. 160. PETROLEUM PRODUCTS FOR STORAGE IN THE RESERVE.

''(a) AUTHORITY OF SECRETARY.—The Secretary''.

(3) Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking ''subsection (g) of such section'' and inserting ''subsection (e) of that section''; and

(II) by striking ''section 160(f)'' and inserting ''section 160(d)'';

(ii) by redesignating paragraphs (2) and (3) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(iii) in the undesignated matter following subparagraph (B) (as so redesignated), by striking ''Funds'' and inserting the following:

''(2) AVAILABILITY.—Funds''; and

(iv) by striking ''(b) Amounts'' and inserting the following:

''(b) OBLIGATION OF AMOUNTS.—

''(1) IN GENERAL.—Amounts''; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking ''subsection (g) of such section'' and inserting ''subsection (e) of that section''; and

(ii) by striking ''section 160(f)'' and inserting ''section 160(d)''.

(4) Section 168(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247a(a)) is amended, in the first sentence, by striking ''product owned'' and inserting ''products owned''.

(5) The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to the second part D of title I (relating to expiration) and the second section 181 (relating to expiration).

SA 5448. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 426, strike lines 3 and 4 and insert the following:

(B) in clause (i), by striking ''the sun'' and inserting ''natural gas or liquid natural gas, the sun, water'',

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SA 5449. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—COMMITTEE ON THE JUDICIARY

SEC. ____0001. TASK FORCE TO REFORM THE BUREAU OF PRISONS INMATE TRUST FUND ACCOUNTS.

The Attorney General shall establish a task force to reform the handling of funds of Federal prisoners held in trust by the Bureau of Prisons and commissary funds of Federal prisoners.

SA 5450. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Section 1605B of title 28, United States Code, is amended by adding at the end the following:

''(e) COMPUTER INTRUSIONS BY A FOREIGN STATE.—A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

''(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.

''(2) Unauthorized access to confidential, electronic stored information located in the United States.

''(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.

''(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).

''(5) The provision of material support or resources for any activity described in paragraph (1), (2), (3), or (4), including by an official, employee, or agent of such foreign state.''.

(b) APPLICATION.—This section and the amendment made by this section shall apply to any action pending on, or filed on or after, the date of the enactment of this Act.

SA 5451. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FORFEITING NONPROFIT TAX EXEMPT STATUS FOR PROVIDING FINANCIAL ASSISTANCE TO ALIENS WHO UNLAWFULLY ENTER THE UNITED STATES.

Any nonprofit organization that knowingly provides financial assistance to aliens who unlawfully entered the United States may not receive any tax-related benefit available to organizations described in section 503(c)(3) of the Internal Revenue Code.

SA 5452. Mr. MORAN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 30002(a)(1) and insert the following:

(1) $837,500,000, to remain available until September 30, 2028, for the cost of providing direct loans, and for grants, as provided for in subsection (b), including to subsidize gross obligations for the principal amount of direct loans, not to exceed $4,000,000,000, to fund projects that improve security, prevent crime, and increase resident safety;

SA 5453. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IX—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SEC. 90001. FUNDING FOR PROVIDERS RELATING TO COVID–19.

(a) EQUITY FOR PROVIDERS SERVING VULNERABLE POPULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall distribute not less than 75 percent of any unobligated funds in the Provider Relief Fund, including any unobligated funds returned by or recouped from recipients of past distributions from such Fund, to assisted living facilities.

(2) ELIGIBLE RURAL PROVIDERS.—Of the amount distributed under paragraph (1), not less than 20 percent shall be distributed to assisted living facilities that are eligible rural providers.

(b) LIMITATIONS.—Payments made to an assisted living facility under this section may not be used to reimburse any expense or loss that—

(1) has been reimbursed from another source; or

(2) another source is obligated to reimburse.

(c) DEFINITIONS.—In this section:

(1) ASSISTED LIVING FACILITY.—The term ''assisted living facility'' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

(2) ELIGIBLE RURAL PROVIDER.—The term ''eligible rural provider'' means—

(A) an eligible health care provider as defined in section 1150C(e)(1) of the Social Security Act (42 U.S.C. 1320b–26(e)(1)); or

(B) an assisted living facility that provides services to individuals whose place of residence immediately prior to the individual relocating and establishing residence with the assisted living facility was located in a rural area, as defined by the Federal Office of Rural Health Policy in accordance with the ''Response to Comments on Revised Geographic Eligibility for Federal Office of Rural Health Policy Grants'' promulgated by the Health Resources and Services Administration on January 12, 2021 (86 Fed. Reg. 2418).

(3) PAYMENT.—The term ''payment'' includes, as determined appropriate by the Secretary, a pre-payment, a prospective payment, a retrospective payment, or a payment through a grant or other mechanism.

SA 5454. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (2); and

(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (3).

(2) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt—

(i) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(ii) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) ZERO ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(B) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this subsection.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available under this subsection, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this subsection.

(b) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize outstanding permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5455. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 468, strike lines 15 through 19 and insert the following:

''(I) in connection with a qualified facility which—

''(aa) in the case of a qualified facility which is a hydroelectric facility and exclusively serves communities which are not interconnected to the United States continental grid, has a maximum net output of not greater than 20 megawatts (as measured in alternating current), or

''(bb) in the case of a qualified facility which is not described in item (aa), has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

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SA 5456. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 60105, strike subsection (d) and insert the following:

(d) TARGETED AIRSHED GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for targeted airshed grants in accordance with paragraph (6) of the matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1513), for the purpose of replacing woodstoves and wood fireplaces with cleaner home heating devices, and other related activities.

SA 5457. Ms. MURKOWSKI (for herself, Mr. DAINES, Mr. RISCH, and Mr.

SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23001(a), strike paragraph (4) and insert the following:

(4) $50,000,000 to carry out good neighbor agreements under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) on National Forest System land.

SA 5458. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50223 and insert the following:

SEC. 50223. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT CULTURAL ASSET PROTECTION AND WILDFIRE RESILIENCE AND MITIGATION ACTIVITIES.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct activities to protect cultural assets and natural resources from degradation as a result of vandalism and trespassing on Federal land along the international border between the United States and Mexico; and

(2) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct wildfire resilience and mitigation activities, including hazardous fuels reduction activities and wildfire prevention treatments.

(b) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

SA 5459. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 13903. NONPROFIT COMMUNITY DEVELOPMENT ACTIVITIES IN REMOTE NATIVE VILLAGES.

(a) IN GENERAL.—For purposes of subchapter F of chapter 1 of the Internal Revenue Code of 1986, any activity substantially related to participation and investment in fisheries in the Bering Sea and Aleutian Islands statistical and reporting areas (as described in Figure 1 of section 679 of title 50, Code of Federal Regulations) carried on by an entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) (as in effect on the date of enactment of this section) shall be considered substantially related to the exercise or performance of the purpose constituting the basis of such entity's exemption under section 501(a) of such Code if the conduct of such activity is in furtherance of 1 or more of the purposes specified in section 305(i)(1)(A) of such Act. For purposes of this paragraph, activities substantially related to participation or investment in fisheries include the harvesting, processing, transportation, sales, and marketing of fish and fish products of the Bering Sea and Aleutian Islands statistical and reporting areas.

(b) APPLICATION TO CERTAIN WHOLLY OWNED SUBSIDIARIES.—If the assets of a trade or business relating to an activity described in subsection (a) of any subsidiary wholly owned by an entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D)) are transferred to such entity (including in liquidation of such subsidiary) not later than 18 months after the date of the enactment of this Act—

(1) no gain or income resulting from such transfer shall be recognized to either such subsidiary or such entity under such Code, and

(2) all income derived from such subsidiary from such transferred trade or business shall be exempt from taxation under such Code.

(c) EFFECTIVE DATE.—This section shall be effective during the existence of the western Alaska community development quota program established by Section 305(i)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)), as amended.

SA 5460. Ms. MURKOWSKI (for herself, Mr. DAINES, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23003(a), strike paragraph (1) and insert the following:

(1) $700,000,000 to carry out good neighbor agreements under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) on National Forest System land; and

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SA 5461. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 80003 and 80004 and insert the following:

SEC. 80003. TRIBAL ELECTRIFICATION PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems;

(2) transitioning electrified Tribal homes to zero-emissions energy systems; and

(3) associated home repairs and retrofitting necessary to install the zero-emissions energy systems authorized under paragraphs (1) and (2).

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(d) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(e) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a self-governance compact entered into pursuant to section 404(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) EMERGENCY DROUGHT RELIEF.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 80005. TRIBAL PUBLIC SAFETY.

(a) PUBLIC SAFETY AND JUSTICE.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $25,500,000, to remain available until September 30, 2031, for public safety and justice programs.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by those Tribal governments that participate in the ''Small and Needy'' program.

(d) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or a self-governance compact entered into pursuant to section 404(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5364(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325); and

(3) shall only be used for the purposes identified under the applicable subsection.

SA 5462. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 80004 and insert the following:

SEC. 80004. FEDERAL INDIAN BOARDING SCHOOL INITIATIVE.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, to carry out the Federal Indian Boarding School Initiative of the Department of the Interior.

SA 5463. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and insert the following:

SEC. 60103. NUCLEAR REGULATORY COMMISSION.

In addition to amounts otherwise available, there are appropriated to the Nuclear Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $200,000,000 for expenses necessary for the Nuclear Regulatory Commission to carry out activities relating to the review and approval or disapproval of an application for an early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)); and

(2) $30,000,000 for expenses necessary for the Nuclear Regulatory Commission to conduct environmental reviews that—

(A) are for a subsequent license renewal (commonly referred to as an ''SLR'');

(B) begin after February 24, 2022; and

(C) are carried out in accordance with parts 51 and 54 of title 10, Code of Federal Regulations (or successor regulations).

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. ENSURING ACCESS FOR MEDICARE BENEFICIARIES TO ORAL CANCER DRUGS.

Sec. 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

''(D) ORAL CANCER DRUGS.—A drug used to treat oral cancer.''.

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FUNDING FOR CHARTER SCHOOL PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $440,000,000, to remain available through September 30, 2031, for the charter school program under part C of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.).

SA 5466. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALLOWING COMMITTEES OF JURISDICTION ACCESS TO INFORMATION SUBMITTED BY PHARMACY BENEFIT MANAGERS FOR LEGISLATIVE PURPOSES.

(a) IN GENERAL.—Section 1150A(c) of the Social Security Act (42 U.S.C. 1320b–23(c)) is amended by adding at the end the following new paragraph:

''(5) To the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, for the purposes of providing congressional oversight and legislative recommendations with respect to the Medicare prescription drug program under part D of title XVIII.''.

(b) FUNDING.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $900,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this section.

(2) OFFSETTING REDUCTION IN FUNDING FOR DRUG PRICE NEGOTIATION.—Section 11004 is amended by striking ''$3,000,000,000'' and inserting ''$2,999,000,000''.

SA 5467. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11004 and insert the following:

SEC. 11004. FUNDING.

In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $1,725,000,000 for fiscal year 2022, to remain available until expended, to carry out the provisions of, including the amendments made by, this part (other than section 11005).

SEC. 11005. PROTECTING MEDICARE BENEFICIARIES' ACCESS TO HEALTH CARE PROVIDERS.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)(2)(B)(iv)(V), by striking ''or 2022'' and inserting '', 2022, or 2023''; and

(2) in subsection (t)—

(A) in the subsection heading, by striking ''AND 2022'' and inserting '', 2022, AND 2023'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''and 2022'' and inserting '', 2022, and 2023'';

(ii) in subparagraph (A), by striking ''and'' at then end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) such services furnished on or after January 1, 2023, and before January 1, 2024, by 1.0 percent.''; and

(C) in paragraph (2)(C)—

(i) in the subparagraph heading, by striking ''AND 2022'' and inserting '', 2022, AND 2023''; and

(ii) by striking ''or 2022'' each place it appears and inserting '', 2022, or 2023''.

SA 5468. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title II, insert the following:

SEC. 23_____. ANNUAL TIMBER REVENUE RECEIPTS.

The Secretary shall administer the National Forest System in a manner necessary to attain annual timber receipts commensurate with not less than 75 percent of the allowable sale quantity described in section 13 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1611) and administratively established under each applicable most recently adopted land and management resource plan.

SA 5469. Ms. HASSAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

Strike part 6 of subtitle D of title I.

SA 5470. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 70002 and insert the following:

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code—

(1) $1,290,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles with respect to which the requirements described in paragraphs (1), (2)(A), and (3)(A) of subsection (b) are satisfied; and

(2) $1,710,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

(b) REQUIREMENTS.—

(1) FINAL ASSEMBLY REQUIREMENT.—The requirement described in this paragraph is that final assembly of the vehicle occurs in North America.

(2) CRITICAL MINERALS REQUIREMENT.—

(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6) of the Internal Revenue Code of 1986, as added by section 13502(a) of this Act) contained in such battery that were—

(i) extracted or processed in the United States;

(ii) extracted or processed in any country with which the United States has a free trade agreement in effect; or

(iii) recycled in North America,

is equal to or greater than the applicable percentage.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

(i) in the case of a vehicle placed in service before January 1, 2024, 40 percent;

(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent;

(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent;

(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent; and

(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

(3) BATTERY COMPONENT REQUIREMENT.—

(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is equal to or greater than the applicable percentage.

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

(i) in the case of a vehicle placed in service before January 1, 2024, 50 percent;

(ii) in the case of a vehicle placed in service during calendar year 2024 or 2025, 60 percent;

(iii) in the case of a vehicle placed in service during calendar year 2026, 70 percent;

(iv) in the case of a vehicle placed in service during calendar year 2027, 80 percent;

(v) in the case of a vehicle placed in service during calendar year 2029, 90 percent; and

(vi) in the case of a vehicle placed in service after December 31, 2028, 100 percent.

SA 5471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 40008. SPECTRUM AUCTION.

(a) IDENTIFICATION.—Not later than 21 months after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Federal Communications Commission (referred to in this section as the ''Commission'') shall submit to the President, the Commission, and the relevant congressional committees (as defined in section 90008(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note; Public Law 117–58)) a report that identifies 350 megahertz of electromagnetic spectrum between the frequencies of 3100 megahertz and 3450 megahertz, inclusive, to be reallocated by the Commission through a system of competitive bidding under subsection (b) for non-Federal use or shared Federal and non-Federal use, or a combination thereof.

(b) REALLOCATION OF SPECTRUM THROUGH AUCTION.—

(1) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission shall—

(A) notwithstanding paragraph (11) or (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in coordination with the Assistant Secretary of Commerce for Communications and Information, conduct a system of competitive bidding under that section to award licenses for non-Federal use or shared Federal and non-Federal use, or a combination thereof, of the band or bands of electromagnetic spectrum identified under subsection (a); and

(B) promulgate rules for the use of spectrum reallocated under subparagraph (A).

(2) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(3) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''section 90008(b)(2)(A)(ii) of the Infrastructure Investment and Jobs Act'' and inserting ''section 40008(a) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ''.

(c) USE OF AUCTION PROCEEDS.—Notwithstanding subparagraphs (A), (C)(i), and (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), and except as provided in subparagraph (B) of that paragraph, the proceeds (including deposits and upfront payments from successful bidders) of competitive bidding under subsection (b) of this section (in this subsection referred to as ''covered proceeds'') shall be deposited or available as follows:

(1) Such amount of the covered proceeds as is necessary to cover 110 percent of the relocation or sharing costs of Federal entities relocated from or sharing the frequencies identified under subsection (a) shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) After the amount required to be deposited by paragraph (1) of this subsection is so deposited, the Commission shall use such amounts as are necessary to reimburse the general fund of the Treasury for any amounts borrowed under section (d) of this section; and

(3) After compliance with paragraphs (1) and (2) of this subsection, the Commission shall deposit all remaining amounts in the general fund of the Treasury for the sole purpose of deficit reduction.

(d) FCC BORROWING AUTHORITY.—The Commission may borrow from the Treasury of the United States an amount not to exceed $3,700,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), notwithstanding the limitation on expenditures under section 4(k) of that Act (47 U.S.C. 1603(k)) and provided that the Commission shall not use any funds borrowed under this subsection in a manner that may result in outlays on or after September 30, 2031.

(e) RELATION TO SPECTRUM AUCTION UNDER INFRASTRUCTURE INVESTMENT AND JOBS ACT.—Paragraphs (2), (3), and (4) of section 90008(b) of the Infrastructure Investment and Jobs Act (47 U.S.C. 921 note; Public Law 117–58) are repealed.

SA 5472. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13904. REMOVAL OF HARMFUL SMALL BUSINESS TAXES; EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES.—Subparagraph (D) of section 59(k)(1), as added by section 10101, is amended to read as follows:

''(D) SPECIAL RULES FOR DETERMINING APPLICABLE CORPORATION STATUS.—Solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under subsection (a) or (b) of section 52 shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c).''.

(b) EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6) is amended—

(A) in the heading, by striking ''2025'' and inserting ''2026'', and

(B) by striking ''2026'' and inserting ''2027''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

SA 5473. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 736, line 15, insert '': *Provided*, That none of the funds made available under this paragraph may be used to replace a vehicle that has been driven for less than 100,000 miles'' before the period.

SA 5474. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. FLOOR FOR MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1194 the Social Security Act, as added by section 11001, is amended—

(1) in subsection (b)(2)(F)(ii), by inserting ''or (h)'' after ''subsection (d)''; and

(2) by adding at the end the following new subsection:

''(h) FLOOR FOR MAXIMUM FAIR PRICE.—

''(1) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug (other than a small biotech drug described in subsection (d) for 2029 and 2030), with respect to the first year of the price applicability period with respect to such drug,

may not be less than the applicable percent of the lower of—

''(A) the amount under subsection (c)(1)(B), as applicable; or

''(B) the amount under subsection (c)(1)(C), as applicable.

''(2) APPLICABLE PERCENT.—In paragraph (1), the term 'applicable percent' means—

''(A) in the case of a short monopoly drug (as described in subparagraph (c)(3)(A)), 65 percent;

''(B) in the case of an extended-monopoly drug (as defined in subsection (c)(4)), 55 percent; and

''(C) in the case of a long-monopoly drug (as defined in subsection (c)(5), 30 percent.''.

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Striking the Continued Delay of Prescription Drug Rebate Rule

SEC. 14001. STRIKING CONTINUED DELAY OF IMPLEMENTATION OF PRESCRIPTION DRUG REBATE RULE.

(a) IN GENERAL.—Subtitle B of title I is amended by striking part 4.

(b) OFFSETTING REDUCTIONS IN FUNDING.—

(1) Section 10301(a)(1) of this Act is amended by striking paragraph (1).

(2) Title III of this Act is amended by striking section 30001.

(3) Title V of this Act is amended—

(A) by striking 50121; and

(B) by striking section 50144.

(4) Title VI of this Act is amended—

(A) by striking section 60103;

(B) by striking section 60113; and

(C) by striking section 60114.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2022'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2022''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5477. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2023'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2023''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ________. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking ''2021'' and inserting ''2025'', and

(2) in subsection (e), by striking ''2021'' and inserting ''2025''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5479. Mr. CRAPO (for himself, Mr. MARSHALL, Mr. DAINES, Mr. TILLIS, Mr. BURR, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike parts 1 through 4 of subtitle B of title I and insert the following:

PART 1—MEDICARE AND MEDICAID PROVISIONS

Subpart A—Medicare Part B Provisions

SEC. 11001. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center under this title''; and

(iii) by inserting ''(or 2023 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2023, the Secretary shall expand the information included on the internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 11002. PROVIDING FOR VARIATION IN PAYMENT FOR CERTAIN DRUGS COVERED UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting after ''or 106 percent'' the following: ''(or, for a multiple source drug (other than autologous cellular immunotherapy) furnished on or after January 1, 2023, the applicable percent specified in paragraph (9)(A) for the drug and quarter involved)''; and

(B) in subparagraph (B) of paragraph (1), by inserting after ''106 percent'' the following: ''(or, for a single source drug or biological (other than autologous cellular immunotherapy) furnished on or after January 1, 2023, the applicable percent specified in paragraph (9)(A) for the drug or biological and quarter involved)''; and

(2) by adding at the end the following new paragraph:

''(9) APPLICATION OF VARIABLE PERCENTAGES BASED ON PERCENTILE RANKING OF PER BENEFICIARY ALLOWED CHARGES.—

''(A) APPLICABLE PERCENT TO BE APPLIED.—

''(i) IN GENERAL.—Subject to clause (ii), with respect to a drug or biological furnished in a calendar quarter beginning on or after January 1, 2023, if the Secretary determines that the percentile rank of a drug or biological under subparagraph (B)(i)(III), with respect to per beneficiary allowed charges for all such drugs or biologicals, is—

''(I) at least equal to the 85th percentile, the applicable percent for the drug for such quarter under this subparagraph is 104 percent;

''(II) at least equal to the 70th percentile, but less than the 85th percentile, such applicable percent is 106 percent;

''(III) at least equal to the 50th percentile, but less than the 70th percentile, such applicable percent is 108 percent; or

''(IV) less than the 50th percentile, such applicable percent is 110 percent.

''(ii) CASES WHERE DATA NOT SUFFICIENTLY AVAILABLE TO COMPUTE PER BENEFICIARY ALLOWED CHARGES.—Subject to clause (iii), in the case of a drug or biological furnished for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1) and not under subsection (c)(4), for calendar quarters during a period in which data are not sufficiently available to compute a per beneficiary allowed charges for the drug or biological, the applicable percent is 106 percent.

''(B) DETERMINATION OF PERCENTILE RANK OF PER BENEFICIARY ALLOWED CHARGES OF DRUGS.—

''(i) IN GENERAL.—With respect to a calendar quarter beginning on or after January 1, 2023, for drugs and biologicals for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1), except for drugs or biologicals for which data are not sufficiently available, the Secretary shall—

''(I) compute the per beneficiary allowed charges (as defined in subparagraph (C)) for each such drug or biological;

''(II) adjust such per beneficiary allowed charges for the quarter, to the extent provided under subparagraph (D); and

''(III) arrange such adjusted per beneficiary allowed charges for all such drugs or biologicals from high to low and rank such drugs or biologicals by percentile of such per beneficiary allowed charges.

''(ii) FREQUENCY.—The Secretary shall make the computations under clause (i)(I) every 6 months (or, if necessary, as determined by the Secretary, every 9 or 12 months) and such computations shall apply

to succeeding calendar quarters until a new computation has been made.

''(iii) APPLICABLE DATA PERIOD.—For purposes of this paragraph, the term 'applicable data period' means the most recent period for which the data necessary for making the computations under clause (i) are available, as determined by the Secretary.

''(C) PER BENEFICIARY ALLOWED CHARGES DEFINED.—In this paragraph, the term 'per beneficiary allowed charges' means, with respect to a drug or biological for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1)—

''(i) the allowed charges for the drug or biological for which payment is so made for the applicable data period, as estimated by the Secretary; divided by

''(ii) the number of individuals for whom any payment for the drug or biological was made under paragraph (1) for the applicable data period, as estimated by the Secretary.

''(D) ADJUSTMENT TO REFLECT CHANGES IN AVERAGE SALES PRICE.—In applying this paragraph for a particular calendar quarter, the Secretary shall adjust the per beneficiary allowed charges for a drug or biological by multiplying such per beneficiary allowed charges under subparagraph (C) for the applicable data period by the ratio of—

''(i) the average sales price for the drug or biological for the most recent calendar quarter used under subsection (c)(5)(B); to

''(ii) the average sales price for the drug or biological for the calendar quarter (or the weighted average for the quarters involved) included in the applicable data period.''.

(b) APPLICATION OF JUDICIAL REVIEW PROVISIONS.—Section 1847A(i) of the Social Security Act (42 U.S.C. 1395w–3a(i)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) the determination of per beneficiary allowed charges of drugs or biologicals and ranking of such charges under subsection (b)(9).''.

SEC. 11003. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11002, is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (10)''; and

(B) by adding at the end the following new paragraph:

''(10) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2023, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for the applicable percent (as defined in paragraph (9)) for such drug.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for the applicable percent (as defined in paragraph (9)) for such drug or biological.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) with respect to a drug or biological (other than autologous or allogeneic cellular immunotherapy)—

''(I) for each of 2023 through 2030, $1,000; and

''(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year; or

''(ii) with respect to a drug or biological consisting of autologous or allogeneic cellular immunotherapy—

''(I) for each of 2023 through 2030, $2,000; and

''(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(10), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2023, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(10) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2023, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 11004. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2023, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 11005. CREDIT UNDER THE MEDICARE MERIT-BASED INCENTIVE PAYMENT SYSTEM FOR COMPLETION OF A CLINICAL MEDICAL EDUCATION PROGRAM ON BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1848(q)(5)(C) of the Social Security Act (42 U.S.C. 1395w–4(q)(5)(C)) is amended by adding at the end the following new clause:

''(iv) CLINICAL MEDICAL EDUCATION PROGRAM ON BIOSIMILAR BIOLOGICAL PRODUCTS.—Completion of a clinical medical education program developed or improved under section 352A(b) of the Public Health Service Act by a MIPS eligible professional during a performance period shall earn such eligible professional one-half of the highest potential score for the performance category described in paragraph (2)(A)(iii) for such performance period. A MIPS eligible professional may only count the completion of such a program for purposes of such category one time during the eligible professional's lifetime.''.

SEC. 11006. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less than 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

Subpart B—Medicare Part D Provisions

SEC. 11011. MEDICARE PART D BENEFIT REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''for a year preceding 2023 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2023 and each subsequent year'' after ''paragraph (3)'';

(ii) in clause (i), by inserting after ''25 percent'' the following: ''(or, for 2023 and each subsequent year, 15 percent)''; and

(iii) in clause (ii), by inserting ''(or, for 2023 and each subsequent year, 15 percent)'' after ''25 percent'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2023,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting ''2021, and 2022''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2023,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2018 through 2022''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2022'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2023,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2022''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2023, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2023 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2022 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for 2021 and 2022''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2023, is equal to $3,100; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and for a year preceding 2023 for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of 2011 through 2022, in applying''.

(b) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b)(1) of the Social Security Act (42 U.S.C. 1395w–115(b)(1)) is amended—

(1) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2023, 80 percent'';

(2) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) for 2023 and each subsequent year, the sum of—

''(i) an amount equal to 20 percent of the allowable reinsurance costs (as specified in paragraph (2)) attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to applicable drugs (as defined in section 1860D–14B(g)(2)); and

''(ii) an amount equal to 30 percent of the allowable reinsurance costs (as specified in paragraph (2)) attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to covered part D drugs that are not applicable drugs (as so defined).''.

(c) MANUFACTURER DISCOUNT PROGRAM.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1495w–114) the following new section:

''SEC. 1860D–14B. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2024, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2023.

''(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—The discounted prices described in subparagraph (A) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date

to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect on a date determined appropriate by the Secretary, which may be at the start of a calendar quarter.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

''(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(D) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify; and

''(E) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with one or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in.

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan; and

''(C) has incurred costs for covered part D drugs in the year that are equal to or exceed the annual deductible specified in section 1860D–2(b)(1) for such year.

''(2) APPLICABLE DRUG.—The term 'applicable drug' means, with respect to an applicable beneficiary, a covered part D drug—

''(A) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (including a product licensed under subsection (k) of such section); and

''(B)(i) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(iii) is provided through an exception or appeal.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means, with respect to an applicable drug of a manufacturer furnished during a year to an applicable beneficiary, 90 percent of the negotiated price of such drug.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

''(C) SPECIAL CASE FOR CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall at or above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls at or above such annual deductible.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 1860D–2(d)(1)(B), except that such negotiated price shall not include any dispensing fee for an applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 11860D–22(a)(2).''.

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to subsection (h), the Secretary''; and

(B) by adding at the end the following new subsection:

''(h) SUNSET OF PROGRAM.—

''(1) IN GENERAL.—The program shall not apply to applicable drugs dispensed on or after January 1, 2023, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

''(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply after January 1, 2023, with respect to applicable drugs dispensed prior to such date.''.

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking ''assumptions regarding the reinsurance'' and inserting ''assumptions regarding—

''(I) the reinsurance''; and

(ii) by adding at the end the following:

''(II) for 2023 and each subsequent year, the manufacturer discounts provided under section 1860D– 14B subtracted from the actuarial value to produce such bid; and''; and

(B) in subsection (c)(1)(C)—

(i) by striking ''an actuarial valuation of the reinsurance'' and inserting ''an actuarial valuation of—

''(i) the reinsurance'';

(ii) in clause (i), as added by clause (i) of this subparagraph, by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(ii) for 2023 and each subsequent year, the manufacturer discounts provided under section 1860D–14B;''.

(4) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS FROM TROOP.—Section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)) is amended—

(A) in subparagraph (C), by inserting ''and subject to subparagraph (F)'' after ''subparagraph (E)''; and

(B) by adding at the end the following new subparagraph:

''(F) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS.—In applying subparagraph (A), incurred costs shall not include any manufacturer discounts provided under section 1860D–14B.''.

(d) DETERMINATION OF ALLOWABLE REINSURANCE COSTS.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''COSTS.—For purposes'' and inserting ''COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes''; and

(B) by adding at the end the following new subparagraph:

''(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14B(g)(6)) of an applicable drug (as defined in section 1860D–14(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14B.''; and

(2) in paragraph (3)—

(A) in the first sentence, by striking ''For purposes'' and inserting ''Subject to paragraph (2)(B), for purposes''; and

(B) in the second sentence, by inserting ''or, in the case of an applicable drug, by a manufacturer'' after ''by the individual or under the plan''.

(e) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—Section 1860D–15(c) of the Social Security Act (42 U.S.C. 1395w–115(c)) is amended by adding at the end the following new paragraph:

''(3) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—The Secretary shall update the risk adjustment model used to adjust bid amounts pursuant to this subsection as appropriate to take into account changes in benefits under this part pursuant to the amendments made by section 121 of the Lower Costs, More Cures Act of 2019.''.

(f) CONDITIONS FOR COVERAGE OF DRUGS UNDER THIS PART.—Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) participate in the manufacturer discount program under section 1860D–14B;

''(5) have entered into and have in effect an agreement described in subsection (b) of such section 1860D–14B with the Secretary; and

''(6) have entered into and have in effect, under terms and conditions specified by the Secretary, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of such section 1860D–14B.'';

(2) by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATE.—Paragraphs (1) through (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2023, and paragraphs (4) through (6) of such subsection shall apply to covered part D drugs dispensed on or after January 1, 2023.''; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the Secretary determines that in the period beginning on January 1, 2011, and ending on December 31, 2011 (with respect to paragraphs (1) through (3) of subsection (a)), or the period beginning on January 1, 2023, and ending December 31, 2023 (with respect to paragraphs (4) through (6) of such subsection), there were extenuating circumstances.''.

(g) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking '', or an increase in the initial'' and inserting ''or for a year preceding 2023 an increase in the initial'';

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2023 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2023 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or for a year preceding 2023, an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2023, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2023, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2023, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2023, the continuation''; and

(ii) in subparagraph (E)—

(I) by inserting ''for a year preceding 2023,'' after ''subsection (c)''; and

(II) by striking ''1860D– 2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(4)(B)(i)'' and inserting ''section 1860D–2(b)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2023, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2023 and each subsequent year, any discount provided pursuant to section 1860D–14B.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2023'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year 2023 and subsequent plan years.

SEC. 11012. ALLOWING THE OFFERING OF ADDITIONAL PRESCRIPTION DRUG PLANS UNDER MEDICARE PART D.

(a) RESCINDING AND ISSUANCE OF NEW GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall—

(1) rescind sections of any sub-regulatory guidance that limit the number of prescription drug plans in each PDP region that may be offered by a PDP sponsor under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.); and

(2) issue new guidance specifying that a PDP sponsor may offer up to 4 (or a greater number if determined appropriate by the Secretary) prescription drug plans in each PDP region, except in cases where the PDP sponsor may offer up to 2 additional plans in a PDP region pursuant to section 1860D–11(d)(4) of the Social Security Act (42 U.S.C. 1395w–111(d)(4)), as added by subsection (b).

(b) OFFERING OF ADDITIONAL PLANS.—Section 1860D–11(d) of the Social Security Act (42 U.S.C. 1395w–111(d)) is amended by adding at the end the following new paragraph:

''(4) OFFERING OF ADDITIONAL PLANS.—

''(A) IN GENERAL.—For plan year 2023 and each subsequent plan year, a PDP sponsor may offer up to 2 additional prescription drug plans in a PDP region (in addition to any limit established by the Secretary under this part) provided that the PDP sponsor complies with subparagraph (B) with respect to at least one such prescription drug plan.

''(B) REQUIREMENTS.—In order to be eligible to offer up to 2 additional plans in a PDP region pursuant to subparagraph (A), a PDP sponsor must ensure that, with respect to at least one such prescription drug plan, the sponsor or any entity that provides pharmacy benefits management services under a contract with any such sponsor or plan does not receive direct or indirect remuneration, as defined in section 423.308 of title 42, Code

of Federal Regulations (or any successor regulation), unless at least 25 percent of the aggregate reductions in price or other remuneration received by the PDP sponsor or entity from drug manufacturers with respect to the plan and plan year—

''(i) are reflected at the point-of-sale to the enrollee; or

''(ii) are used to reduce total beneficiary cost-sharing estimated by the PDP sponsor for prescription drug coverage under the plan in the annual bid submitted by the PDP sponsor under section 1860D–11(b).

''(C) DEFINITION OF REDUCTIONS IN PRICE.—For purposes of subparagraph (B), the term 'reductions in price' refers only to collectible amounts, as determined by the Secretary, which excludes amounts which after adjudication and reconciliation with pharmacies and manufacturers are duplicate in nature, contrary to other contractual clauses, or otherwise ineligible (such as due to beneficiary disenrollment or coordination of benefits).''.

(c) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as limiting the ability of the Secretary to increase any limit otherwise applicable on the number of prescription drug plans that a PDP sponsor may offer, at the discretion of the PDP sponsor, in a PDP region under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

SEC. 11013. ALLOWING CERTAIN ENROLLEES OF PRESCRIPTION DRUG PLANS AND MA–PD PLANS UNDER THE MEDICARE PROGRAM TO SPREAD OUT COST-SHARING UNDER CERTAIN CIRCUMSTANCES.

(a) STANDARD PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)), as amended by section 11011, is amended—

(1) in subparagraph (A), by striking ''Subject to subparagraphs (C) and (D)'' and inserting ''Subject to subparagraphs (C), (D), and (E)''; and

(2) by adding at the end the following new subparagraph:

''(E) ENROLLEE OPTION REGARDING SPREADING COST-SHARING.—

''(i) IN GENERAL.—The Secretary shall establish by regulation a process under which, with respect to plan year 2023 and subsequent plan years, a prescription drug plan or an MA–PD plan shall, in the case of a part D eligible individual enrolled with such plan for such plan year with respect to whom the plan projects that the dispensing of a covered part D drug to such individual will result in the individual incurring costs within a 30-day period that are equal to a significant percentage (as specified by the Secretary pursuant to such regulation) of the annual out-of-pocket threshold specified in paragraph (4)(B) for such plan year, provide such individual with the option to make the coinsurance payment required under subparagraph (A) for such costs in the form of equal monthly installments over the remainder of such plan year.

''(ii) SIGNIFICANT PERCENTAGE LIMITATIONS.—In specifying a significant percentage pursuant to the regulation established by the Secretary under clause (i), the Secretary shall not specify a percentage that is less than 30 percent or greater than 100 percent.''.

(b) ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME ENROLLEE OPTION REGARDING SPREADING COST-SHARING.—For plan year 2023 and subsequent plan years, the coverage provides the enrollee option regarding spreading cost-sharing described in and required under subsection (b)(2)(E).''.

SEC. 11014. CONTINUATION OF PART D SENIOR SAVINGS MODEL.

Section 1115A of the Social Security Act (42 U.S.C. 1315a) is amended by adding at the end the following new subsection:

''(h) PART D SENIOR SAVINGS MODEL.—Notwithstanding any other provision of law, the Secretary shall provide for the continued implementation on a permanent basis of the Part D Senior Savings Model under this section, under the same parameters under which such model was implemented for plan year 2021.''.

SEC. 11015. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 11016. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that implements incentive payments to a pharmacy or price concessions paid by a pharmacy based on quality measures shall use measures established or approved by the Secretary under subparagraph (B) with respect to payment for covered part D drugs dispensed by such pharmacy.

''(B) STANDARD PHARMACY QUALITY MEASURES.—The Secretary shall establish or approve standard quality measures from a consensus and evidence-based organization for payments described in subparagraph (A). Such measures shall focus on patient health outcomes and be based on proven criteria measuring pharmacy performance.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on or after January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or approved under subparagraph (B) to meet the requirement under subparagraph (A).''.

Subpart C—Medicaid Provisions

SEC. 11021. PRICE REPORTING CLARIFICATIONS FOR GENE THERAPY OUTCOMES-BASED AGREEMENTS.

(a) QUARTERLY PRICE REPORTING OBLIGATION.—Section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended by adding at the end the following new subparagraph:

''(E) OUTCOMES-BASED AGREEMENTS.—

''(i) IN GENERAL.—Beginning January 1, 2023, in the case of a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) during a rebate period, the manufacturer of such drug shall report (in addition to any other information required under this paragraph) the pricing structure for such drug based on pre-defined outcomes or measures specified in such outcomes-based agreement.

''(ii) ACCESS TO OUTCOMES-BASED AGREEMENTS FOR STATE PLANS.—As a condition of excluding a refund, rebate, reimbursement, free item, withholding, or repayment made under an outcomes-based agreement with respect to a covered outpatient drug from the best price or average manufacturer price of the drug for a rebate period (as described in subsection (c)(1)(C)(i)(VII) or (k)(1)(B)(i)(VI), as applicable), the manufacturer shall—

''(I) make available to each State plan the opportunity to enter into an outcomes-based agreement for such drug and rebate period; and

''(II) certify to the Secretary that the manufacturer has made such opportunity so available to each State plan.

''(iii) RULES OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as—

''(I) requiring a manufacturer to execute an outcomes-based agreement with a State for a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)); ;

''(II) precluding the execution of a rebate agreement under this section for such a drug; or

''(III) limiting States' ability to join together for a multi-State contract with a single manufacturer to establish an outcomes-based agreement for such a drug.''.

(b) DEFINITION OF BEST PRICE.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396–8(c)(1)(C)) is amended—

(1) in clause (i)—

(A) in subclause (V), by striking ''and'';

(B) in subclause (VI), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VII) subject to subsection (b)(3)(E)(ii), with respect to a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) during the rebate period, any prices resulting from—

''(aa) a refund, rebate, reimbursement, or free goods from the manufacturer or third party on behalf of the manufacturer; or

''(bb) the withholding or reduction of a payment to the manufacturer or third party on behalf of the manufacturer,

that is triggered by a patient who fails to achieve outcomes or measures defined under the terms of such outcomes-based agreement during the period for which such agreement is effective.''; and

(2) in clause (ii)—

(A) in subclause (I), by striking the semicolon at the end and inserting '', except any price adjustment described in clause (i)(VII);'';

(B) in subclause (III), by striking ''and'';

(C) in subclause (IV)—

(i) by moving the left margin of such subclause 2 ems to the right; and

(ii) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subclause:

''(V) in the case of a covered outpatient drug that is a single course transformative therapy (as defined in subsection (k)(12)) and is sold under an outcomes-based agreement (as defined in subsection (k)(13)) that provides that payment for such drug is made in installments over the course of such agreement, shall be determined as if the aggregate price per the terms of the agreement was paid in full in the first installment during the rebate period.''.

(c) DEFINITION OF AVERAGE MANUFACTURER PRICE.—Section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)) is amended—

(1) in subparagraph (B)(i)—

(A) in subclause (IV), by striking at the end ''and'';

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) subject to subsection (b)(3)(E)(ii), with respect to a covered outpatient drug that is a single course transformative therapy (as defined in paragraph (12)) and is sold under an outcomes-based agreement (as defined in paragraph (13)) during the rebate period—

''(aa) a refund, rebate, reimbursement, or free goods from the manufacturer or third party on behalf of the manufacturer; or

''(bb) the withholding or reduction of a payment to the manufacturer or third party on behalf of the manufacturer,

that is triggered by a patient who fails to achieve outcomes or measures defined under the terms of such outcomes-based agreement during the period for which such agreement is effective.''; and

(2) by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN OUTCOMES-BASED AGREEMENTS.—For the purpose of subparagraph (A), in determining the average price paid to the manufacturer for a covered outpatient drug that is a single course transformative therapy (as defined in paragraph (12)) and is sold under an outcomes-based agreement (as defined in paragraph (13)) that provides that payment for such drug is made in installments over the course of such agreement, such price shall be determined as if the aggregate price per the terms of the agreement was paid in full in the first installment during the rebate period.''.

(d) OTHER DEFINITIONS.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396r–8(k)) is amended by adding at the end the following paragraphs:

''(12) SINGLE COURSE TRANSFORMATIVE THERAPY.—The term 'single course transformative therapy' means a treatment that consists of the administration of a covered outpatient drug that—

''(A) is a form of gene therapy, as defined by the Commissioner of Food and Drugs, that is—

''(i) designated under section 526 of the Federal Food, Drug, and Cosmetics Act; and

''(ii) licensed under subsection (a) or (k) of section 351 of the Public Health Service Act for a serious or life-threatening rare disease or condition;

''(B) if administered in accordance with the 'Indications and Usage' section of its label, is expected to result in—

''(i) the cure of such disease or condition;

''(ii) a reduction in the symptoms of such disease or condition to the extent that it is expected to—

''(I) extend life expectancy for those individuals with such disease or condition;

''(II) prevent, eliminate, or halt progression of comorbidities related to such disease or condition in such individuals; or

''(III) allow such individuals to achieve or maintain maximum functional capacity in performing daily activities; or

''(iii) prevention or elimination of episodes, illnesses, injuries, or disabilities related to such disease or condition; and

''(C) is expected to achieve a result described in subparagraph (B), which may be achieved over an extended period of time, following a single prescribed course of treatment.

''(13) OUTCOMES-BASED AGREEMENT.—The term 'outcomes-based agreement' means a written contract between a manufacturer and purchaser in which the aggregate price over the course of the contract of the covered outpatient drug is based on the achievement of pre-defined outcomes or measures and adjusted accordingly.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11022. ANTI-KICKBACK STATUTE AND PHYSICIAN SELF-REFERRAL SAFE HARBORS.

(a) EXCLUSION FROM ANTIKICKBACK PROHIBITION.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subclause (J)—

(A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking ''and'' after the semicolon at the end;

(2) in subclause (K)—

(A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(L) any remuneration provided by a manufacturer or third party on behalf of a manufacturer to a plan under an outcomes-based agreement (as defined in section 1927(k)(13)) in the event a patient fails to achieve outcomes or measures defined in such agreement following the administration of a covered outpatient drug that is a single course transformative therapy (as defined in section 1927(k)(12).''.

(b) EXCLUSION FROM PHYSICIAN SELF-REFERRAL PROHIBITION.—Section 1877(h)(1)(C) of the Social Security Act (42 U.S.C. 1395nn(h)(1)(C)) is amended by adding at the end the following new clause:

''(iv) Any amounts paid under an outcomes-based agreement (as defined in section 1927(k)(13)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11023. GAO STUDY AND REPORT ON USE OF OUTCOMES-BASED AGREEMENTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the extent to which outcomes-based agreements (as defined in section 1927(k)(13) of the Social Security Act (42 U.S.C. 1396r–8(k)(13)) for rare disease gene therapies facilitate patient access to such therapies, improve patient outcomes, lower overall health system costs, and lower costs for patients in Federal health care programs. In conducting such study, the Comptroller General shall—

(1) study the impact of this subpart on—

(A) mitigating socioeconomic disparities in accessing rare disease gene therapies through its requirement that State Medicaid programs have access to the same outcomes-based agreement remedy terms that are available in the commercial market for the gene therapy; and

(B) the Medicaid Drug Rebate Program, the 340B Drug Pricing Program, and the Medicare Part B program, including compliance with such programs; and

(2) with respect to rare disease gene therapies sold under an outcomes-based agreement (as so defined), conduct an audit of manufacturers offering State Medicaid programs the same remedy terms for non-responding patients as offered to commercial insurance plans during a particular rebate period, as described in subsections (c)(1)(C)(i)(VII) and (k)(1)(B)(i)(VI) of section 1927 of the Social Security Act (42 U.S.C. 1396r–8), as added by this subpart.

(b) REPORT.—Not later than June 30, 2027, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under subsection (a).

PART 2—DRUG PRICE TRANSPARENCY PROVISIONS

SEC. 11101. REPORTING ON EXPLANATION FOR DRUG PRICE INCREASES.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG PRICE REPORTING.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURER.—The term 'manufacturer' means the person—

''(A) that holds the application for a drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act; or

''(B) who is responsible for setting the wholesale acquisition cost for the drug.

''(2) QUALIFYING DRUG.—The term 'qualifying drug' means any drug that is approved under subsection (c) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under subsection (a) or (k) of section 351 of this Act—

''(A) that has a wholesale acquisition cost of $100 or more, adjusted for inflation occurring after the date of enactment of this section, for a month's supply or a typical course of treatment that lasts less than a month, and is—

''(i) subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act;

''(ii) administered or otherwise dispensed to treat a disease or condition affecting more than 200,000 persons in the United States; and

''(iii) not a vaccine; and

''(B) for which, during the previous calendar year, at least 1 dollar of the total amount of sales were for individuals enrolled under the Medicare program under title XVIII or under a State Medicaid plan under title XIX or under a waiver of such plan.

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).

''(b) REPORT.—

''(1) REPORT REQUIRED.—The manufacturer of a qualifying drug shall submit a report to the Secretary—

''(A) for each increase in the price of a qualifying drug that results in an increase in the wholesale acquisition cost of that drug that is equal to—

''(i) 10 percent or more within a single calendar year beginning on or after January 1, 2022; or

''(ii) 25 percent or more within three consecutive calendar years for which the first such calendar year begins on or after January 1, 2022; and

''(B) in the case that the qualifying drug is first covered under title XVIII with respect to an applicable year, if the estimated cost or spending under such title per individual or per user of such drug (as estimated by the Secretary) for such applicable year (or per course of treatment in such applicable year, as defined by the Secretary) is at least $26,000.

''(2) REPORT DEADLINE.—Each report described in paragraph (1) shall be submitted to the Secretary—

''(A) in the case of a report with respect to an increase in the price of a qualifying drug that occurs during the period beginning on January 1, 2022, and ending on the day that is 60 days after the date of enactment of this section, not later than 90 days after such date of enactment;

''(B) in the case of a report with respect to an increase in the price of a qualifying drug that occurs after the period described in subparagraph (A), not later than 30 days prior to the planned effective date of such price increase for such qualifying drug; and

''(C) in the case of a report with respect to a qualifying drug that meets the criteria described in paragraph (1)(B), not later than 30 days after such drug meets such criteria.

''(c) CONTENTS.—A report under subsection (b), consistent with the standard for disclosures described in section 213.3(d) of title 12, Code of Federal Regulations (as in effect on the date of enactment of this section), shall, at a minimum, include—

''(1) with respect to the qualifying drug—

''(A) the percentage by which the manufacturer will raise the wholesale acquisition cost of the drug within the calendar year or three consecutive calendar years as described in subsection (b)(1)(A) or (b)(1)(B), if applicable, and the effective date of such price increase;

''(B) an explanation for, and description of, each price increase for such drug that will occur during the calendar year period described in subsection (b)(1)(A) or the three consecutive calendar year period described in subsection (b)(1)(B), as applicable;

''(C) if known and different from the manufacturer of the qualifying drug, the identity of—

''(i) the sponsor or sponsors of any investigational new drug applications under section 505(i) of the Federal Food, Drug, and Cosmetic Act for clinical investigations with respect to such drug, for which the full reports are submitted as part of the application—

''(I) for approval of the drug under section 505 of such Act; or

''(II) for licensure of the drug under section 351 of the Public Health Service Act; and

''(ii) the sponsor of an application for the drug approved under such section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act;

''(D) a description of the history of the manufacturer's price increases for the drug since the approval of the application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license, if applicable;

''(E) the current wholesale acquisition cost of the drug;

''(F) the total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug; and

''(ii) acquiring patents and licensing for such drug;

''(G) the percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds;

''(H) the total expenditures of the manufacturer on research and development for such drug that is necessary to demonstrate that it meets applicable statutory standards for approval under section 505 of the Federal Food, Drug, and Cosmetic Act or licensure under section 351 of the Public Health Service Act, as applicable;

''(I) the total expenditures of the manufacturer on pursuing new or expanded indications or dosage changes for such drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act;

''(J) the total expenditures of the manufacturer on carrying out postmarket requirements related to such drug, including under section 505(o)(3) of the Federal Food, Drug, and Cosmetic Act;

''(K) the total revenue and the net profit generated from the qualifying drug for each calendar year since the approval of the application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license; and

''(L) the total costs associated with marketing and advertising for the qualifying drug;

''(2) with respect to the manufacturer—

''(A) the total revenue and the net profit of the manufacturer for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable;

''(B) all stock-based performance metrics used by the manufacturer to determine executive compensation for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

''(C) any additional information the manufacturer chooses to provide related to drug pricing decisions, such as total expenditures on—

''(i) drug research and development; or

''(ii) clinical trials, including on drugs that failed to receive approval by the Food and Drug Administration; and

''(3) such other related information as the Secretary considers appropriate and as specified by the Secretary through notice-and-comment rulemaking.

''(d) INFORMATION PROVIDED.—The manufacturer of a qualifying drug that is required to submit a report under subsection (b), shall ensure that such report and any explanation for, and description of, each price increase described in subsection (c)(1)(B) shall be truthful, not misleading, and accurate.

''(e) CIVIL MONETARY PENALTY.—Any manufacturer of a qualifying drug that fails to submit a report for the drug as required by this section, following notification by the Secretary to the manufacturer that the manufacturer is not in compliance with this section, shall be subject to a civil monetary penalty of $75,000 for each day on which the violation continues.

''(f) FALSE INFORMATION.—Any manufacturer that submits a report for a drug as required by this section that knowingly provides false information in such report is subject to a civil monetary penalty in an amount not to exceed $75,000 for each item of false information.

''(g) PUBLIC POSTING.—

''(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall post each report submitted under subsection (b) on the public website of the Department of Health and Human Services the day the price increase of a qualifying drug is scheduled to go into effect.

''(2) FORMAT.—In developing the format in which reports will be publicly posted under paragraph (1), the Secretary shall consult with stakeholders, including beneficiary groups, and shall seek feedback from consumer advocates and readability experts on the format and presentation of the content of such reports to ensure that such reports are—

''(A) user-friendly to the public; and

''(B) written in plain language that consumers can readily understand.

''(3) PROTECTED INFORMATION.—Nothing in this section shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.

''(h) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to Congress, and post on the public website of the Department of Health and Human Services in a way that is user-friendly to the public and written in plain language that consumers can readily understand, an annual report—

''(A) summarizing the information reported pursuant to this section;

''(B) including copies of the reports and supporting detailed economic analyses submitted pursuant to this section;

''(C) detailing the costs and expenditures incurred by the Department of Health and Human Services in carrying out this section; and

''(D) explaining how the Department of Health and Human Services is improving consumer and provider information about drug value and drug price transparency.

''(2) PROTECTED INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 11102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by inserting ''(other than as permitted under subsection (e))'' after ''disclosed by the Secretary''; and

(2) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—In order to allow the comparison of PBMs' ability to negotiate rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions and the amount of such rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions that are passed through to plan sponsors, beginning January 1, 2023, the Secretary shall make available on the internet website of the Department of Health and Human Services the information with respect to the second preceding calendar year provided to the Secretary on generic dispensing rates (as described in paragraph (1) of subsection (b)) and information provided to the Secretary under paragraphs (2) and (3) of such subsection that, as determined by the Secretary, is with respect to each PBM.

''(2) AVAILABILITY OF DATA.—In carrying out paragraph (1), the Secretary shall ensure the following:

''(A) CONFIDENTIALITY.—The information described in such paragraph is displayed in a manner that prevents the disclosure of information, with respect to an individual drug or an individual plan, on rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions.

''(B) CLASS OF DRUG.—The information described in such paragraph is made available by class of drug, using an existing classification system, but only if the class contains such number of drugs, as specified by the Secretary (but not fewer than three drugs), to ensure confidentiality of proprietary information or other information that is prevented to be disclosed under subparagraph (A).''.

SEC. 11102. MAKING PRESCRIPTION DRUG MARKETING SAMPLE INFORMATION REPORTED BY MANUFACTURERS AVAILABLE TO CERTAIN INDIVIDUALS AND ENTITIES.

(a) IN GENERAL.—Section 1128H of the Social Security Act (42 U.S.C. 1320a–7i) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following new subsections:

''(b) DATA SHARING AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall enter into agreements with the specified data sharing individuals and entities described in paragraph (2) under which—

''(A) upon request of such an individual or entity, as applicable, the Secretary makes available to such individual or entity the information submitted under subsection (a) by manufacturers and authorized distributors of record; and

''(B) such individual or entity agrees to not disclose publicly or to another individual or entity any information that identifies a particular practitioner or health care facility.

''(2) SPECIFIED DATA SHARING INDIVIDUALS AND ENTITIES.—For purposes of paragraph (1), the specified data sharing individuals and entities described in this paragraph are the following:

''(A) OVERSIGHT AGENCIES.—Health oversight agencies (as defined in section 164.501 of title 45, Code of Federal Regulations), including the Centers for Medicare & Medicaid Services, the Office of the Inspector General of the Department of Health and Human Services, the Government Accountability Office, the Congressional Budget Office, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

''(B) RESEARCHERS.—Individuals who conduct scientific research (as defined in section 164.501 of title 45, Code of Federal Regulations) in relevant areas as determined by the Secretary.

''(C) PAYERS.—Private and public health care payers, including group health plans, health insurance coverage offered by health insurance issuers, Federal health programs, and State health programs.

''(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT.—Except as described in paragraph (1), the Secretary may not be compelled to disclose the information submitted under subsection (a) to any individual or entity. For purposes of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section.

''(c) PENALTIES.—

''(1) DATA SHARING AGREEMENTS.—Subject to paragraph (3), any specified data sharing individual or entity described in subsection (b)(2) that violates the terms of a data sharing agreement the individual or entity has with the Secretary under subsection (b)(1) shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such violation. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(2) FAILURE TO REPORT.—Subject to paragraph (3), any manufacturer or authorized distributor of record of an applicable drug under subsection (a) that fails to submit information required under such subsection in a timely manner in accordance with rules or regulations promulgated to carry out such subsection shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such failure. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(3) LIMITATION.—The total amount of civil money penalties imposed under paragraph (1) or (2) with respect to a year and an individual or entity described in paragraph (1) or a manufacturer or distributor described in paragraph (2), respectively, shall not exceed $150,000.

''(d) DRUG SAMPLE DISTRIBUTION INFORMATION.—

''(1) IN GENERAL.—Not later than January 1 of each year (beginning with 2023), the Secretary shall maintain a list containing information related to the distribution of samples of applicable drugs. Such list shall provide the following information with respect to the preceding year:

''(A) The name of the manufacturer or authorized distributor of record of an applicable drug for which samples were requested or distributed under this section.

''(B) The quantity and class of drug samples requested.

''(C) The quantity and class of drug samples distributed.

''(2) PUBLIC AVAILABILITY.—The Secretary shall make the information in such list available to the public on the internet website of the Food and Drug Administration.''.

(b) FDA MAINTENANCE OF INFORMATION.—The Food and Drug Administration shall maintain information available to affected reporting companies to ensure their ability to fully comply with the requirements of section 1128H of the Social Security Act.

(c) PROHIBITION ON DISTRIBUTION OF SAMPLES OF OPIOIDS.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended—

(1) by moving the margin of paragraph (4) 2 ems to the left; and

(2) by adding at the end the following:

''(5) No person may distribute a drug sample of a drug that is—

''(A) an applicable drug (as defined in section 1128H(e) of the Social Security Act);

''(B) a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the findings required under section 202(b)(2) of such Act have been made; and

''(C) approved under section 505 for use in the management or treatment of pain (other than for the management or treatment of a substance use disorder).''.

(d) MEDPAC REPORT.—Not later than 3 years after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall conduct a study on the impact of drug samples on provider prescribing practices and health care costs and may, as the Commission deems appropriate, make recommendations on such study.

SEC. 11104. SENSE OF THE SENATE REGARDING THE NEED TO EXPAND COMMERCIALLY AVAILABLE DRUG PRICING COMPARISON PLATFORMS.

It is the sense of the Senate that—

(1) commercially available drug pricing comparison platforms can, at no cost, help patients find the lowest price for their medications at their local pharmacy;

(2) such platforms should be integrated, to the maximum extent possible, in the health care delivery ecosystem; and

(3) pharmacy benefit managers should work to disclose generic and brand name drug prices to such platforms to ensure that—

(A) patients can benefit from the lowest possible price available to them; and

(B) overall drug prices can be reduced as more educated purchasing decisions are made based on price transparency.

PART 3—REVENUE PROVISION

SEC. 11201. INCLUSION OF INSULIN AND OTHER TREATMENTS FOR CHRONIC CONDITIONS AS PREVENTIVE CARE.

(a) IN GENERAL.—Subparagraph (C) of section 223(c)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''DEDUCTIBLE.—A plan'' and inserting ''DEDUCTIBLE.—

''(i) IN GENERAL.—A plan'', and

(2) by adding at the end the following new clause:

''(ii) SPECIAL RULE.—The term 'preventive care' includes such drugs (including insulin), devices, supplies, and medical services or screenings prescribed for the prevention or avoidance of a disease or condition, or the regular treatment and maintenance of a chronic disease or condition, as are determined by the Secretary, in consultation with the Secretary of Health and Human Services, to be—

''(I) low in cost,

''(II) supported by medical evidence to have a high cost efficiency in preventing exacerbation of a chronic condition or the development of a secondary condition, and

''(III) likely (as documented by clinical evidence), when prescribed for a class of individuals, to prevent exacerbation of the chronic condition of such individuals or the development of a secondary condition requiring significantly higher cost treatments.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TREASURY GUIDANCE IN EFFECT ON DATE OF ENACTMENT.—

(A) IN GENERAL.—No inference shall be drawn by reason of the amendments made by this Act with respect to the effectiveness of the provisions of Internal Revenue Service Notice 2019-45 on the date of the enactment of this Act, and such notice shall continue to apply as in effect on July 17, 2019, unless amended by the Secretary of the Treasury (or the Secretary's delegate) pursuant to the amendments made by this Act or pursuant to subparagraph (B).

(B) CONTINUED PUBLICATION AND UPDATE OF LIST.—

(i) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) may publish, and update from time to time as such Secretary (or delegate) deems appropriate, a list of the drugs, devices, supplies, and services identified under section 223(c)(2)(C)(ii) of the Internal Revenue Code of 1986, in consultation with the Secretary of Health and Human Services (or such Secretary's delegate), as preventive care.

(ii) INCLUSION OF CERTAIN DIABETIC SUPPLIES.—As soon as practicable after the date of the enactment of this Act, the list in effect under Internal Revenue Service Notice 2019-45 shall be amended to include insulin delivery devices and related supplies, and continuous glucose monitoring systems and related supplies.

PART 4—OTHER PROVISIONS

SEC. 11301. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The public meeting shall include—

(i) representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services;

(ii) stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products;

(iii) representatives of commercial health insurance payers;

(iv) stakeholders with expertise in the administration and use of novel medical products, including physicians; and

(v) stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting shall include a discussion of—

(i) the status of the drug and medical device development pipeline related to the availability of novel medical products;

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—No information discussed as a part of the public meeting under this paragraph shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraph (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6)));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a medical product, including a drug, biological (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 11302. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—The Secretary may consult with patients and organizations representing patients in making national and local coverage determinations.''.

SEC. 11303. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2024, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D;

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D; and

(E) the feasibility and policy implications of creating a methodology to preserve the healthcare provider's ability to take title of the drug, including a methodology under which—

(i) prescription drug plans negotiate reimbursement rates and other arrangements with drug manufacturers on behalf of a wholesaler;

(ii) wholesalers purchase the drugs from the manufacturers at the negotiated rate and ship them through distributors to physicians to administer to patients;

(iii) physicians and hospitals purchase the drug from the wholesaler via the distributor;

(iv) after administering the drug, the physician submits a claim to the MAC for their drug administration fee;

(v) to be reimbursed for the purchase of the drug from the distributor, the physician furnishes the claim for the drug itself to the wholesaler and the wholesaler would refund the cost of the drug to the physician; and

(vi) the wholesaler passes this claim to the PDP to receive reimbursement.

SEC. 11304. AUTHORITY TO REQUIRE THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. AUTHORITY TO REQUIRE THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

''(a) IN GENERAL.—The Secretary may require that each direct-to-consumer advertisement for a prescription drug or biological product for which payment is available under title XVIII or XIX includes an internet website address that provides an appropriate disclosure of truthful and non-misleading pricing information with respect to the drug or product.

''(b) DETERMINATION BY CMS.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall determine the components of the requirement under subsection (a), such as the forms of advertising, the manner of disclosure, the price point listing, and the price information for disclosure.''.

SEC. 11305. CHIEF PHARMACEUTICAL NEGOTIATOR AT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and one Chief Innovation and Intellectual Property Negotiator'' and inserting ''one Chief Innovation and Intellectual Property Negotiator, and one Chief Pharmaceutical Negotiator'';

(B) by striking ''or the Chief Innovation and Intellectual Property Negotiator'' and inserting ''the Chief Innovation and Intellectual Property Negotiator, or the Chief Pharmaceutical Negotiator''; and

(C) by striking ''and the Chief Innovation and Intellectual Property Negotiator'' and inserting ''the Chief Innovation and Intellectual Property Negotiator, and the Chief Pharmaceutical Negotiator''; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(7) The principal function of the Chief Pharmaceutical Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States pharmaceutical products and services. The Chief Pharmaceutical Negotiator shall be a vigorous advocate on behalf of United States pharmaceutical interests. The Chief Pharmaceutical Negotiator shall perform such other functions as the United States Trade Representative may direct.".

(b) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking "Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative." and inserting the following:

"Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.

"Chief Pharmaceutical Negotiator, Office of the United States Trade Representative.".

(c) REPORT REQUIRED.—Not later than the date that is one year after the appointment of the first Chief Pharmaceutical Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the United States Trade Representative during the 1-year period preceding the submission of the report to ensure the protection of United States pharmaceutical products and services; and

(2) other actions taken by the United States Trade Representative to advance United States pharmaceutical products and services.

SA 5480. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the appropriate place, insert the following:

SEC. _____. PUBLIC HEALTH AND BORDER SECURITY.

(a) SHORT TITLE.—This section may be cited as the "Public Health and Border Security Act of 2022".

(b) TERMINATION OF SUSPENSION OF ENTRIES AND IMPORTS FROM DESIGNATED PLACES RELATED TO THE COVID–19 PANDEMIC.—

(1) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic declared under section 319 of such Act (42 U.S.C. 247d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than 60 days after the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(2) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(A) PLAN.—Not later than 30 days after the date on which a written notification is provided under paragraph (1) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has a role in managing outcomes associated with the suspension, as determined by the Surgeon General (or the designee of the Surgeon General), shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(B) FAILURE TO SUBMIT.—If a plan under subparagraph (A) is not submitted to the appropriate committees of Congress within the 30-day period described in such subparagraph, not later than 7 days after the expiration of such 30-day period, the Secretary shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under subparagraph (A). The termination of order related to such plan shall be delayed until that date that is 30 days after the date on which such plan is submitted to such committees.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICAL SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.

(a) MAINTAINING PAYMENTS UNDER PART B BASED ON ASP+6.—Section 11001(b)(1) of this Act is amended by striking subparagraph (A).

(b) REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICALS SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.—

(1) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a), as amended by section 11101, is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

"(j) REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICALS SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.—

"(1) REQUIREMENTS.—

"(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after the first day of the initial price applicability period (as defined in section 1191(b)(2)), the Secretary shall, for each selected drug (as defined in section 1192(c)) of each manufacturer with an agreement under section 1193 for which a maximum fair price is in effect and for which payment may be made under this part, report to each manufacturer of such selected drug the following for such calendar quarter during such price applicability period:

"(i) Information on the total number of units of the billing and payment code for such selected drug furnished under this part during such calendar quarter.

"(ii) Information on the sum of—

"(I) the amount (if any) by which—

"(aa) the ASP+6 payment amount (as defined in paragraph (5)) for such drug and calendar quarter, less the ASP+6 coinsurance amount for such drug and calendar quarter; exceeds

"(bb) the MFP+6 payment amount (as so defined) for such drug and calendar quarter, less the MFP+6 coinsurance amount for such drug and calendar quarter; and

"(II) the amount (if any) by which—

"(aa) the ASP+6 coinsurance amount (as defined in paragraph (5)) for such drug and calendar quarter; exceeds

"(bb) the MFP+6 coinsurance amount (as so defined) for such drug and calendar quarter.

"(iii) The rebate amount specified under subparagraph (B) for such drug and calendar quarter.

"(B) MANUFACTURER REQUIREMENT.—For each calendar quarter beginning on or after the first day of the price applicability period, the manufacturer of a selected drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in subparagraph (A)(ii) multiplied by the number of units specified in subparagraph (A)(i) for such drug for such calendar quarter. The rebate required under this subparagraph shall be in addition to any other rebates required under this title or title XIX, including the payments required under subsections (h) and (i).

"(2) CALCULATION OF BENEFICIARY COINSURANCE BASED ON MFP+6.—

"(A) IN GENERAL.—Subject to subparagraph (B), in the case of a selected drug with respect to which a rebate is paid under this subsection—

"(i) the amount of any coinsurance applicable under this part to an individual to whom such drug is furnished during a calendar quarter shall be equal to the MFP+6 coinsurance amount; and

"(ii) the amount of such coinsurance for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under subsection (b)(1)(B).

"(B) CLARIFICATION REGARDING APPLICATION OF INFLATION REBATE.—If a rebate is required under subsection (i) with respect to a selected drug for a calendar quarter, the lesser of the amount of coinsurance computed under subparagraph (A) or the coinsurance computed under subsection (i)(5) shall apply for such drug and calendar quarter.

"(3) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"(4) CIVIL MONEY PENALTY.—The civil money penalty established under paragraph (7) of subsection (i) shall apply to the failure to comply with this subsection in the same manner as such penalty applies to failures to comply with the requirements under paragraph (1)(B) of subsection (i).

"(5) DEFINITIONS.—In this subsection, with respect to a selected drug for a calendar quarter during a price applicability period:

"(A) ASP+6 COINSURANCE AMOUNT.—The 'ASP+6 coinsurance amount' is equal to 20 percent of the ASP+6 payment amount.

"(B) ASP+6 PAYMENT AMOUNT.—The 'ASP+6 payment amount' is equal to 106 percent of the amount determined under paragraph (4) of subsection (b) for such drug during such calendar quarter.

"(C) MFP+6 COINSURANCE AMOUNT.—The 'MFP+6 coinsurance amount' is equal to 20 percent of the MFP+6 payment amount.

"(D) MFP+6 PAYMENT AMOUNT.—The 'MFP+6 payment amount' is equal to 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug during such calendar quarter.

"(6) CLARIFICATION.—Nothing in part E of title XI or this subsection shall be construed to require a manufacturer to provide selected drugs at maximum fair prices other than through the rebate required under this subsection.".

(2) AMOUNTS PAYABLE; COST-SHARING.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11101(b), is amended—

(A) in subparagraph (G), by striking ''subsection (i)(9)'' and inserting ''paragraphs (9) and (10) of subsection (i)'';

(B) in subparagraph (S), by striking ''subparagraph (EE)'' and inserting ''subparagraphs (EE) and (FF)'';

(C) by striking ''and (EE)'' and inserting ''(EE)''; and

(D) by inserting before the semicolon at the end the following: '', and (FF) with respect to a selected drug (as defined in section 1192(c)) that is subject to a rebate under section 1847A(j), the amounts paid shall be equal to the percent of the payment amount otherwise determined under section 1847A(b)(1)(B) that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1847A(j)(2)(A)(ii)''.

(3) ASC CONFORMING AMENDMENTS.—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

''(10) In the case of a selected drug (as defined in section 1192(c)), subject to a rebate under section 1847A(j) for which payment under this subsection is not packaged into a payment for a service furnished on or after the initial price applicability year for the selected drug under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1847(j)(2) and paragraph (1)(FF) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(j)(2) and subsection (a) apply under such section and subsection.''.

(4) OPPS CONFORMING AMENDMENT.—Section 1833(t)(8) of the Social Security Act (42 U.S.C. 1395l(t)(8)) is amended by adding at the end the following new subparagraph:

''(G) SELECTED DRUGS SUBJECT TO REBATE.—In the case of a selected drug (as defined in section 1192(c)), subject to a rebate under section 1847A(j) for which payment under this subsection is not packaged into a payment for a covered OPD service (or group of services) furnished on or after the initial price applicability year for the selected drug, and the payment for such drug is the same as the amount for a calendar quarter under section 1847A(b)(1)(B), under the system under this subsection, in lieu of the calculation of the copayment amount and the amount otherwise applicable under this subsection (other than the application of the limitation described in subparagraph (C)), the provisions of section 1847A(j)(2) and paragraph (1)(FF) of subsection (a), shall, as determined by the Secretary apply under this section in the same manner as such provisions of section 1847A(j)(2) and subsection (a) apply under such section and subsection.''.

(5) EXCLUSION OF SELECTED DRUG MFP REBATES FROM ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)), as amended by section 11101(c)(1) and 11102(b)(1), is amended by striking ''subsection (i)'' and inserting ''subsection (i), subsection (j)''.

(6) COORDINATION WITH MEDICAID REBATE INFORMATION DISCLOSURES.—Section 1927(b)(3)(D)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(D)(i)), as amended by section 11101(c)(3) and 11102(b)(3), is amended by striking ''and the rebate'' and inserting ''and the rebates''.

(7) PROVISION OF REBATES.—Section 1193(a) of the Social Security Act, as added by section 11001, is amended—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(C) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) by paying rebates in accordance with section 1847A(j);''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1847(i)(5) of the Social Security Act, as added by section 11101, is amended, in the matter preceding subparagraph (A)—

(A) by striking ''In the case'' and inserting ''Subsection to subsection (j)(2)(B), in the case''; and

(B) by striking ''(or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)), the payment amount described in subsection (b)(1)(B) for such drug)''; and

(2) Section 1833(a)(1)(EE) of the Social Security Act, as added by section 11101, is amended—

(A) by striking ''(or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c) for which, the payment amount described in section 1847A(b)(1)(B))''; and

(B) by striking ''or section 1847A(b)(1)(B), as applicable,''.

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 5 of subtitle B of title I, add the following:

SEC. 11406. FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS UNDER MEDICARE PART D.

(a) PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(8) FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS.—

''(A) IN GENERAL.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that any pharmacy benefit manager (or affiliate, subsidiary, or agent of a pharmacy benefit manager), acting as a third-party to such sponsor, has a fiduciary duty of good faith and fair dealing towards the Secretary.

''(B) PROVISION OF INFORMATION.—A PDP sponsor and a pharmacy benefit manager (or affiliate, subsidiary, or agency of a pharmacy benefit manager), acting as a third-party to such sponsor, shall furnish to the Secretary (in a time and manner specified by the Secretary) such information as the Secretary determines necessary to carry out this paragraph.

''(C) CONFIDENTIAL AND TRADE SECRET INFORMATION.—This paragraph does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter described in section 552(b) of title 5.''.

(b) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

''(E) FIDUCIARY DUTY OF PHARMACY BENEFIT MANAGERS.—Section 1860D–12(b)(8).''.

SA 5483. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Additional Proscription Drug Provisions

PART 1—MEDICARE

Subpart A—Part B

SEC. 14001. INCLUSION OF VALUE OF COUPONS IN DETERMINATION OF AVERAGE SALES PRICE FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

Section 1847A(c) of the Social Security Act (42 U.S.C. 1395w–3a(c)) is amended—

(1) in paragraph (3)—

(A) by striking ''DISCOUNTS.—In calculating'' and inserting ''DISCOUNTS TO PURCHASERS AND COUPONS PROVIDED TO PRIVATELY INSURED INDIVIDUALS.—

''(A) DISCOUNTS TO PURCHASERS.—In calculating''; and

(B) by adding at the end the following new subparagraph:

''(B) COUPONS PROVIDED TO REDUCE COST-SHARING.—For calendar quarters beginning on or after July 1, 2024, in calculating the manufacturer's average sales price under this subsection, such price shall include the value (as defined in paragraph (6)(J)) of any coupons provided under a drug coupon program of a manufacturer (as those terms are defined in subparagraphs (K) and (L), respectively, of paragraph (6)).''; and

(2) in paragraph (6), by adding at the end the following new subparagraphs:

''(J) VALUE.—The term 'value' means, with respect to a coupon (as defined in subparagraph (K)), the difference, if any, between—

''(i) the amount of any reduction or elimination of cost-sharing or other out-of-pocket costs described in such subparagraph to a patient as a result of the use of such coupon; and

''(ii) any charge to the patient for the use of such coupon.

''(K) COUPON.—The term 'coupon' means any financial support that is provided to a patient, either directly to the patient or indirectly to the patient through a physician, prescriber, pharmacy, or other provider, under a drug coupon program of a manufacturer (as defined in subparagraph (L)) that is used to reduce or eliminate cost-sharing or other out-of-pocket costs of the patient, including costs related to a deductible, coinsurance, or copayment, with respect to a drug or biological, including a biosimilar biological product, of the manufacturer.

''(L) DRUG COUPON PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K).

''(ii) EXCLUSIONS.—Such term does not include—

''(I) a patient assistance program operated by a manufacturer that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income; or

''(II) a contribution by a manufacturer to a nonprofit or Foundation that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income.''.

SEC. 14002. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center''; and

(iii) by inserting ''(or 2024 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) and paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2024, the Secretary may expand the information included on the Internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 14003. HHS INSPECTOR GENERAL STUDY AND REPORT ON BONA FIDE SERVICE FEES.

(a) STUDY.—The Inspector General of the Department of Health and Human Services (in this section referred to as the ''Inspector General'') shall conduct a study on the effect of the use of bona fide service fee contracting arrangements by drug manufacturers and other entities on Medicare payments for drugs and biologicals furnished under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such study shall include an analysis of—

(1) the various types of entities that enter into contracting arrangements that use bona fide service fees, such as group purchasing organizations, wholesalers, providers, and pharmacies;

(2) the various types of bona fide service fee contracting arrangements used by such entities;

(3) the types of services that are paid for through such arrangements;

(4) whether manufacturers define bona fide service fees differently across different entities;

(5) how such arrangements are structured;

(6) whether the structure or use of such arrangements has changed over time;

(7) the extent, if any, to which there is consistency across manufacturers in what they consider to be a bona fide service fee as opposed to a discount or rebate that should be excluded from the determination of average sales price pursuant to the methodology under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a);

(8) the overall magnitude of bona fide service fees;

(9) what share of bona fide service fees are paid to various entities;

(10) how the magnitude of bona fide service fees compares to other fees and rebates that are included in the determination of average sales price;

(11) whether and, if so, how much, the magnitude of bona fide service fees has grown over time and how such growth compares to growth in the magnitude of other fees and rebates; and

(12) what share of bona fide service fees are based on a percentage of sales.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Inspector General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

SEC. 14004. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (9)''; and

(B) by adding at the end the following new paragraph:

''(9) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2024, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) for each of 2024 through 2031, $1,000; and

''(ii) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(9), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2024, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(9) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2024, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 14005. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2024, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 14006. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred

to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less that 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 14007. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL DRUG SHORTAGES.

(a) IN GENERAL.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395w–3a(e)) is amended—

(1) by striking ''PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case'' and inserting ''PAYMENTS.—

''(1) IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case''; and

(2) by adding at the end the following new paragraph:

''(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

''(A) IN GENERAL.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost (or other reasonable measure of a drug or biological price) instead of the manufacturer's average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list under section 506E of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total manufacturing capacity or the total number of manufacturers of such drug or biological is sufficient to mitigate a potential shortage of the drug or biological.

''(B) DRUG OR BIOLOGICAL DESCRIBED.—For purposes of subparagraph (A), a drug or biological described in this subparagraph is a drug or biological—

''(i) that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act, and with respect to which any manufacturer of such drug or biological notifies the Secretary of a permanent discontinuance or an interruption that is likely to lead to a meaningful disruption in the manufacturer's supply of that drug pursuant to section 506C(a) of such Act; or

''(ii) that—

''(I) is described in section 506C(a) of such Act;

''(II) was listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

''(III) for which the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

''(C) PROVISION OF ADDITIONAL INFORMATION.—For each quarter in which the amount of payment for a drug or biological described in subparagraph (B) pursuant to subparagraph (A) exceeds the amount of payment for the drug or biological otherwise applicable under this section, each manufacturer of such drug or biological shall provide to the Secretary information related to the potential cause or causes of the shortage and the expected duration of the shortage with respect to such drug.''.

(b) TRACKING SHORTAGE DRUGS THROUGH CLAIMS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a mechanism (such as a modifier) for purposes of tracking utilization under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of drugs and biologicals listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e).

(c) HHS REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on shortages of drugs within the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The report shall include—

(A) an analysis of—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) the effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program;

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in addressing drug shortages, including CMS's working relationship and communication with other Federal agencies and stakeholders;

(iv) the role of all actors in the drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesalers, group purchasing organizations, hospitals, and physicians) on drug shortages within the Medicare program; and

(v) payment structures and incentives under parts A, B, C, and D of the Medicare program and their effect, if any, on drug shortages; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force authorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subpart B—Part D

SEC. 14101. REQUIRING PHARMACY-NEGOTIATED PRICE CONCESSIONS, PAYMENT, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended—

(1) by striking ''PRICES.—For purposes'' and inserting ''PRICES.—

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following new clause:

''(ii) PRICES NEGOTIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2024, a negotiated price for a covered part D drug described in clause (i) shall be the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall not include positive incentive payments paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale of such drug.''.

SEC. 14102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVISIONS.

(a) PUBLIC DISCLOSURE OF DRUG DISCOUNTS.—

(1) IN GENERAL.—Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''this section'' and inserting ''subsection (b)(1)''; and

(B) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in order to allow patients and employers to compare PBMs' ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, not later than July 1, 2024, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information provided to the Secretary and described in paragraphs (2) and (3) of subsection (b) with respect to each PBM.

''(2) LAG IN DATA.—The information made available in a plan year under paragraph (1) shall not include information with respect to such plan year or the two preceding plan years.

''(3) CONFIDENTIALITY.—The Secretary shall ensure that such information is displayed in a manner that prevents the disclosure of information on rebates, discounts, and price concessions with respect to an individual drug or an individual PDP sponsor, MA organization, or qualified health benefits plan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect on January 1, 2024.

(b) PLAN AUDIT OF PHARMACY BENEFIT MANAGER DATA.—Section 1860D–2(d)(3) of the Social Security Act (42 U.S.C. 1395w–102(d)(3)) is amended—

(1) by striking ''AUDITS.—To protect'' and inserting the following: ''AUDITS.—

''(A) AUDITS OF PLANS BY THE SECRETARY.—To protect''; and

(2) by adding at the end the following new subparagraph:

''(B) AUDITS OF PHARMACY BENEFIT MANAGERS BY PDP SPONSORS AND MA ORGANIZATIONS.—

''(i) IN GENERAL.—Beginning January 1, 2024, in order to ensure that—

''(I) contracting terms between a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan and its contracted or owned pharmacy benefit manager are met; and

''(II) the PDP sponsor and MA organization can account for the cost of each covered part D drug net of all direct and indirect remuneration;

the PDP sponsor or MA organization shall conduct financial audits.

''(ii) INDEPENDENT THIRD PARTY.—An audit described in clause (i) shall—

''(I) be conducted by an independent third party; and

''(II) account and reconcile flows of funds that determine the net cost of covered part D drugs, including direct and indirect remuneration from drug manufacturers and pharmacies or provided to pharmacies.

''(iii) REBATE AGREEMENTS.—A PDP sponsor and an MA organization shall require pharmacy benefit managers to make rebate contracts with drug manufacturers made on their behalf available under audits described in clause (i).

''(iv) CONFIDENTIALITY AGREEMENTS.—Audits described in clause (i) shall be subject to confidentiality agreements to prevent, except as required under clause (vii), the redisclosure of data transmitted under the audit.

''(v) FREQUENCY.—A financial audit under clause (i) shall be conducted periodically (but in no case less frequently than once every 2 years).

''(vi) TIMEFRAME FOR PBM TO PROVIDE INFORMATION.—A PDP sponsor and an MA organization shall require that a pharmacy benefit manager that is being audited under clause (i) provide (as part of their contracting agreement) the requested information to the independent third party conducting the audit within 45 days of the date of the request.

''(vii) SUBMISSION OF AUDIT REPORTS TO THE SECRETARY.—

''(I) IN GENERAL.—A PDP sponsor and an MA organization shall submit to the Secretary the final report on any audit conducted under clause (i) within 30 days of the PDP sponsor or MA organization receiving the report from the independent third party conducting the audit.

''(II) REVIEW.—The Secretary shall review final reports submitted under clause (i) to determine the extent to which the goals specified in subclauses (I) and (II) of subparagraph (B)(i) are met.

''(III) CONFIDENTIALITY.—Notwithstanding any other provision of law, information disclosed in a report submitted under clause (i) related to the net cost of a covered part D drug is confidential and shall not be disclosed by the Secretary or a Medicare contractor.

''(viii) NOTICE OF NONCOMPLIANCE.—A PDP sponsor and an MA organization shall notify the Secretary if any pharmacy benefit manager is not complying with requests for access to information required under an audit under clause (i).

''(ix) CIVIL MONETARY PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary determines that a PDP sponsor or an MA organization has failed to conduct an audit under clause (i), the Secretary may impose a civil monetary penalty of not more than $10,000 for each day of such noncompliance.

''(II) PROCEDURE.—The provisions of section 1128A, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil monetary penalties under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.''.

(c) DISCLOSURE TO PHARMACY OF POST-POINT-OF-SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE PAYMENTS.—Section 1860D–2(d)(2) of the Social Security Act (42 U.S.C. 1395w–102(d)(2)) is amended—

(1) by striking ''DISCLOSURE.—A PDP sponsor'' and inserting the following: ''DISCLOSURE.—

''(A) TO THE SECRETARY.—A PDP sponsor''; and

(2) by adding at the end the following new subparagraph:

''(B) TO PHARMACIES.—

''(i) IN GENERAL.—For plan year 2024 and subsequent plan years, a PDP sponsor offering a prescription drug plan and an MA organization offering an MA–PD plan shall report any pharmacy price concession or incentive payment that occurs with respect to a pharmacy after payment for covered part D drugs at the point-of-sale, including by an intermediary organization with which a PDP sponsor or MA organization has contracted, to the pharmacy.

''(ii) TIMING.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).

''(iii) CLAIM LEVEL.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive payment was applied at a level other than at the claim level.''.

(d) DISCLOSURE OF P&T COMMITTEE CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by adding at the end the following new clause:

''(iii) DISCLOSURE OF CONFLICTS OF INTEREST.—With respect to plan year 2024 and subsequent plan years, a PDP sponsor of a prescription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organization pursuant to this paragraph.''.

(2) INCLUSION IN BID.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–111(b)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

''(F) P&T COMMITTEE CONFLICTS OF INTEREST.—The information required to be disclosed under section 1860D–4(b)(3)(A)(iii).''.

(e) INFORMATION ON DIRECT AND INDIRECT REMUNERATION REQUIRED TO BE INCLUDED IN BID.—Section 1860D–11(b) of the Social Security Act (42 U.S.C. 1395w–111(b)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''With respect to actual amounts of direct and indirect remuneration submitted pursuant to clause (v) of paragraph (2), such amounts shall be consistent with data reported to the Secretary in a prior year.''; and

(2) in paragraph (2)(C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting the following: '', and, with respect to plan year 2024 and subsequent plan years, actual and projected administrative expenses assumed in the bid, categorized by the type of such expense, including actual and projected price concessions retained by a pharmacy benefit manager; and''; and

(C) by adding at the end the following new clause:

''(v) with respect to plan year 2024 and subsequent plan years, actual and projected direct and indirect remuneration, categorized as received from each of the following:

''(I) A pharmacy.

''(II) A manufacturer.

''(III) A pharmacy benefit manager.

''(IV) Other entities, as determined by the Secretary.''.

SEC. 14103. PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND AUDIT RESULTS.

Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

''(e) PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND FINANCIAL AUDIT RESULTS.—

''(1) DIRECT AND INDIRECT REMUNERATION REVIEW RESULTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services information on discrepancies related to summary and detailed direct and indirect remuneration reports submitted by PDP sponsors pursuant to section 1860D–15 across all prescription drug plans based on the most recent data available. Information made available under this subparagraph shall include the following:

''(i) The number of potential discrepancies in summary and detailed direct and indirect remuneration identified by the Secretary for PDP sponsors to review.

''(ii) The extent to which PDP sponsors resubmitted summary direct and indirect remuneration reports to make changes for previous contract years.

''(iii) The extent to which resubmitted summary direct and indirect remuneration reports resulted in an increase or decrease in direct and indirect remuneration in a previous contract year.

''(B) EXCLUSION OF CERTAIN SUBMISSIONS IN CALCULATION.—The Secretary shall exclude any information in direct and indirect remuneration reports submitted with respect to PACE programs under section 1894 (pursuant to section 1860D–21(f)) and qualified retiree prescription drug plans (as defined in section 1860D–22(a)(2)) from the information that is made available to the public under subparagraph (A).

''(2) FINANCIAL AUDIT RESULTS.—In 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services data on the results of financial audits required under section 1860D–12(b)(3)(C). Information made available under this paragraph shall include the following:

''(A) With respect to a year, the number of PDP sponsors that received each of the following (or successor categories), with an indication of the number that pertain to direct and indirect remuneration:

''(i) A notice of observations or findings.

''(ii) An unqualified audit opinion that renders the audit closed.

''(iii) A qualified audit opinion that requires the sponsor to submit a corrective action plan to the Secretary.

''(iv) An adverse opinion, with a description of the types of actions that the Secretary takes when issuing an adverse opinion.

''(v) A disclaimed opinion.

''(B) With respect to a year, the number of PDP sponsors—

''(i) that reopened a previously closed reconciliation as a result of an audit, indicating those that pertain to direct and indirect remuneration changes; and

''(ii) for which the Secretary recouped a payment or made a payment as a result of a reopening of a previously closed reconciliation, indicating when such recoupment or payment pertains to direct and indirect remuneration.

''(3) NO IDENTIFICATION OF SPECIFIC PDP SPONSORS.—The information to be made available on the Internet website of the Centers for Medicare & Medicaid Services described in paragraph (1) and paragraph (2) shall not identity the specific PDP sponsor to which any determination or action pertains.

''(4) DEFINITION OF DIRECT AND INDIRECT REMUNERATION.—For purposes of this subsection, the term 'direct and indirect remuneration' means direct and indirect remuneration as described in section 423.308 of title 42, Code of Federal Regulations, or any successor regulation.''.

SEC. 14104. IMPROVEMENTS TO PROVISION OF PARTS A AND B CLAIMS DATA TO PRESCRIPTION DRUG PLANS.

(a) DATA USE.—

(1) IN GENERAL.—Paragraph (6) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as added by section 50354 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), relating to providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes, is amended—

(A) in subparagraph (B)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving such subclauses 2 ems to the right;

(ii) by striking ''PURPOSES.—A PDP sponsor'' and inserting PURPOSES—

''(i) IN GENERAL.—A PDP sponsor.''; and

(iii) by adding at the end the following new clause:

''(ii) CLARIFICATION.—The limitation on data use under subparagraph (C)(i) shall not apply to the extent that the PDP sponsor is using the data provided to carry out any of the purposes described in clause (i).''; and

(B) in subparagraph (C)(i), by striking ''To inform'' and inserting ''Subject to subparagraph (B)(ii), to inform''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2024.

(b) MANNER OF PROVISION.—Subparagraph (D) of such paragraph (6) is amended—

(1) by striking ''DESCRIBED.—The data described in this clause'' and inserting ''DESCRIBED.—

''(i) IN GENERAL.—The data described in this subparagraph''; and

(2) by adding at the end the following new clause:

''(ii) MANNER OF PROVISION.—

''(I) IN GENERAL.—Such data may be provided pursuant to this paragraph in the same manner as data under the Part D Enhanced Medication Therapy Management model tested under section 1115A, through Application Programming Interface, or in another manner as determined by the Secretary.

''(II) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this clause by program instruction or otherwise.''.

(c) TECHNICAL CORRECTION.—Such paragraph (6) is redesignated as paragraph (7).

SEC. 14105. PROHIBITING BRANDING ON PART D BENEFIT CARDS.

(a) IN GENERAL.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking ''co-branded network provider'' and inserting ''co-branded, co-owned, or affiliated network provider, pharmacy, or pharmacy benefit manager''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 14106. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 14107. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by this Act, is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

''(i) established or adopted by the Secretary under subparagraph (B), as listed under clause (ii) of such subparagraph; and

''(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

''(B) STANDARD PHARMACY QUALITY MEASURES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

''(ii) MAINTENANCE OF LIST.—The Secretary shall maintain a single list of measures established or adopted under this subparagraph.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or adopted under subparagraph (B) for the purposes of the requirement under subparagraph (A).''.

SEC. 14108. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

''(E) ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—For 2028 and subsequent years, the Secretary shall add a new set of measures to the 5-star rating system based on access to biosimilar biological products covered under part B and, in the case of MA–PD plans, such products that are covered part D drugs. Such measures shall assess the impact a plan's benefit structure may have on enrollees' utilization of or ability to access biosimilar biological products, including in comparison to the reference biological product, and shall include measures, as applicable, with respect to the following:

''(I) COVERAGE.—Assessing whether a biosimilar biological product is on the plan formulary in lieu of or in addition to the reference biological product.

''(II) PREFERENCING.—Assessing tier placement or cost-sharing for a biosimilar biological product relative to the reference biological product.

''(III) UTILIZATION MANAGEMENT TOOLS.—Assessing whether and how utilization management tools are used with respect to a biosimilar biological product relative to the reference biological product.

''(IV) UTILIZATION.—Assessing the percentage of enrollees prescribed the biosimilar biological product and the percentage of enrollees prescribed the reference biological product when the reference biological product is also on the plan formulary.

''(ii) DEFINITIONS.—In this subparagraph, the terms 'biosimilar biological product' and 'reference biological product' have the meaning given those terms in section 1847A(c)(6).

''(iii) PROTECTING PATIENT INTERESTS.—In developing such measures, the Secretary shall ensure that each measure developed to address coverage, preferencing, or utilization management is constructed such that patients retain access to appropriate therapeutic options without undue administrative burden.''.

(b) CLARIFICATION REGARDING APPLICATION TO PRESCRIPTION DRUG PLANS.—To the extent the Secretary of Health and Human Services applies the 5-star rating system under section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)), or a similar system, to prescription drug plans under part D of title XVIII of such Act, the provisions of subparagraph (E) of such section, as added by subsection (a) of this section, shall apply under the system with respect to such plans in the same manner as such provisions apply to the 5-star rating system under such section 1853(o)(4).

SEC. 14109. FAIRNESS IN THE CALCULATION OF THE PART D PREMIUM.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended—

(1) in paragraph (3)(A), by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''; and

(2) by adding at the end the following new paragraph:

''(8) APPLICABLE PERCENT.—For purposes of paragraph (3)(A), the applicable percent specified in this paragraph is—

''(A) for years prior to 2024, 25.5 percent; and

''(B) for 2024 and subsequent years, 24.5 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) SUBSIDY.—Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is

amended, in the matter preceding paragraph (1), by inserting ''(or, for 2022 and subsequent years, 75.5 percent)'' after ''74.5 percent''.

(2) FALLBACK AREA MONTHLY BENEFICIARY PREMIUM.—Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in section 1860D–13(a)(8))''.

(3) INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (IRMAA).—Section 1860D–13(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)(II)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''.

SEC. 14110. HHS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer's drugs and biologicals, including for Medicare part D beneficiaries.

(2) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for health care providers who prescribe the manufacturer's products;

(ii) Federal laws affecting these pharmaceutical manufacturer distribution models; and

(iii) whether hub services could improperly incentivize health care providers to deem a drug or biological as medically necessary under section 423.578 of title 42, Code of Federal Regulations.

(B) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than July 1, 2024, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subpart C—Miscellaneous

SEC. 14201. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG MANUFACTURER PRICE TRANSPARENCY.

''(a) IN GENERAL.—

''(1) DETERMINATIONS.—Beginning July 1, 2024, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

''(2) REQUIRED JUSTIFICATION.—If the Secretary determines under paragraph (1) that an applicable drug is described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in subsection (c) in accordance with the timing described in subsection (d).

''(b) APPLICABLE DRUG DESCRIBED.—

''(1) IN GENERAL.—An applicable drug is described in this subsection if it meets any of the following at the time of the determination:

''(A) LARGE INCREASE.—The drug (per dose)—

''(i) has a wholesale acquisition cost of at least $10; and

''(ii) had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 100 percent since the date of the enactment of this section;

''(II) during 2023, of at least 100 percent in the preceding 12 months or of at least 150 percent in the preceding 24 months;

''(III) during 2024, of at least 100 percent in the preceding 12 months or of at least 200 percent in the preceding 36 months;

''(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

''(B) HIGH SPENDING WITH INCREASE.—The drug—

''(i) was in the top 50th percentile of net spending under title XVIII or XIX (to the extent data is available) during any 12-month period in the preceding 60 months; and

''(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 15 percent since the date of the enactment of this section;

''(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 20 percent in the preceding 24 months;

''(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 36 months;

''(IV) during 2025, of at least 15 percent in the preceding 12 months or of at least 40 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 60 months.

''(C) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after such date, such wholesale acquisition cost for a year's supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(2) SPECIAL RULES.—

''(A) AUTHORITY OF SECRETARY TO SUBSTITUTE PERCENTAGES WITHIN A DE MINIMIS RANGE.—For purposes of applying paragraph (1), the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph (other than the percentile described subparagraph (B)(i) of such paragraph) a percentage within a de minimis range specified by the Secretary below the percentage so described.

''(B) DRUGS WITH HIGH LAUNCH PRICES ANNUALLY REPORT UNTIL A THERAPEUTIC EQUIVALENT IS AVAILABLE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of paragraph (1), such drug shall remain described in such subparagraph (C) (and the manufacturer of such drug shall annually report the justification under subsection (c)(2)) until the Secretary determines that there is a therapeutic equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations, or any successor regulation) for such drug.

''(3) DOSE.—For purposes of applying paragraph (1), the Secretary shall establish a definition of the term 'dose'.

''(c) JUSTIFICATION DESCRIBED.—

''(1) INCREASE IN WAC.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the increase in the wholesale acquisition cost of the applicable drug of the manufacturer, as determined appropriate by the Secretary and which may include the following:

''(A) The individual factors that have contributed to the increase in the wholesale acquisition cost.

''(B) An explanation of the role of each factor in contributing to such increase.

''(C) Total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug;

''(ii) acquiring patents and licensing for each drug of the manufacturer; and

''(iii) costs to purchase or acquire the drug from another company, if applicable.

''(D) The percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds.

''(E) The total expenditures of the manufacturer on research and development for such drug.

''(F) The total revenue and net profit generated from the applicable drug for each calendar year since drug approval.

''(G) The total expenditures of the manufacturer that are associated with marketing and advertising for the applicable drug.

''(H) Additional information specific to the manufacturer of the applicable drug, such as—

''(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

''(ii) metrics used to determine executive compensation;

''(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

''(I) drug research and development; or

''(II) clinical trials on drugs that failed to receive approval by the Food and Drug Administration.

''(2) HIGH LAUNCH PRICE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the wholesale acquisition cost of the applicable drug of the manufacturer, as determined by the Secretary and which may include the items described in subparagraph (C) through (H) of paragraph (1).

''(d) TIMING.—

''(1) NOTIFICATION.—Not later than 60 days after the date on which the Secretary makes the determination that a drug is an applicable drug under subsection (b), the Secretary shall notify the manufacturer of the applicable drug of such determination.

''(2) SUBMISSION OF JUSTIFICATION.—Not later than 180 days after the date on which a manufacturer receives a notification under paragraph (1), the manufacturer shall submit to the Secretary the justification required under subsection (a).

''(3) POSTING ON INTERNET WEBSITE.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after receiving the justification under paragraph (2), the Secretary shall post on the Internet website of

the Centers for Medicare & Medicaid Services the justification, together with a summary of such justification that is written and formatted using language that is easily understandable by beneficiaries under titles XVIII and XIX.

''(B) EXCLUSION OF PROPRIETARY INFORMATION.—The Secretary shall exclude proprietary information, such as trade secrets and intellectual property, submitted by the manufacturer in the justification under paragraph (2) from the posting described in subparagraph (A).

''(e) EXCEPTION TO REQUIREMENT FOR SUBMISSION.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the requirement to submit a justification under subsection (a) shall not apply where the manufacturer, after receiving the notification under subsection (d)(1) with respect to the applicable drug of the manufacturer, reduces the wholesale acquisition cost of a drug so that it no longer is described in such subparagraph (A) or (B) for at least a 4-month period, as determined by the Secretary.

''(f) PENALTIES.—

''(1) FAILURE TO SUBMIT TIMELY JUSTIFICATION.—If the Secretary determines that a manufacturer has failed to submit a justification as required under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount of $10,000 for each day the manufacturer has failed to submit such justification as so required.

''(2) FALSE INFORMATION.—Any manufacturer that submits a justification under this section and knowingly provides false information in such justification is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information.

''(3) APPLICATION OF PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Civil monetary penalties imposed under this subsection are in addition to other penalties as may be prescribed by law.

''(g) DEFINITIONS.—In this section:

''(1) DRUG.—The term 'drug' means a drug, as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act, that is intended for human use and subject to section 503(b)(1) of such Act, including a product licensed under section 351 of the Public health Service Act.

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).''.

SEC. 14202. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23), as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) a State plan under title XIX, including a managed care entity (as defined in section 1932(a)(1)(B)),'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(excluding bona fide'' and all that follows through ''patient education programs))''; and

(ii) by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage of'';

(B) in paragraph (3), by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage (defined as a share of gross drug costs) of''; and

(C) by adding at the end the following new paragraph:

''(4) The aggregate amount of bona fide service fees (which include distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs)) the PBM received from—

''(A) PDP sponsors;

''(B) qualified health benefit plans;

''(C) managed care entities (as defined in section 1932(a)(1)(b)); and

''(D) drug manufacturers.'';

(3) in subsection (c), by adding at the end the following new paragraphs:

''(5) To States to carry out their administration and oversight of the State plan under title XIX.

''(6) To the Federal Trade Commission to carry out section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45a) and any other relevant consumer protection or antitrust authorities enforced by such Commission, including reviewing proposed mergers in the prescription drug sector.

''(7) To assist the Department of Justice to carry out its antitrust authorities, including reviewing proposed mergers in the prescription drug sector.''; and

(4) by adding at the end the following new subsection:

''(f) ANNUAL OIG EVALUATION AND REPORT.—

''(1) ANALYSIS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the information provided to the Secretary under this section. Such evaluation shall include an analysis of—

''(A) PBM rebates;

''(B) administrative fees;

''(C) the difference between what plans pay PBMs and what PBMs pay pharmacies;

''(D) generic dispensing rates; and

''(E) other areas determined appropriate by the Inspector General.

''(2) REPORT.—Not later than July 1, 2023, and annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate. Such report shall not disclose the identity of a specific PBM, plan, or price charged for a drug.''.

SEC. 14203. PRESCRIPTION DRUG PRICING DASHBOARDS.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARDS.

''(a) IN GENERAL.—Beginning not later than January 1, 2023, the Secretary shall establish, and annually update, internet website-based dashboards, through which beneficiaries, clinicians, researchers, and the public can review information on spending for, and utilization of, prescription drugs and biologicals (and related supplies and mechanisms of delivery) covered under each of parts B and D of title XVIII and under a State program under title XIX, including information on trends of such spending and utilization over time.

''(b) MEDICARE PART B DRUG AND BIOLOGICAL DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part B of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to drug or biologicals covered under such part B:

''(A) The brand name and, if applicable, the generic names of the drug or biological.

''(B) Consumer-friendly information on the uses and clinical indications of the drug or biological.

''(C) The manufacturer or labeler of the drug or biological.

''(D) To the extent feasible, the following information:

''(i) Average total spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

''(ii) The percentage change in average spending on the drug or biological per dosage unit between the most recent calendar year for which data is available and—

''(I) the preceding calendar year; and

''(II) the preceding 5 and 10 calendar years.

''(iii) The annual growth rate in average spending per dosage unit of the drug or biological in the most recent 5 or 10 calendar years for which data is available.

''(iv) Total spending for the drug or biological for the most recent calendar year for which data is available.

''(v) The number of beneficiaries receiving the drug or biological in the most recent calendar year for which data is available.

''(vi) Average spending on the drug per beneficiary for the most recent calendar year for which data is available.

''(E) The average sales price of the drug or biological (as determined under section 1847A) for the most recent quarter.

''(F) Consumer-friendly information about the coinsurance amount for the drug or biological for beneficiaries for the most recent quarter. Such information shall not include coinsurance amounts for qualified medicare beneficiaries (as defined in section 1905(p)(1)).

''(G) For the most recent calendar year for which data is available—

''(i) the 15 drugs and biologicals with the highest total spending under such part; and

''(ii) any drug or biological for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(H) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about drug and biological spending and utilization (including trends of such spending and utilization).

''(c) MEDICARE COVERED PART D DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part D of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered part D drugs under such part D:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) Information on average annual beneficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) for the current plan year. Such information shall not include

out-of-pocket costs for subsidy eligible individuals under section 1860D–14.

''(C) Information on how to access resources as described in sections 1860D–1(c) and 1851(d).

''(D) For the most recent calendar year for which data is available—

''(i) the 15 covered part D drugs with the highest total spending under such part; and

''(ii) any covered part D drug for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(E) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered part D drug spending and utilization (including trends of such spending and utilization).

''(d) MEDICAID COVERED OUTPATIENT DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered outpatient drugs under such title:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) For the most recent calendar year for which data is available, the 15 covered outpatient drugs with the highest total spending under such title.

''(C) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered outpatient drug spending and utilization (including trends of such spending and utilization).

''(e) DATA FILES.—The Secretary shall make available the underlying data for each dashboard established under subsection (a) in a machine-readable format.''.

SEC. 14204. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The Secretary shall invite the following to the public meeting:

(i) Representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services.

(ii) Stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products.

(iii) Representatives of commercial health insurance payers.

(iv) Stakeholders with expertise in the administration and use of novel medical products, including physicians.

(v) Stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting agenda shall include—

(i) an overview of the types of products and product categories in the drug and medical device development pipeline and the volume of products which may meet the description of a novel medical product under subsection (c);

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing under this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the Internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraphs (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 14205. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrative contractor, may consult with patients and organizations representing patients, including patients with disabilities, in making national and local coverage determinations.''.

SEC. 14206. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term ''independent charity patient assistance program'' means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 509(a) of such Code) that offers patient assistance.

(2) MANUFACTURER.—The term ''manufacturer'' has the meaning given that term in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term ''manufacturer patient assistance program'' means an organization, including a private foundation (as so defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term ''patient assistance'' means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Secretary of Health and Human Services.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the findings of the study required under subsection (a).

SEC. 14207. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D; and

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D.

SEC. 14208. TAKING STEPS TO FULFILL TREATY OBLIGATIONS TO TRIBAL COMMUNITIES.

(a) GAO STUDY.—The Comptroller General shall conduct a study regarding access to, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(2) recommendations to align the value of prescription drug discounts available under the Medicaid drug rebate program established under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) with prescription drug discounts available to Tribal communities through the purchased/referred care program of the Indian Health Service for physician administered drugs; and

(3) an examination of how Tribal communities and urban Indian organizations utilize the Medicare part D program established under title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE.—The terms ''Indian'', ''Indian health program'', and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

PART 2—MEDICAID DRUG PRICING REFORMS

SEC. 14301. MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE IMPROVEMENTS.

(a) IN GENERAL.—Subparagraph (A) of section 1927(d)(4) of the Social Security Act (42 U.S.C. 1396r–8(d)(4)) is amended to read as follows:

''(A)(i) The formulary is developed and reviewed by a pharmacy and therapeutics committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State.

''(ii) Subject to clause (vi), the State establishes and implements a conflict of interest policy for the pharmacy and therapeutics committee that—

''(I) is publicly accessible;

''(II) requires all committee members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in committee matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.

''(iii) The membership of the pharmacy and therapeutics committee—

''(I) is made publicly available;

''(II) is composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers; and

''(III) includes at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iv) At the option of the State, the State's drug use review board established under subsection (g)(3) may serve as the pharmacy and therapeutics committee provided the State ensures that such board meets the requirements of clauses (ii) and (iii).

''(v) The State reviews and has final approval of the formulary established by the pharmacy and therapeutics committee.

''(vi) If the Secretary determines it appropriate or necessary based on the findings and recommendations of the Comptroller General of the United States in the report submitted to Congress under section 203 of the Prescription Drug Pricing Reduction Act of 2022, the Secretary shall issue guidance that States must follow for establishing conflict of interest policies for the pharmacy and therapeutics committee in accordance with the requirements of clause (ii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.''.

(b) APPLICATION TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Clause (xiii) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking ''and (III)'' and inserting ''(III)'';

(B) by striking the period at the end and inserting '', and (IV) any formulary used by the entity for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity is developed and reviewed by a pharmacy and therapeutics committee that meets the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(C) by moving the left margin 2 ems to the left.

(2) APPLICATION TO PIHPS AND PAHPS.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

''(10) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by an other specified entity (as defined in paragraph (9)(D)(iii)) unless such services are provided in accordance with a contract between the State and the entity which satisfies the requirements of paragraph (2)(A)(xiii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 14302. IMPROVING REPORTING REQUIREMENTS AND DEVELOPING STANDARDS FOR THE USE OF DRUG USE REVIEW BOARDS IN STATE MEDICAID PROGRAMS.

(a) IN GENERAL.—Section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(g)(3)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The membership of the DUR Board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

''(I) The clinically appropriate prescribing of covered outpatient drugs.

''(II) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

''(III) Drug use review, evaluation, and intervention.

''(IV) Medical quality assurance.

''(ii) MEMBERSHIP REQUIREMENTS.—The membership of the DUR Board shall—

''(I) be made publicly available;

''(II) be composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers;

''(III) be made up of at least 1/3 but no more than 51 percent members who are licensed and actively practicing physicians and at least 1/3 members who are licensed and actively practicing pharmacists; and

''(IV) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iii) CONFLICT OF INTEREST POLICY.—The State shall establish and implement a conflict of interest policy for the DUR Board that—

''(I) is publicly accessible;

''(II) requires all board members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in board matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.''; and

(2) by adding at the end the following new subparagraph:

''(E) DUR BOARD MEMBERSHIP REPORTS.—

''(i) DUR BOARD REPORTS.—Each State shall require the DUR Board to prepare and submit to the State an annual report on the DUR Board membership. Each such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other information required by the State.

''(ii) INCLUSION OF DUR BOARD MEMBERSHIP INFORMATION IN STATE REPORTS.—Each annual State report to the Secretary required under subparagraph (D) shall include—

''(I) the number of individuals serving on the State's DUR Board;

''(II) the names and professions of the individuals serving on such DUR Board;

''(III) any conflicts of interest or recusals with respect to members of such DUR Board reported by the DUR Board or that the State was aware of during the period that is the subject of the report; and

''(IV) whether the State has elected for such DUR Board to serve as the committee responsible for developing a State formulary under subsection (d)(4)(A).''.

(b) MANAGED CARE REQUIREMENTS.—Section 1932(i) of the Social Security Act (42 U.S.C. 1396u–2(i)) is amended—

(1) by inserting ''and each contract under a State plan with an other specified entity (as defined in section 1903(m)(9)(D)(iii))'' after ''under section 1903(m)'';

(2) by striking ''section 483.3(s)(4)'' and inserting ''section 438.3(s)(4)'';

(3) by striking ''483.3(s)(5)'' and inserting ''438.3(s)(5)''; and

(4) by adding at the end the following: ''Such a managed care entity or other specified entity shall not be considered to be in compliance with the requirement of such section 438.3(s)(5) that the entity provide a detailed description of its drug utilization review activities unless the entity includes a description of the prospective drug review activities described in paragraph (2)(A) of section 1927(g) and the activities listed in paragraph (3)(C) of section 1927(g), makes the underlying drug utilization review data available to the State and the Secretary, and provides such other information as deemed appropriate by the Secretary.''.

(c) DEVELOPMENT OF NATIONAL STANDARDS FOR MEDICAID DRUG USE REVIEW.—The Secretary of Health and Human Services may promulgate regulations or guidance establishing national standards for Medicaid drug use review programs under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)), for the purpose of aligning review criteria for prospective and retrospective drug use review across all State Medicaid programs.

(d) CMS GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance—

(1) outlining steps that States must take to come into compliance with statutory and regulatory requirements for prospective and retrospective drug use review under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)) (including with respect to requirements that were in effect before the date of enactment of this Act); and

(2) describing the actions that the Secretary will take to enforce such requirements.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 14303. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) INVESTIGATION.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid program State drug use review boards (in this section referred to as ''DUR Boards'') and pharmacy and therapeutics committees (in this section referred to as ''P&T Committees'').

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and statewide P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations or other Medicaid managed care arrangements (including other specified entities (as defined in section 1903(m)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1396b(m)(9)(D)(iii)) and collectively referred to in this section as ''Medicaid MCOs''); and

(C) States that allow Medicaid MCOs to have their own P&T Committees and the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(2) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r(g)(3)) and P&T Committees.

(3) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(4) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards and P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(5) A description outlining how States, DUR Boards, or P&T Committees define conflicts of interest.

(6) A description of how DUR Boards and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

(7) A description of the tools, if any, States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

(8) An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(9) A review of strategies States may use to guard against conflicts of interest on DUR Boards and P&T Committees and to ensure compliance with the requirements of titles XI and XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1396 et seq.) and access to effective, clinically appropriate, and medically necessary drug treatments for Medicaid beneficiaries, including recommendations for such legislative and administrative actions as the Comptroller General determines appropriate.

SEC. 14304. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID DRUG REBATE PROGRAM.

(a) AUDIT OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

''(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

''(i) AUDITS.—The Secretary shall conduct regular audits of the price and drug product information reported by manufacturers under subparagraph (A) for the most recently ended rebate period to ensure the accuracy and timeliness of such information. In conducting such audits, the Secretary may employ evaluations, surveys, statistical sampling, predictive analytics and other relevant tools and methods.

''(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER'S AVERAGE SALES PRICE.—In addition to the audits required under clause (i), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as 'direct sellers')), when necessary, to verify manufacturer prices and manufacturer's average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

''(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including under subparagraph (C) of this paragraph, the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller, if the wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(iv) REPORTS.—

''(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure accurate and timely reporting and oversight of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information should be considered to ensure the integrity of the drug rebate program under this section.

''(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

''(III) CONTENT.—Each report submitted under subclause (II) shall, with respect to the period that is the subject of the report, include summaries of—

''(aa) error rates in the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

''(bb) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

''(cc) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

''(dd) the types of price and drug product information reviewed under the audits conducted under this subparagraph;

''(ee) the tools and methodologies employed in such audits;

''(ff) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

''(gg) such other relevant information as the Secretary shall deem appropriate.

''(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall redact such proprietary information as the Secretary determines appropriate to prevent disclosure of, and to safeguard, such information.

''(v) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter to carry out this subparagraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(i)) is amended by striking ''increased by $10,000 for each day in which such information has not been provided and such amount shall be paid to the Treasury'' and inserting '', for each covered outpatient drug with respect to which such information is not provided, $50,000 for the first day that such information is not provided on a timely basis and $19,000 for each subsequent day that such information is not provided (with such amounts being paid to the Treasury),''.

(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(ii)) is amended by striking ''$100,000'' and inserting ''$500,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to affect the application of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to any civil penalty amount under section 1927 of the Social Security Act (42 U.S.C. 1396r–8).

SEC. 14305. APPLYING MEDICAID DRUG REBATE REQUIREMENT TO DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396r–8(k)(3)) is amended to read as follows:

''(3) LIMITING DEFINITION.—

''(A) IN GENERAL.—The term 'covered outpatient drug' does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, any of the following (and for which payment may be made under this title as part of payment for the following and not as direct reimbursement for the drug):

''(i) Inpatient hospital services.

''(ii) Hospice services.

''(iii) Dental services, except that drugs for which the State plan authorizes direct reimbursement to the dispensing dentist are covered outpatient drugs.

''(iv) Physicians' services.

''(v) Outpatient hospital services.

''(vi) Nursing facility services and services provided by an intermediate care facility for the mentally retarded.

''(vii) Other laboratory and x-ray services.

''(viii) Renal dialysis.

''(B) OTHER EXCLUSIONS.—Such term also does not include any such drug or product for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used for a medical indication which is not a medically accepted indication.

''(C) STATE OPTION.—At the option of a State, such term may include any drug, biological product, or insulin provided on an outpatient basis as part of, or as incident to and in the same setting as, services described in clause (iv) or (v) of subparagraph (A) (such as a drug, biological product, or insulin being provided as part of a bundled payment).

''(D) NO EFFECT ON BEST PRICE.—Any drug, biological product, or insulin excluded from the definition of such term as a result of this paragraph shall be treated as a covered outpatient drug for purposes of determining the best price (as defined in subsection (c)(1)(C)) for such drug, biological product, or insulin.''.

(b) EFFECTIVE DATE; IMPLEMENTATION GUIDANCE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) IMPLEMENTATION AND GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance and relevant informational bulletins for States, manufacturers (as defined in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)), and other relevant stakeholders, including health care providers, regarding implementation of the amendment made by subsection (a).

SEC. 14306. IMPROVING TRANSPARENCY AND PREVENTING THE USE OF ABUSIVE SPREAD PRICING AND RELATED PRACTICES IN MEDICAID.

(a) PASS-THROUGH PRICING REQUIRED.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by adding at the end the following:

''(6) PASS-THROUGH PRICING REQUIRED.—A contract between the State and a pharmacy benefit manager (referred to in this paragraph as a 'PBM'), or a contract between the State and a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)) that includes provisions making the entity responsible for coverage of covered outpatient drugs dispensed to individuals enrolled with the entity, shall require that payment for such drugs (excluding, at the option of the State, any drug that is subject to an agreement under section 340B of the Public Health Service Act) and related administrative services (as applicable), including payments made by a PBM on behalf of the State or entity, is based on a pass-through pricing model under which—

''(A) any payment made by the entity or the PBM (as applicable) for such a drug—

''(i) is limited to—

''(I) ingredient cost; and

''(II) a professional dispensing fee that is not less than the professional dispensing fee that the State plan or waiver would pay if the plan or waiver was making the payment directly;

''(ii) is passed through in its entirety by the entity or PBM to the pharmacy that dispenses the drug; and

''(iii) is made in a manner that is consistent with section 1902(a)(30)(A) and sections 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM;

''(B) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

''(C) the entity or the PBM (as applicable) shall make available to the State, and the Secretary upon request, all costs and payments related to covered outpatient drugs and accompanying administrative services incurred, received, or made by the entity or the PBM, including ingredient costs, professional dispensing fees, administrative fees, post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

''(D) any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, effective rate contract adjustments, or related adjustments such as direct and indirect remuneration fees or assessments (after allowing for a reasonable administrative fee as described in subparagraph (B)) is not allowable for purposes of claiming Federal matching payments under this title.''.

(2) CONFORMING AMENDMENT.—Section 1903(m)(2)(A)(xiii) of such Act (42 U.S.C. 1396b(m)(2)(A)(xiii)), as amended by section 14301(b)(1), is amended—

(A) by striking ''and (IV)'' and inserting ''(IV)''; and

(B) by inserting before the period at the end the following: '', and (V) pharmacy benefit management services provided by the entity, or provided by a pharmacy benefit manager on behalf of the entity under a contract or other arrangement between the entity and the pharmacy benefit manager, shall

comply with the requirements of section 1927(e)(6)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to contracts between States and managed care entities, other specified entities, or pharmacy benefits managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) SURVEY OF RETAIL PRICES.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) SURVEY OF RETAIL PRICES.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment, including third parties, and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

(B) by adding at the end of paragraph (1) the following:

''(F) SURVEY REPORTING.—In order to meet the requirement of section 1902(a)(54), a State shall require that any retail community pharmacy in the State that receives any payment, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection.

''(G) SURVEY INFORMATION.—Information on retail community prices obtained under this paragraph shall be made publicly available and shall include at least the following:

''(i) The monthly response rate of the survey including a list of pharmacies not in compliance with subparagraph (F).

''(ii) The sampling frame and number of pharmacies sampled monthly.

''(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

''(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operated pharmacies.

''(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

''(vi) Information on average professional dispensing fees paid.

''(H) PENALTIES.—

''(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided.

''(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

''(iii) OTHER PENALTIES.—Any civil money penalties imposed under this subparagraph shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(I) REPORT ON SPECIALTY DRUGS AND PHARMACIES.—

''(i) IN GENERAL.—Not later than 18 months after the effective date of this subparagraph, the Secretary shall submit a report to Congress examining specialty drug coverage and reimbursement under this title.

''(ii) CONTENT OF REPORT.—Such report shall include a description of how State Medicaid programs define specialty drugs, how much State Medicaid programs pay for specialty drugs, how States and managed care plans determine payment for specialty drugs, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquisition costs for specialty drugs are captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs capture drugs sold at specialty pharmacies and how such specialty pharmacies should be defined.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting '', including payment rates under Medicaid managed care plans,'' after ''under this title''; and

(ii) in subparagraph (B), by inserting ''and the basis for such dispensing fees'' before the semicolon; and

(D) in paragraph (4), by inserting '', and $5,000,000 for fiscal year 2023 and each fiscal year thereafter,'' after ''2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by adding ''and'' after the semicolon;

(C) by moving the left margins of subclause (I) and (II) 2 ems to the right; and

(D) by adding at the end the following:

''(III) in the case of rebate periods that begin on or after the date of enactment of this subclause, on the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act);''; and

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting ''and clause (viii) of this subparagraph'' after ''1847A'';

(B) in clause (vi), by striking ''and'' after the comma;

(C) in clause (vii), by striking the period and inserting '', and''; and

(D) by inserting after clause (vii) the following:

''(viii) to the Secretary to disclose (through a website accessible to the public) the most recently reported wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for each covered outpatient drug (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), as reported under subparagraph (A)(i)(III).''.

SEC. 14307. T–MSIS DRUG DATA ANALYTICS REPORTS.

(a) IN GENERAL.—Not later than May 1 of each calendar year beginning with calendar year 2021, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) REQUIRED CONTENT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent available, with respect to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver)—

(i) across all available forms or models of reimbursement used under the plan or waiver;

(ii) within specialties and subspecialties, as defined by the Secretary;

(iii) by episodes of care for—

(I) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(II) procedural groupings; and

(III) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of an individual, as determined by the Secretary);

(iv) by patient demographic characteristics, including race (to the extent that the Secretary determines that there is sufficient data available with respect to such characteristic in a majority of States and that inclusion of such characteristic would not jeopardize the privacy of the individual), gender, and age;

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(B) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescribing patterns when a covered outpatient drug is prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(2) ADDITIONAL CONTENT.—To the extent available, a report required under subsection (a) for a calendar year may include State-specific information about prescription utilization management tools under State Medicaid plans or waivers of such plans, including—

(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan;

(B) a comparison of prescription utilization management tools applicable to populations covered under a State Medicaid plan waiver under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

(C) a comparison of the prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities within the State;

(D) a comparison of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver; and

(E) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) analyses of national, State, and local patterns of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identifying such patterns); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(c) USE OF T–MSIS DATA.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Transformed Medicaid Statistical Information System (''T–MSIS'') data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) PREPARATION OF REPORT.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(e) APPROPRIATION.—For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 14308. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICAID.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

''(l) STATE OPTION TO PAY FOR COVERED OUTPATIENT DRUGS THROUGH RISK-SHARING VALUE-BASED AGREEMENTS.—

''(1) IN GENERAL.—Beginning January 1, 2024, a State shall have the option to pay (whether on a fee-for-service or managed care basis) for covered outpatient drugs that are potentially curative treatments intended for one-time use that are administered to individuals under this title by entering into a risk-sharing value-based payment agreement with the manufacturer of the drug in accordance with the requirements of this subsection.

''(2) SECRETARIAL APPROVAL.—

''(A) IN GENERAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the manufacturer unless the following requirements are met:

''(i) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT AND IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS.—The manufacturer has a rebate agreement in effect as required under subsections (a) and (b) of this section and is in compliance with all applicable requirements under this title.

''(ii) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—

''(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is not expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

''(II) NET FEDERAL SPENDING DEFINED.—For purposes of this subsection, the term 'net Federal spending' means the amount of Federal payments the Chief Actuary estimates would be made under this title for administering a covered outpatient drug to an individual eligible for medical assistance under a State plan or a waiver of such plan, reduced by the amount of all rebates the Chief Actuary estimates would be paid with respect to the administering of such drug, including all rebates under this title and any supplemental or other additional rebates, in the absence of such an agreement.

''(III) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information. The State and manufacturer shall provide the Secretary and the Chief Actuary with all necessary information required to make the estimates needed for such certifications.

''(iii) LAUNCH AND LIST PRICE JUSTIFICATIONS.—The manufacturer submits all relevant information and supporting documentation necessary for pricing decisions as deemed appropriate by the Secretary, which shall be truthful and non-misleading, including manufacturer information and supporting documentation for launch price or list price increases, and any applicable justification required under section 1128L.

''(iv) CONFIDENTIALITY OF INFORMATION; PENALTIES.—The provisions of subparagraphs (C) and (D) of subsection (b)(3) shall apply to a manufacturer that fails to submit the information and documentation required under clauses (ii) and (iii) on a timely basis, or that knowingly provides false or misleading information, in the same manner as such provisions apply to a manufacturer with a rebate agreement under this section.

''(B) CONSIDERATION OF STATE REQUEST FOR APPROVAL.—

''(i) IN GENERAL.—The Secretary shall treat a State request for approval of a risk-sharing value-based payment agreement in the same manner that the Secretary treats a State plan amendment, and subpart B of part 430 of title 42, Code of Federal Regulations, including, subject to clause (ii), the timing requirements of section 430.16 of such title (as in effect on the date of enactment of this subsection), shall apply to a request for approval of a risk-sharing value-based payment agreement in the same manner as such subpart applies to a State plan amendment.

''(ii) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs as required under subparagraph (C) and make a determination on whether to approve a request from a State for approval of a proposed risk-sharing value-based payment agreement (or request additional information necessary to allow the Secretary to make a determination with respect to such request for approval) within the time period, to the extent practicable, specified in section 430.16 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this subsection), but in no case shall the Secretary take more than 180 days after the receipt of such request for approval or response to such request for additional information to make such a determination (or request additional information).

''(C) CONSULTATION WITH THE COMMISSIONER OF FOOD AND DRUGS.—In considering whether to approve a risk-sharing value-based payment agreement, the Secretary, to the extent necessary, shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such agreement are appropriate.

''(3) INSTALLMENT-BASED PAYMENT STRUCTURE.—

''(A) IN GENERAL.—A risk-sharing value-based payment agreement shall provide for a payment structure under which, for every installment year of the agreement (subject to subparagraph (B)), the State shall pay the total installment year amount in equal installments to be paid at regular intervals over a period of time that shall be specified in the agreement.

''(B) REQUIREMENTS FOR INSTALLMENT PAYMENTS.—

''(i) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) for an installment year not later than 30 days after the end of such year.

''(ii) LENGTH OF INSTALLMENT PERIOD.—The period of time over which the State shall make the installment payments described in subparagraph (A) for an installment year shall not be longer than 5 years.

''(iii) NONPAYMENT OR REDUCED PAYMENT OF INSTALLMENTS FOLLOWING A FAILURE TO MEET CLINICAL PARAMETER.—If, prior to the payment date (as specified in the agreement) of any installment payment described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that—

''(I) the installment payment shall not be made; or

''(II) the installment payment shall be reduced by a percentage specified in the agreement that is based on the outcome achieved by the drug relative to the relevant clinical parameter.

''(4) NOTICE OF INTENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the State and shall only be effective upon Secretarial approval as required under this subsection.

''(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

''(i) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act after the

date of enactment of this subsection, not more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case of a drug described in clause (ii), not later than March 31, 2022), the manufacturer must notify the Secretary of the manufacturer's intent to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug. If no such meeting has occurred, the Secretary may use discretion as to whether a potentially curative treatment intended for one-time use may qualify for a risk-sharing value-based payment agreement under this section. A manufacturer notification of interest shall not have any influence on a decision for drug approval by the Food and Drug Administration.

''(ii) APPLICATION TO CERTAIN SUBSEQUENTLY APPROVED DRUGS.—A drug described in this clause is a covered outpatient drug of a manufacturer—

''(I) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act after the date of enactment of this subsection; and

''(II) with respect to which, as of January 1, 2024, more than 90 days have passed after the manufacturer's meeting with the Food and Drug Administration following phase II clinical trials for such drug.

''(iii) PARALLEL APPROVAL.—The Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Food and Drugs, shall, to the extent practicable, approve a State's request to enter into a proposed risk-sharing value-based payment agreement that otherwise meets the requirements of this subsection at the time that such a drug is approved by the Food and Drug Administration to help provide that no State that wishes to enter into such an agreement is required to pay for the drug in full at one time if the State is seeking to pay over a period of time as outlined in the proposed agreement.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be applied or construed to modify or affect the timeframes or factors involved in the Secretary's determination of whether to approve or license a drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act.

''(5) SPECIAL PAYMENT RULES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, with respect to an individual who is administered a unit of a covered outpatient drug that is reimbursed under a State plan by a State Medicaid agency under a risk-sharing value-based payment agreement in an installment year, the State shall remain liable to the manufacturer of such drug for payment for such unit without regard to whether the individual remains enrolled in the State plan under this title (or a waiver of such plan) for each installment year for which the State is to make installment payments for covered outpatient drugs purchased under the agreement in such year.

''(B) DEATH.—In the case of an individual described in subparagraph (A) who dies during the period described in such subparagraph, the State plan shall not be liable for any remaining payment for the unit of the covered outpatient drug administered to the individual which is owed under the agreement described in such subparagraph.

''(C) WITHDRAWAL OF APPROVAL.—In the case of a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement between a State and a manufacturer under this subsection, including a drug approved in accordance with section 506(c) of the Federal Food, Drug, and Cosmetic Act, and such drug is the subject of an application that has been withdrawn by the Secretary, the State plan shall not be liable for any remaining payment that is owed under the agreement.

''(D) ALTERNATIVE ARRANGEMENT UNDER AGREEMENT.—Subject to approval by the Secretary, the terms of a proposed risk-sharing value-based payment agreement submitted for approval by a State may provide that subparagraph (A) shall not apply.

''(E) GUIDANCE.—Not later than January 1, 2024, the Secretary shall issue guidance to States establishing a process for States to notify the Secretary when an individual who is administered a unit of a covered outpatient drug that is purchased by a State plan under a risk-sharing value-based payment agreement ceases to be enrolled under the State plan under this title (or a waiver of such plan) or dies before the end of the installment period applicable to such unit under the agreement.

''(6) TREATMENT OF PAYMENTS UNDER RISK-SHARING VALUE-BASED AGREEMENTS FOR PURPOSES OF AVERAGE MANUFACTURER PRICE; BEST PRICE.—The Secretary shall treat any payments made to the manufacturer of a covered outpatient drug under a risk-sharing value-based payment agreement under this subsection during a rebate period in the same manner that the Secretary treats payments made under a State supplemental rebate agreement under sections 447.504(c)(19) and 447.505(c)(7) of title 42, Code of Federal Regulations (or any successor regulations) for purposes of determining average manufacturer price and best price under this section with respect to the covered outpatient drug and a rebate period and for purposes of offsets required under subsection (b)(1)(B).

''(7) ASSESSMENTS AND REPORT TO CONGRESS.—

''(A) ASSESSMENTS.—

''(i) IN GENERAL.—Not later than 180 days after the end of each assessment period of any risk-sharing value-based payment agreement for a State approved under this subsection, the Secretary shall conduct an evaluation of such agreement which shall include an evaluation by the Chief Actuary to determine whether program spending under the risk-sharing value-based payment agreement aligned with the projections for the agreement made under paragraph (2)(A)(ii), including an assessment of whether actual Federal spending under this title under the agreement was less or more than net Federal spending would have been in the absence of the agreement.

''(ii) ASSESSMENT PERIOD.—For purposes of clause (i)—

''(I) the first assessment period for a risk-sharing value-based payment agreement shall be the period of time over which payments are scheduled to be made under the agreement for the first 10 individuals who are administered covered outpatient drugs under the agreement except that such period shall not exceed the 5-year period after the date on which the Secretary approves the agreement; and

''(II) each subsequent assessment period for a risk-sharing value-based payment agreement shall be the 5-year period following the end of the previous assessment period.

''(B) RESULTS OF ASSESSMENTS.—

''(i) TERMINATION OPTION.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the actual Federal spending under this title for any covered outpatient drug that was the subject of the State's risk-sharing value-based payment agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the Secretary may terminate approval of such agreement and shall immediately conduct an assessment under this paragraph of any other ongoing risk-sharing value-based payment agreement to which the same manufacturer is a party.

''(ii) REPAYMENT REQUIRED.—

''(I) IN GENERAL.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the Federal spending under the risk-sharing value-based agreement for a covered outpatient drug that was subject to such agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the manufacturer shall repay the difference to the State and Federal governments in a timely manner as determined by the Secretary.

''(II) TERMINATION FOR FAILURE TO PAY.—The failure of a manufacturer to make repayments required under subclause (I) in a timely manner shall result in immediate termination of all risk-sharing value-based agreements to which the manufacturer is a party.

''(III) ADDITIONAL PENALTIES.—In the case of a manufacturer that fails to make repayments required under subclause (I), the Secretary may treat such manufacturer in the same manner as a manufacturer that fails to pay required rebates under this section, and the Secretary may—

''(aa) suspend or terminate the manufacturer's rebate agreement under this section; and

''(bb) pursue any other remedy that would be available if the manufacturer had failed to pay required rebates under this section.

''(C) REPORT TO CONGRESS.—Not later than 5 years after the first risk-sharing value-based payment agreement is approved under this subsection, the Secretary shall submit to Congress and make available to the public a report that includes—

''(i) an assessment of the impact of risk-sharing value-based payment agreements on access for individuals who are eligible for benefits under a State plan or waiver under this title to medically necessary covered outpatient drugs and related treatments;

''(ii) an analysis of the impact of such agreements on overall State and Federal spending under this title;

''(iii) an assessment of the impact of such agreements on drug prices, including launch price and price increases; and

''(iv) such recommendations to Congress as the Secretary deems appropriate.

''(8) GUIDANCE AND REGULATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2024, the Secretary shall issue guidance to States seeking to enter into risk-sharing value-based payment agreements under this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

''(B) MODEL AGREEMENTS.—

''(i) IN GENERAL.—If a State expresses an interest in pursuing a risk-sharing value-based payment agreement under this subsection with a manufacturer for the purchase of a covered outpatient drug, the Secretary may share with such State any risk-sharing value-based agreement between a State and the manufacturer for the purchase of such drug that has been approved under this subsection. While such shared agreement may serve as a template for a State that wishes to propose, the use of a previously approved agreement shall not affect the submission and approval process for approval of a proposed risk-sharing value-based payment agreement under this subsection, including the requirements under paragraph (2)(A).

''(ii) CONFIDENTIALITY.—In the case of a risk-sharing value-based payment agreement that is disclosed to a State by the Secretary

under this subparagraph and that is only in effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such information.

''(C) OIG CONSULTATION.—

''(i) IN GENERAL.—The Secretary shall consult with the Office of the Inspector General of the Department of Health and Human Services to determine whether there are potential program integrity concerns (including issues related to compliance with sections 1128B and 1877) with agreement approvals or templates and address accordingly.

''(ii) OIG POLICY UPDATES AS NECESSARY.—The Inspector General of the Department of Health and Human Services shall review and update, as necessary, any policies or guidelines of the Office of the Inspector General of the Department of Human Services (including policies related to the enforcement of section 1128B) to accommodate the use of risk-sharing value-based payment agreements in accordance with this section.

''(9) RULES OF CONSTRUCTION.—

''(A) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall prohibit a State from requesting a modification from the Secretary to the terms of a risk-sharing value-based payment agreement. A modification that is expected to result in any increase to projected net State or Federal spending under the agreement shall be subject to recertification by the Chief Actuary as described in paragraph (2)(A)(ii) before the modification may be approved.

''(B) REBATE AGREEMENTS.—Nothing in this subsection shall be construed as requiring a State to enter into a risk-sharing value-based payment agreement or as limiting or superseding the ability of a State to enter into a supplemental rebate agreement for a covered outpatient drug.

''(C) FFP FOR PAYMENTS UNDER RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS.—Federal financial participation shall be available under this title for any payment made by a State to a manufacturer for a covered outpatient drug under a risk-sharing value-based payment agreement in accordance with this subsection, except that no Federal financial participation shall be available for any payment made by a State to a manufacturer under such an agreement on and after the effective date of a disapproval of such agreement by the Secretary.

''(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—Except as expressly provided in this subsection, nothing in this subsection or in any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

''(10) APPROPRIATIONS.—For fiscal year 2022 and each fiscal year thereafter, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

''(11) DEFINITIONS.—In this subsection:

''(A) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

''(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

''(C) POTENTIALLY CURATIVE TREATMENT INTENDED FOR ONE-TIME USE.—The term 'potentially curative treatment intended for one-time use' means a treatment that consists of the administration of a covered outpatient drug that—

''(i) is a form of gene therapy for a rare disease, as defined by the Commissioner of Food and Drugs, designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act to treat a serious or life-threatening disease or condition;

''(ii) if administered in accordance with the labeling of such drug, is expected to result in either—

''(I) the cure of such disease or condition; or

''(II) a reduction in the symptoms of such disease or condition to the extent that such disease or condition is not expected to lead to early mortality; and

''(iii) is expected to achieve a result described in clause (ii), which may be achieved over an extended period of time, after not more than 3 administrations.

''(D) RELEVANT CLINICAL PARAMETER.—The term 'relevant clinical parameter' means, with respect to a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement—

''(i) a clinical endpoint specified in the drug's labeling or supported by one or more of the compendia described in section 1861(t)(2)(B)(ii)(I) that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) is required to be achieved (based on observed metrics in patient populations) under the terms of the agreement; or

''(ii) a surrogate endpoint (as defined in section 507(e)(9) of the Federal Food, Drug, and Cosmetic Act), including those developed by patient-focused drug development tools, that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) has been qualified by the Food and Drug Administration.

''(E) RISK-SHARING VALUE-BASED PAYMENT AGREEMENT.—The term 'risk-sharing value-based payment agreement' means an agreement between a State plan and a manufacturer—

''(i) for the purchase of a covered outpatient drug of the manufacturer that is a potentially curative treatment intended for one-time use;

''(ii) under which payment for such drug shall be made pursuant to an installment-based payment structure that meets the requirements of paragraph (3);

''(iii) which conditions payment on the achievement of at least 2 relevant clinical parameters (as defined in subparagraph (C));

''(iv) which provides that—

''(I) the State plan will directly reimburse the manufacturer for the drug; or

''(II) a third party will reimburse the manufacture in a manner approved by the Secretary;

''(v) is approved by the Secretary in accordance with paragraph (2).

''(F) TOTAL INSTALLMENT YEAR AMOUNT.—The term 'total installment year amount' means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of—

''(i) the unit price of the drug charged under the agreement; and

''(ii) the number of units of such drug administered under the agreement during such installment year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(i)(10)(A) of the Social Security Act (42 U.S.C. 1396b(i)(10)(A)) is amended by striking ''or unless section 1927(a)(3) applies'' and inserting '', section 1927(a)(3) applies with respect to such drugs, or such drugs are the subject of a risk-sharing value-based payment agreement under section 1927(l)''.

(2) Section 1927(b) of the Social Security Act (42 U.S.C. 1396r–8(b)) is amended—

(A) in paragraph (1)(A), by inserting ''but excluding any drugs for which payment is made by a State under a risk-sharing value-based payment agreement under subsection (l))'' after ''for coverage of such drugs''; and

(B) in paragraph (3)—

(i) in subparagraph (C)(i), by inserting ''or subsection (l)(2)(A)'' after ''subparagraph (A)''; and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting '', under subsection (l)(2)(A),'' after ''under this paragraph''.

SEC. 14309. MODIFICATION OF MAXIMUM REBATE AMOUNT UNDER MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Subparagraph (D) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended to read as follows:

''(D) MAXIMUM REBATE AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in no case shall the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period exceed—

''(I) for rebate periods beginning after December 31, 2009, and before September 30, 2024, 100 percent of the average manufacturer price of the drug; and

''(II) for rebate periods beginning on or after October 1, 2024, 125 percent of the average manufacturer price of the drug.

''(ii) NO MAXIMUM AMOUNT FOR DRUGS IF AMP INCREASES OUTPACE INFLATION.—

''(I) IN GENERAL.—If the average manufacturer price with respect to each dosage form and strength of a single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph for the rebate period, and any subsequent rebate period until the average manufacturer price of the drug is the same or less than the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

''(II) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, 1990 (without regard to whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the 1st day of such quarter), increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the month in which the rebate period begins exceeds such index for September 1990.''.

(b) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Section 1927(c)(2)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(B)) is amended by inserting ''and clause (ii)(II) of subparagraph (D)'' after ''clause (ii)(II) of subparagraph (A)''.

(c) TECHNICAL AMENDMENTS.—Section 1927(c)(3)(C)(ii)(IV) of the Social Security Act

(42 U.S.C. 1396r–9(c)(3)(C)(ii)(IV)) is amended—

(1) by striking ''subparagraph (A)'' and inserting ''paragraph (3)(A)''; and

(2) by striking ''this subparagraph'' and inserting ''paragraph (3)(C)''.

SA 5484. Mr. GRASSLEY (for himself, Mr. BRAUN, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike title I of the bill and all that follows through the end of the bill and insert the following:

TITLE I—MEDICARE

Subtitle A—Part B

SEC. 101. INCLUSION OF VALUE OF COUPONS IN DETERMINATION OF AVERAGE SALES PRICE FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

Section 1847A(c) of the Social Security Act (42 U.S.C. 1395w–3a(c)) is amended—

(1) in paragraph (3)—

(A) by striking ''DISCOUNTS.—In calculating'' and inserting ''DISCOUNTS TO PURCHASERS AND COUPONS PROVIDED TO PRIVATELY INSURED INDIVIDUALS.—

''(A) DISCOUNTS TO PURCHASERS.—In calculating''; and

(B) by adding at the end the following new subparagraph:

''(B) COUPONS PROVIDED TO REDUCE COST-SHARING.—For calendar quarters beginning on or after July 1, 2024, in calculating the manufacturer's average sales price under this subsection, such price shall include the value (as defined in paragraph (6)(J)) of any coupons provided under a drug coupon program of a manufacturer (as those terms are defined in subparagraphs (K) and (L), respectively, of paragraph (6)).''; and

(2) in paragraph (6), by adding at the end the following new subparagraphs:

''(J) VALUE.—The term 'value' means, with respect to a coupon (as defined in subparagraph (K)), the difference, if any, between—

''(i) the amount of any reduction or elimination of cost-sharing or other out-of-pocket costs described in such subparagraph to a patient as a result of the use of such coupon; and

''(ii) any charge to the patient for the use of such coupon.

''(K) COUPON.—The term 'coupon' means any financial support that is provided to a patient, either directly to the patient or indirectly to the patient through a physician, prescriber, pharmacy, or other provider, under a drug coupon program of a manufacturer (as defined in subparagraph (L)) that is used to reduce or eliminate cost-sharing or other out-of-pocket costs of the patient, including costs related to a deductible, coinsurance, or copayment, with respect to a drug or biological, including a biosimilar biological product, of the manufacturer.

''(L) DRUG COUPON PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K).

''(ii) EXCLUSIONS.—Such term does not include—

''(I) a patient assistance program operated by a manufacturer that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income; or

''(II) a contribution by a manufacturer to a nonprofit or Foundation that provides free or discounted drugs or biologicals, including biosimilar biological products, (through in-kind donations) to patients of low income.''.

SEC. 102. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking ''UNAVAILABLE.—In the case'' and inserting ''UNAVAILABLE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case''; and

(4) by adding at the end the following new subparagraph:

''(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after January 1, 2023, in lieu of applying subparagraph (A) during the initial period described in such subparagraph with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

''(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product.

''(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.''.

SEC. 103. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''PRODUCT.—The amount'' and inserting the following: ''PRODUCT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount''; and

(3) by adding at the end the following new subparagraph:

''(B) TEMPORARY PAYMENT INCREASE FOR BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—Beginning January 1, 2023, in the case of a biosimilar biological product described in paragraph (1)(C) that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product is an amount equal to the lesser of the following:

''(I) The amount specified in subparagraph (A) for such product if clause (ii) of such subparagraph was applied by substituting '8 percent' for '6 percent'.

''(II) The amount determined under subsection (b)(1)(B) for the reference biological product.

''(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a biosimilar biological product is—

''(I) in the case of such a product for which payment was made under this paragraph as of December 31, 2022, the 5-year period beginning on January 1, 2023; and

''(II) in the case of such a product that is not described in subclause (I), the 5-year period beginning on the first day of the first calendar quarter in which payment was made for such product under this paragraph.''.

SEC. 104. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395m(t)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking ''IN GENERAL'' and inserting ''SITE PAYMENT'';

(B) in the matter preceding subparagraph (A)—

(i) by striking ''or to'' and inserting '', to'';

(ii) by inserting '', or to a physician for services furnished in a physician's office'' after ''surgical center''; and

(iii) by inserting ''(or 2024 with respect to a physician for services furnished in a physician's office)'' after ''2018''; and

(C) in subparagraph (A)—

(i) by striking ''and the'' and inserting '', the''; and

(ii) by inserting '', and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount)'' after ''such section'';

(2) by redesignating paragraphs (2) through (4) and paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) PHYSICIAN PAYMENT.—Beginning in 2024, the Secretary may expand the information included on the Internet website described in paragraph (1) to include—

''(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

''(B) the estimated amount of beneficiary liability applicable to the item or service.''.

SEC. 105. MEDICARE PART B REBATE BY MANUFACTURERS FOR DRUGS OR BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

''(h) REBATE BY MANUFACTURERS FOR DRUGS OR BIOLOGICALS WITH PRICES INCREASING FASTER THAN INFLATION.—

''(1) REQUIREMENTS.—

''(A) SECRETARIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each rebate period (as defined in paragraph (2)(A)) beginning on or after January 1, 2024, the Secretary shall, for each rebatable drug (as defined in paragraph (2)(B)), report to each manufacturer of such rebatable drug the following for such rebate period:

''(i) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such rebatable drug and rebate period.

''(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(ii) of such paragraph for such rebatable drug and rebate period.

''(iii) The rebate amount specified under such paragraph for such rebatable drug and rebate period.

''(B) MANUFACTURER REBATE.—

''(i) IN GENERAL.—Subject to clause (ii), for each rebate period beginning on or after January 1, 2024, the manufacturer of a rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information and rebate amount pursuant to subparagraph (A) for such rebate period, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such rebate period.

''(ii) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate under this subparagraph with respect to a rebatable drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section

506E of the Federal Food, Drug, and Cosmetic Act.

''(C) REQUEST FOR RECONSIDERATION.—The Secretary shall establish procedures under which a manufacturer of a rebatable drug may request a reconsideration by the Secretary of the rebate amount specified under paragraph (3) for such rebatable drug and rebate period, as reported to the manufacturer pursuant to subparagraph (A)(iii).

''(2) REBATE PERIOD AND REBATABLE DRUG DEFINED.—In this subsection:

''(A) REBATE PERIOD.—The term 'rebate period' means a calendar quarter beginning on or after January 1, 2024.

''(B) REBATABLE DRUG.—The term 'rebatable drug' means a single source drug or biological (other than a biosimilar biological product)—

''(i) described in section 1842(o)(1)(C) for which the payment amount is provided under this section; or

''(ii) for which payment is made separately under section 1833(i) or section 1833(t) and for which the payment amount is calculated based on the payment amount under this section.

''(3) REBATE AMOUNT.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount specified in this paragraph for a rebatable drug assigned to a billing and payment code for a rebate period is, subject to paragraph (4), the amount equal to the product of—

''(i) subject to subparagraph (B), the total number of units of the billing and payment code for such rebatable drug furnished during the rebate period; and

''(ii) the amount (if any) by which—

''(I) the amount determined under subsection (b)(4) for such rebatable drug during the rebate period; exceeds

''(II) the inflation-adjusted base payment amount determined under subparagraph (C) of this paragraph for such rebatable drug during the rebate period.

''(B) EXCLUDED UNITS.—For purposes of subparagraph (A)(i), the total number of units of the billing and payment code for rebatable drugs furnished during a rebate period shall not include units with respect to which the manufacturer provides a discount under the program under section 340B of the Public Health Service Act or a rebate under section 1927.

''(C) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this subparagraph for a rebatable drug for a rebate period is—

''(i) the amount determined under subsection (b)(4) for such rebatable drug in the payment amount benchmark quarter (as defined in subparagraph (D)); increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in subparagraph (F)) for the rebate period exceeds the benchmark period CPI–U (as defined in subparagraph (E)).

''(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term 'payment amount benchmark quarter' means the calendar quarter beginning July 1, 2021.

''(E) BENCHMARK PERIOD CPI-U.—The term 'benchmark period CPI–U' means the consumer price index for all urban consumers (United States city average) for July 2021.

''(F) REBATE PERIOD CPI-U.—The term 'rebate period CPI–U' means, with respect to a rebate period, the consumer price index for all urban consumers (United States city average) for the last month of the calendar quarter that is two calendar quarters prior to the rebate period.

''(4) APPLICATION TO NEW DRUGS.—In the case of a rebatable drug first approved or licensed by the Food and Drug Administration after July 1, 2021, the following shall apply:

''(A) DURING INITIAL PERIOD.—For quarters during the initial period in which the payment amount for such drug is determined using the methodology described in subsection (c)(4)—

''(i) clause (ii)(I) of paragraph (3)(A) shall be applied as if the reference to 'the amount determined under subsection (b)(4),' were a reference to 'the wholesale acquisition cost applicable under subsection (c)(4)';

''(ii) clause (i) of paragraph (3)(C) shall be applied—

''(I) as if the reference to 'the amount determined under subsection (b)(4),' were a reference to 'the wholesale acquisition cost applicable under subsection (c)(4)'; and

''(II) as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the first full calendar quarter after the day on which the drug was first marketed; and

''(iii) clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (4)(E) as if the reference to 'July 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter after the day on which the drug was first marketed'.

''(B) AFTER INITIAL PERIOD.—For quarters beginning after such initial period—

''(i) clause (i) of paragraph (3)(C) shall be applied as if the term 'payment amount benchmark quarter' were defined under paragraph (3)(D) as the first full calendar quarter for which the Secretary is able to compute an average sales price for the rebatable drug; and

''(ii) clause (ii) of paragraph (3)(C) shall be applied as if the term 'benchmark period CPI–U' were defined under paragraph (4)(E) as if the reference to 'July 2021' under such paragraph were a reference to 'the first month of the first full calendar quarter for which the Secretary is able to compute an average sales price for the rebatable drug'.

''(5) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(6) ENFORCEMENT.—

''(A) CIVIL MONEY PENALTY.—

''(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements under paragraph (1)(B) with respect to providing a rebate for a rebatable drug for a rebate period for each such failure in an amount equal to the sum of—

''(I) the rebate amount specified pursuant to paragraph (3) for such drug for such rebate period; and

''(II) 25 percent of such amount.

''(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(B) NO PAYMENT FOR MANUFACTURERS WHO FAIL TO PAY PENALTY.—If the manufacturer of a rebatable drug fails to pay a civil money penalty under subparagraph (A) with respect to the failure to provide a rebate for a rebatable drug for a rebate period by a date specified by the Secretary after the imposition of such penalty, no payment shall be available under this part for such rebatable drug for calendar quarters beginning on or after such date until the Secretary determines the manufacturer has paid the penalty due under such subparagraph.''.

(b) IMPLEMENTATION.—Section 1847A(i) of the Social Security Act (42 U.S.C. 1395w–3(g)), as redesignated by subsection (a) of this section, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) determination of the rebate amount for a rebatable drug under paragraph (3) of subsection (h), including with respect to a new drug pursuant to paragraph (4) of such subsection, including—

''(A) a decision by the Secretary with respect to a request for reconsideration under paragraph (1)(C); and

''(B) the determination of—

''(i) the total number of units of the billing and payment code under paragraph (3)(A)(i); and

''(ii) the inflation-adjusted payment amount under paragraph (3)(C).''.

(c) CONFORMING AMENDMENT TO PART B ASP CALCULATION.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended by inserting ''or subsection (h)'' after ''section 1927''.

SEC. 106. HHS INSPECTOR GENERAL STUDY AND REPORT ON BONA FIDE SERVICE FEES.

(a) STUDY.—The Inspector General of the Department of Health and Human Services (in this section referred to as the ''Inspector General'') shall conduct a study on the effect of the use of bona fide service fee contracting arrangements by drug manufacturers and other entities on Medicare payments for drugs and biologicals furnished under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such study shall include an analysis of—

(1) the various types of entities that enter into contracting arrangements that use bona fide service fees, such as group purchasing organizations, wholesalers, providers, and pharmacies;

(2) the various types of bona fide service fee contracting arrangements used by such entities;

(3) the types of services that are paid for through such arrangements;

(4) whether manufacturers define bona fide service fees differently across different entities;

(5) how such arrangements are structured;

(6) whether the structure or use of such arrangements has changed over time;

(7) the extent, if any, to which there is consistency across manufacturers in what they consider to be a bona fide service fee as opposed to a discount or rebate that should be excluded from the determination of average sales price pursuant to the methodology under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a);

(8) the overall magnitude of bona fide service fees;

(9) what share of bona fide service fees are paid to various entities;

(10) how the magnitude of bona fide service fees compares to other fees and rebates that are included in the determination of average sales price;

(11) whether and, if so, how much, the magnitude of bona fide service fees has grown over time and how such growth compares to growth in the magnitude of other fees and rebates; and

(12) what share of bona fide service fees are based on a percentage of sales.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Inspector General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

SEC. 107. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (9)''; and

(B) by adding at the end the following new paragraph:

''(9) MAXIMUM ADD-ON PAYMENT AMOUNT.—

''(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subsection (d)(3)(C) for a drug or biological furnished on or after January 1, 2024, if the applicable add-on payment (as defined in subparagraph (B)) for each drug or biological on a claim for a date of service exceeds the maximum add-on payment amount specified under subparagraph (C) for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

''(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term 'applicable add-on payment' means the following amounts, determined without regard to the application of subparagraph (A):

''(i) In the case of a multiple source drug, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(A); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(ii) In the case of a single source drug or biological, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under paragraph (1)(B); and

''(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

''(iii) In the case of a biosimilar biological product, the amount otherwise determined under paragraph (8)(B).

''(iv) In the case of a drug or biological during the initial period described in subsection (c)(4)(A), an amount equal to the difference between—

''(I) the amount that would otherwise be applied under subsection (c)(4)(A)(ii); and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) '103 percent' in subclause (I) of such subsection; or

''(bb) any percent in excess of 100 percent applied under subclause (II) of such subsection.

''(v) In the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

''(I) the amount that would otherwise be applied under such subsection; and

''(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

''(aa) any percent in excess of 100 percent applied under clause (i) of such subsection; or

''(bb) '103 percent' in clause (ii) of such subsection.

''(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

''(i) for each of 2024 through 2031, $1,000; and

''(ii) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.''; and

(2) in subsection (c)(4)(A)(ii), by striking ''in the case'' and inserting ''subject to subsection (b)(9), in the case''.

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OPPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(iii)(II), by inserting '', subject to subparagraph (I)'' after ''are not available''; and

(B) by adding at the end the following new subparagraph:

''(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2024, if such payment is determined based on the average price for the year established under section 1847A pursuant to clause (iii)(II) of such subparagraph, the provisions of subsection (b)(9) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.''.

(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) If there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2024, the provisions of subsection (t)(14)(I) shall apply to the establishment of the amount of payment for the drug or biological under such system in the same manner in which such provisions apply to the establishment of the amount of payment under subsection (t)(14)(A).''.

SEC. 108. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

''(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2024, shall be the same payment amount (as determined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(B)).

''(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

''(I) shall not be considered an adjustment under paragraph (2)(E); and

''(II) shall not be implemented in a budget neutral manner.''.

SEC. 109. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) APPLICABLE DRUGS DEFINED.—In this section, the term ''applicable drugs'' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less that 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 110. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL DRUG SHORTAGES.

(a) IN GENERAL.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395w–3a(e)) is amended—

(1) by striking ''PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case'' and inserting ''PAYMENTS.—

''(1) IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case''; and

(2) by adding at the end the following new paragraph:

''(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

''(A) IN GENERAL.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost (or other reasonable measure of a drug or biological price) instead of the manufacturer's average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list under section 506E of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total manufacturing capacity or the total number of manufacturers of such drug or biological is sufficient to

mitigate a potential shortage of the drug or biological.

''(B) DRUG OR BIOLOGICAL DESCRIBED.—For purposes of subparagraph (A), a drug or biological described in this subparagraph is a drug or biological—

''(i) that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act, and with respect to which any manufacturer of such drug or biological notifies the Secretary of a permanent discontinuance or an interruption that is likely to lead to a meaningful disruption in the manufacturer's supply of that drug pursuant to section 506C(a) of such Act; or

''(ii) that—

''(I) is described in section 506C(a) of such Act;

''(II) was listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

''(III) for which the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

''(C) PROVISION OF ADDITIONAL INFORMATION.—For each quarter in which the amount of payment for a drug or biological described in subparagraph (B) pursuant to subparagraph (A) exceeds the amount of payment for the drug or biological otherwise applicable under this section, each manufacturer of such drug or biological shall provide to the Secretary information related to the potential cause or causes of the shortage and the expected duration of the shortage with respect to such drug.''.

(b) TRACKING SHORTAGE DRUGS THROUGH CLAIMS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a mechanism (such as a modifier) for purposes of tracking utilization under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of drugs and biologicals listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e).

(c) HHS REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on shortages of drugs within the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The report shall include—

(A) an analysis of—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) the effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program;

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in addressing drug shortages, including CMS's working relationship and communication with other Federal agencies and stakeholders;

(iv) the role of all actors in the drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesalers, group purchasing organizations, hospitals, and physicians) on drug shortages within the Medicare program; and

(v) payment structures and incentives under parts A, B, C, and D of the Medicare program and their effect, if any, on drug shortages; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force authorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subtitle B—Part D

SEC. 121. MEDICARE PART D MODERNIZATION REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''for a year preceding 2025 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2025 and each subsequent year'' after ''paragraph (3)'';

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(ii) in clause (ii)(III), by striking ''and each subsequent year'' and inserting '', 2021, 2022, 2023, and 2024''; and

(C) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ''for a year preceding 2025,'' after ''paragraph (4),''; and

(II) in subclause (I)(bb), by striking ''a year after 2018'' and inserting ''each of years 2018 through 2024''; and

(ii) in clause (ii)(V), by striking ''2019 and each subsequent year'' and inserting ''each of years 2019 through 2024'';

(2) in paragraph (3)(A)—

(A) in the matter preceding clause (i), by inserting ''for a year preceding 2025,'' after ''and (4),''; and

(B) in clause (ii), by striking ''for a subsequent year'' and inserting ''for each of years 2007 through 2024'';

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(II) in the matter preceding item (aa), as redesignated by subclause (I), by striking ''is equal to the greater of—'' and inserting ''is equal to—

''(I) for a year preceding 2025, the greater of—'';

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ''; and''; and

(IV) by adding at the end the following:

''(II) for 2025 and each succeeding year, $0.''; and

(ii) in clause (ii)—

(I) by striking ''clause (i)(I)'' and inserting ''clause (i)(I)(aa)''; and

(II) by adding at the end the following new sentence: ''The Secretary shall continue to calculate the dollar amounts specified in clause (i)(I)(aa), including with the adjustment under this clause, after 2024 for purposes of section 1860D–14(a)(1)(D)(iii).'';

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ''or'' at the end;

(II) in subclause (VI)—

(aa) by striking ''for a subsequent year'' and inserting ''for 2021, 2022, 2023, and 2024''; and

(bb) by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

''(VII) for 2025, is equal to $3,100; or

''(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.''; and

(ii) in clause (ii), by striking ''clause (i)(II)'' and inserting ''clause (i)'';

(C) in subparagraph (C)(i), by striking ''and for amounts'' and inserting ''and for a year preceding 2025 for amounts''; and

(D) in subparagraph (E), by striking ''In applying'' and inserting ''For each of 2011 through 2024, in applying''.

(b) REDUCTION IN BENEFICIARY COINSURANCE.—

(1) IN GENERAL.—Section 1860D–2(b)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)(A)), as amended by subsection (a), is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II) and moving such subclauses 2 ems to the right;

(B) by striking ''25 PERCENT COINSURANCE.—Subject to'' and inserting ''COINSURANCE.—

''(i) IN GENERAL.—Subject to'';

(C) in each of subclauses (I) and (II), as redesignated by subparagraph (A), by striking ''25 percent'' and inserting ''the applicable percentage (as defined in clause (ii))''; and

(D) by adding at the end the following new clause:

''(ii) APPLICABLE PERCENTAGE DEFINED.—For purposes of clause (i), the term 'applicable percentage' means—

''(I) for a year preceding 2025, 25 percent; and

''(II) for 2025 and each subsequent year, 20 percent.''.

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(2)(D) of the Social Security Act (42 U.S.C. 1395w–114(a)(2)(D)) is amended by striking ''25 percent'' and inserting ''the applicable percentage''.

(c) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''equal to 80 percent'' and inserting ''equal to—

''(A) for a year preceding 2025, 80 percent'';

(B) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(B) for 2025 and each subsequent year, the sum of—

''(i) an amount equal to the applicable percentage specified in paragraph (5)(A) of such allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to applicable drugs (as defined in section 1860D–14B(g)(2)); and

''(ii) an amount equal to the applicable percentage specified in paragraph (5)(B) of allowable reinsurance costs attributable to that portion of gross prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to covered part D drugs that are not applicable drugs (as so defined).''; and

(2) by adding at the end the following new paragraph:

''(5) APPLICABLE PERCENTAGE SPECIFIED.—For purposes of paragraph (1)(B), the applicable percentage specified in this paragraph is—

''(A) with respect to applicable drugs (as defined in section 1860D–14B(g)(2))—

''(i) for 2025, 60 percent;

''(ii) for 2026, 40 percent; and

''(iii) for 2027 and each subsequent year, 20 percent; and

''(B) with respect to covered part D drugs that are not applicable drugs (as so defined)—

''(i) for 2025, 80 percent;

''(ii) for 2026, 60 percent; and

''(iii) for 2027 and each subsequent year, 40 percent.''.

(d) MANUFACTURER DISCOUNT PROGRAM DURING INITIAL AND CATASTROPHIC PHASES OF COVERAGE.—

(1) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14A (42 U.S.C. 1495w–114) the following new section:

''SEC. 1860D–14B. MANUFACTURER DISCOUNT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a manufacturer discount program (in this section referred to as the 'program'). Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c). The Secretary shall establish a model agreement for use under the program by not later than January 1, 2024, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2025.

''(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—The discounted prices described in subparagraph (A) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(5) EFFECTIVE DATE OF AGREEMENT.—An agreement under this section shall take effect on a date determined appropriate by the Secretary, which may be at the start of a calendar quarter.

''(c) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

''(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(i) the negotiated price of the applicable drug; and

''(ii) the discounted price of the applicable drug;

''(D) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify; and

''(E) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(2) MONITORING COMPLIANCE.—

''(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

''(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(6) FUNDING.—For purposes of carrying out this section, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $4,000,000 for each of fiscal years 2022 through 2025, to remain available until expended.''.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

"(g) DEFINITIONS.—In this section:

"(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing a covered part D drug—

"(A) is enrolled in a prescription drug plan or an MA–PD plan;

"(B) is not enrolled in a qualified retiree prescription drug plan; and

"(C) has incurred costs for covered part D drugs in the year that are above the annual deductible specified in section 1860D–2(b)(1) for such year.

"(2) APPLICABLE DRUG.—The term 'applicable drug' means, with respect to an applicable beneficiary, a covered part D drug—

"(A) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (including a product licensed under subsection (k) of such section 351); and

"(B)(i) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

"(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

"(iii) is provided through an exception or appeal.

"(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

"(A) with respect to claims for reimbursement submitted electronically, 14 days; and

"(B) with respect to claims for reimbursement submitted otherwise, 30 days.

"(4) DISCOUNTED PRICE.—

"(A) IN GENERAL.—The term 'discounted price' means—

"(i) with respect to an applicable drug dispensed for an applicable beneficiary who has incurred costs that are below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 93 percent of the negotiated price of the applicable drug of a manufacturer; and

"(ii) with respect to an applicable drug dispensed for an applicable beneficiary who has incurred costs for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 86 percent of the negotiated price of the applicable drug of a manufacturer.

"(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

"(C) CLARIFICATION FOR CERTAIN CLAIMS.—With respect to the amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary, the manufacturer of the applicable drug shall provide—

"(i) the discounted price under clause (i) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls above the deductible specified in section 1860D–2(b)(1) for the year and below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year; and

"(ii) the discounted price under clause (ii) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls at or above such annual out-of-pocket threshold.

"(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

"(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 1860D–2(d)(1)(B), except that such negotiated price shall not include any dispensing fee for the applicable drug.

"(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).".

(2) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–14A of the Social Security Act (42 U.S.C. 1395–114a) is amended—

(A) in subsection (a), in the first sentence, by striking "The Secretary" and inserting "Subject to subsection (h), the Secretary"; and

(B) by adding at the end the following new subsection:

"(h) SUNSET OF PROGRAM.—

"(1) IN GENERAL.—The program shall not apply to applicable drugs dispensed on or after January 1, 2025, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

"(2) CONTINUED APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all responsibilities and duties) shall continue to apply after January 1, 2025, with respect to applicable drugs dispensed prior to such date.".

(3) INCLUSION OF ACTUARIAL VALUE OF MANUFACTURER DISCOUNTS IN BIDS.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended—

(A) in subsection (b)(2)(C)(iii)—

(i) by striking "assumptions regarding the reinsurance" and inserting "assumptions regarding—

"(I) the reinsurance"; and

(ii) by adding at the end the following:

"(II) for 2025 and each subsequent year, the manufacturer discounts provided under section 1860D–14B subtracted from the actuarial value to produce such bid; and"; and

(B) in subsection (c)(1)(C)—

(i) by striking "an actuarial valuation of the reinsurance" and inserting "an actuarial valuation of—

"(i) the reinsurance";

(ii) in clause (i), as added by clause (i) of this subparagraph, by adding "and" at the end; and

(iii) by adding at the end the following:

"(ii) for 2025 and each subsequent year, the manufacturer discounts provided under section 1860D–14B;".

(4) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS FROM TROOP.—Section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)) is amended—

(A) in subparagraph (C), by inserting "and subject to subparagraph (F)" after "subparagraph (E)"; and

(B) by adding at the end the following new subparagraph:

"(F) CLARIFICATION REGARDING EXCLUSION OF MANUFACTURER DISCOUNTS.—In applying subparagraph (A), incurred costs shall not include any manufacturer discounts provided under section 1860D–14B.".

(e) DETERMINATION OF ALLOWABLE REINSURANCE COSTS.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (2)—

(A) by striking "COSTS.—For purposes" and inserting "COSTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), for purposes"; and

(B) by adding at the end the following new subparagraph:

"(B) INCLUSION OF MANUFACTURER DISCOUNTS ON APPLICABLE DRUGS.—For purposes of applying subparagraph (A), the term 'allowable reinsurance costs' shall include the portion of the negotiated price (as defined in section 1860D–14B(g)(6)) of an applicable drug (as defined in section 1860D–14B(g)(2)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14B."; and

(2) in paragraph (3)—

(A) in the first sentence, by striking "For purposes" and inserting "Subject to paragraph (2)(B), for purposes"; and

(B) in the second sentence, by inserting "or, in the case of an applicable drug, by a manufacturer" after "by the individual or under the plan".

(f) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—Section 1860D–15(c) of the Social Security Act (42 U.S.C. 1395w–115(c)) is amended by adding at the end the following new paragraph:

"(3) UPDATING RISK ADJUSTMENT METHODOLOGIES TO ACCOUNT FOR PART D MODERNIZATION REDESIGN.—The Secretary shall update the risk adjustment methodologies used to adjust bid amounts pursuant to this subsection as appropriate to take into account changes in benefits under this part pursuant to the amendments made by section 121 of the Prescription Drug Pricing Reduction Act of 2022.".

(g) CONDITIONS FOR COVERAGE OF DRUGS UNDER THIS PART.—Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) participate in the manufacturer discount program under section 1860D–14B;

"(5) have entered into and have in effect an agreement described in subsection (b) of such section 1860D–14B with the Secretary; and

"(6) have entered into and have in effect, under terms and conditions specified by the Secretary, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of such section 1860D–14B.";

(2) by striking subsection (b) and inserting the following:

"(b) EFFECTIVE DATE.—Paragraphs (1) through (3) of subsection (a) shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2025, and paragraphs (4) through (6) of such subsection shall apply to covered part D drugs dispensed on or after January 1, 2025."; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the Secretary determines that in the period beginning on January 1, 2011, and ending on December 31, 2011 (with respect to paragraphs (1) through (3) of subsection (a)), or the period beginning on January 1, 2025, and ending December 31, 2025 (with respect to paragraphs (4) through (6) of such subsection), there were extenuating circumstances.".

(h) CONFORMING AMENDMENTS.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking ", or an increase in the initial" and inserting "or for a year preceding 2025 an increase in the initial";

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking ''AT INITIAL COVERAGE LIMIT''; and

(ii) by inserting ''for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year'' after ''subsection (b)(3) for the year'' each place it appears; and

(C) in subsection (d)(1)(A), by striking ''or an initial'' and inserting ''or for a year preceding 2025 an initial''.

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ''the initial'' and inserting ''for a year preceding 2025, the initial''.

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation'';

(ii) in subparagraph (D)(iii), by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''; and

(iii) in subparagraph (E), by striking ''The elimination'' and inserting ''For a year preceding 2025, the elimination''; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ''The continuation'' and inserting ''For a year preceding 2025, the continuation''; and

(ii) in subparagraph (E)—

(I) by inserting ''for a year preceding 2025,'' after ''subsection (c)''; and

(II) by striking ''1860D–2(b)(4)(A)(i)(I)'' and inserting ''1860D–2(b)(4)(A)(i)(I)(aa)''.

(4) Section 1860D–21(d)(7) of the Social Security Act (42 U.S.C. 1395w–131(d)(7)) is amended by striking ''section 1860D–2(b)(B)(4)(B)(i)'' and inserting ''section 1860D–2(b)(B)(4)(C)(i)''.

(5) Section 1860D–22(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–132(a)(2)(A)) is amended—

(A) by striking ''the value of any discount'' and inserting the following: ''the value of—

''(i) for years prior to 2025, any discount'';

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(ii) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14B.''.

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ''for a year before 2025'' after ''1860D–2(b)(3)''; and

(B) by inserting ''for such year'' before the period.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year 2025 and subsequent plan years.

SEC. 121A. MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)), as amended by section 121, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and (D)'' and inserting '', (D), and (E)''; and

(B) by adding at the end the following new subparagraph:

''(E) MAXIMUM MONTHLY CAP ON COST-SHARING PAYMENTS.—

''(i) IN GENERAL.—For plan years beginning on or after January 1, 2025, the Secretary shall, through notice and comment rulemaking, establish a process under which each PDP sponsor offering a prescription drug plan and each MA organization offering an MA–PD plan shall provide to any enrollee, including an enrollee who is a subsidy eligible individual (as defined in paragraph (3) of section 1860D–14(a)), the option to elect with respect to a plan year to have their monthly cost-sharing payments under the plan capped in accordance with this subparagraph.

''(ii) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year after an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

''(iii) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), for each month described in clause (ii), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

''(iv) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term 'maximum monthly cap' means, with respect to an enrollee—

''(I) for the first month in which this subparagraph applies, an amount determined by calculating—

''(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

''(bb) the number of months remaining in the plan year; and

''(II) for a subsequent month, an amount determined by calculating—

''(aa) the sum of any remaining out-of-pocket costs owed by the enrollee from a previous month that have not yet been billed to the enrollee and any additional costs incurred by the enrollee; divided by

''(bb) the number of months remaining in the plan year.

''(v) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

''(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1804(a).

''(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

''(aa) prior to the beginning of the plan year; or

''(bb) in any month during the plan year.

''(III) PDP SPONSOR AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

''(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

''(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

''(cc) shall include information on such option in enrollee educational materials;

''(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

''(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

''(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

''(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

''(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph, the election of the enrollee pursuant to clause (i) shall be terminated and enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B).

''(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

''(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and subject to subparagraph (F)'' and inserting ''and subject to subparagraphs (F) and (G)''; and

(B) by adding at the end the following new subparagraph:

''(G) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the process provided under such paragraph.''.

(b) APPLICATION TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Section 1860D–2(c) of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new paragraph:

''(4) SAME MAXIMUM MONTHLY CAP ON COST-SHARING.—For plan years beginning on or after January 1, 2025, the maximum monthly cap on cost-sharing payments under the process provided under subsection (b)(2)(E) shall apply to such coverage.''.

SEC. 121B. REQUIRING PHARMACY-NEGOTIATED PRICE CONCESSIONS, PAYMENT, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended—

(1) by striking ''PRICES.—For purposes'' and inserting ''PRICES.—

''(i) IN GENERAL.—For purposes''; and

(2) by adding at the end the following new clause:

''(ii) PRICES NEGOTIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2024, a negotiated price for a covered part D drug described in clause (i) shall be the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall not include positive incentive payments paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale of such drug.''.

SEC. 122. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVISIONS.

(a) PUBLIC DISCLOSURE OF DRUG DISCOUNTS.—

(1) IN GENERAL.—Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''this section'' and inserting ''subsection (b)(1)''; and

(B) by adding at the end the following new subsection:

''(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in order to allow patients and employers to compare PBMs' ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, not later than July 1, 2024, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information provided to the Secretary and described in paragraphs (2) and (3) of subsection (b) with respect to each PBM.

''(2) LAG IN DATA.—The information made available in a plan year under paragraph (1) shall not include information with respect to such plan year or the two preceding plan years.

''(3) CONFIDENTIALITY.—The Secretary shall ensure that such information is displayed in a manner that prevents the disclosure of information on rebates, discounts, and price concessions with respect to an individual drug or an individual PDP sponsor, MA organization, or qualified health benefits plan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect on January 1, 2024.

(b) PLAN AUDIT OF PHARMACY BENEFIT MANAGER DATA.—Section 1860D–2(d)(3) of the Social Security Act (42 U.S.C. 1395w–102(d)(3)) is amended—

(1) by striking ''AUDITS.—To protect'' and inserting the following: ''AUDITS.—

''(A) AUDITS OF PLANS BY THE SECRETARY.—To protect''; and

(2) by adding at the end the following new subparagraph:

''(B) AUDITS OF PHARMACY BENEFIT MANAGERS BY PDP SPONSORS AND MA ORGANIZATIONS.—

''(i) IN GENERAL.—Beginning January 1, 2024, in order to ensure that—

''(I) contracting terms between a PDP sponsor offering a prescription drug plan or an MA organization offering an MA–PD plan and its contracted or owned pharmacy benefit manager are met; and

''(II) the PDP sponsor and MA organization can account for the cost of each covered part D drug net of all direct and indirect remuneration;

the PDP sponsor or MA organization shall conduct financial audits.

''(ii) INDEPENDENT THIRD PARTY.—An audit described in clause (i) shall—

''(I) be conducted by an independent third party; and

''(II) account and reconcile flows of funds that determine the net cost of covered part D drugs, including direct and indirect remuneration from drug manufacturers and pharmacies or provided to pharmacies.

''(iii) REBATE AGREEMENTS.—A PDP sponsor and an MA organization shall require pharmacy benefit managers to make rebate contracts with drug manufacturers made on their behalf available under audits described in clause (i).

''(iv) CONFIDENTIALITY AGREEMENTS.—Audits described in clause (i) shall be subject to confidentiality agreements to prevent, except as required under clause (vii), the redisclosure of data transmitted under the audit.

''(v) FREQUENCY.—A financial audit under clause (i) shall be conducted periodically (but in no case less frequently than once every 2 years).

''(vi) TIMEFRAME FOR PBM TO PROVIDE INFORMATION.—A PDP sponsor and an MA organization shall require that a pharmacy benefit manager that is being audited under clause (i) provide (as part of their contracting agreement) the requested information to the independent third party conducting the audit within 45 days of the date of the request.

''(vii) SUBMISSION OF AUDIT REPORTS TO THE SECRETARY.—

''(I) IN GENERAL.—A PDP sponsor and an MA organization shall submit to the Secretary the final report on any audit conducted under clause (i) within 30 days of the PDP sponsor or MA organization receiving the report from the independent third party conducting the audit.

''(II) REVIEW.—The Secretary shall review final reports submitted under clause (i) to determine the extent to which the goals specified in subclauses (I) and (II) of subparagraph (B)(i) are met.

''(III) CONFIDENTIALITY.—Notwithstanding any other provision of law, information disclosed in a report submitted under clause (i) related to the net cost of a covered part D drug is confidential and shall not be disclosed by the Secretary or a Medicare contractor.

''(viii) NOTICE OF NONCOMPLIANCE.—A PDP sponsor and an MA organization shall notify the Secretary if any pharmacy benefit manager is not complying with requests for access to information required under an audit under clause (i).

''(ix) CIVIL MONETARY PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary determines that a PDP sponsor or an MA organization has failed to conduct an audit under clause (i), the Secretary may impose a civil monetary penalty of not more than $10,000 for each day of such noncompliance.

''(II) PROCEDURE.—The provisions of section 1128A, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil monetary penalties under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.''.

(c) DISCLOSURE TO PHARMACY OF POST-POINT-OF-SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE PAYMENTS.—Section 1860D–2(d)(2) of the Social Security Act (42 U.S.C. 1395w–102(d)(2)) is amended—

(1) by striking ''DISCLOSURE.—A PDP sponsor'' and inserting the following: ''DISCLOSURE.—

''(A) TO THE SECRETARY.—A PDP sponsor''; and

(2) by adding at the end the following new subparagraph:

''(B) TO PHARMACIES.—

''(i) IN GENERAL.—For plan year 2024 and subsequent plan years, a PDP sponsor offering a prescription drug plan and an MA organization offering an MA–PD plan shall report any pharmacy price concession or incentive payment that occurs with respect to a pharmacy after payment for covered part D drugs at the point-of-sale, including by an intermediary organization with which a PDP sponsor or MA organization has contracted, to the pharmacy.

''(ii) TIMING.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).

''(iii) CLAIM LEVEL.—The reporting of price concessions and incentive payments to a pharmacy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive payment was applied at a level other than at the claim level.''.

(d) DISCLOSURE OF P&T COMMITTEE CONFLICTS OF INTEREST.—

(1) IN GENERAL.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by adding at the end the following new clause:

''(iii) DISCLOSURE OF CONFLICTS OF INTEREST.—With respect to plan year 2024 and subsequent plan years, a PDP sponsor of a prescription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organization pursuant to this paragraph.''.

(2) INCLUSION IN BID.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–111(b)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G); and

(B) by inserting after subparagraph (E) the following new subparagraph:

''(F) P&T COMMITTEE CONFLICTS OF INTEREST.—The information required to be disclosed under section 1860D–4(b)(3)(A)(iii).''.

(e) INFORMATION ON DIRECT AND INDIRECT REMUNERATION REQUIRED TO BE INCLUDED IN BID.—Section 1860D–11(b) of the Social Security Act (42 U.S.C. 1395w–111(b)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''With respect to actual amounts of direct and indirect remuneration submitted pursuant to clause (v) of paragraph (2), such amounts shall be consistent with data reported to the Secretary in a prior year.''; and

(2) in paragraph (2)(C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting the following: '', and, with respect to plan year 2024 and subsequent plan years, actual and projected administrative expenses assumed in the bid, categorized by the type of such expense, including actual and projected price concessions retained by a pharmacy benefit manager; and''; and

(C) by adding at the end the following new clause:

''(v) with respect to plan year 2024 and subsequent plan years, actual and projected direct and indirect remuneration, categorized as received from each of the following:

''(I) A pharmacy.

''(II) A manufacturer.

''(III) A pharmacy benefit manager.

''(IV) Other entities, as determined by the Secretary.''.

SEC. 123. PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND AUDIT RESULTS.

Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

''(e) PUBLIC DISCLOSURE OF DIRECT AND INDIRECT REMUNERATION REVIEW AND FINANCIAL AUDIT RESULTS.—

''(1) DIRECT AND INDIRECT REMUNERATION REVIEW RESULTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services information on discrepancies related to summary and detailed direct and indirect remuneration reports submitted by PDP sponsors pursuant to section 1860D–15 across all prescription drug plans based on the most recent data available. Information made available under this subparagraph shall include the following:

''(i) The number of potential discrepancies in summary and detailed direct and indirect remuneration identified by the Secretary for PDP sponsors to review.

''(ii) The extent to which PDP sponsors resubmitted summary direct and indirect remuneration reports to make changes for previous contract years.

''(iii) The extent to which resubmitted summary direct and indirect remuneration reports resulted in an increase or decrease in direct and indirect remuneration in a previous contract year.

''(B) EXCLUSION OF CERTAIN SUBMISSIONS IN CALCULATION.—The Secretary shall exclude any information in direct and indirect remuneration reports submitted with respect to PACE programs under section 1894 (pursuant to section 1860D–21(f)) and qualified retiree prescription drug plans (as defined in section 1860D–22(a)(2)) from the information that is made available to the public under subparagraph (A).

''(2) FINANCIAL AUDIT RESULTS.—In 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services data on the results of financial audits required under section 1860D–12(b)(3)(C). Information made available under this paragraph shall include the following:

''(A) With respect to a year, the number of PDP sponsors that received each of the following (or successor categories), with an indication of the number that pertain to direct and indirect remuneration:

''(i) A notice of observations or findings.

''(ii) An unqualified audit opinion that renders the audit closed.

''(iii) A qualified audit opinion that requires the sponsor to submit a corrective action plan to the Secretary.

''(iv) An adverse opinion, with a description of the types of actions that the Secretary takes when issuing an adverse opinion.

''(v) A disclaimed opinion.

''(B) With respect to a year, the number of PDP sponsors—

''(i) that reopened a previously closed reconciliation as a result of an audit, indicating those that pertain to direct and indirect remuneration changes; and

''(ii) for which the Secretary recouped a payment or made a payment as a result of a reopening of a previously closed reconciliation, indicating when such recoupment or payment pertains to direct and indirect remuneration.

''(3) NO IDENTIFICATION OF SPECIFIC PDP SPONSORS.—The information to be made available on the Internet website of the Centers for Medicare & Medicaid Services described in paragraph (1) and paragraph (2) shall not identity the specific PDP sponsor to which any determination or action pertains.

''(4) DEFINITION OF DIRECT AND INDIRECT REMUNERATION.—For purposes of this subsection, the term 'direct and indirect remuneration' means direct and indirect remuneration as described in section 423.308 of title 42, Code of Federal Regulations, or any successor regulation.''.

SEC. 124. IMPROVEMENTS TO PROVISION OF PARTS A AND B CLAIMS DATA TO PRESCRIPTION DRUG PLANS.

(a) DATA USE.—

(1) IN GENERAL.—Paragraph (6) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as added by section 50354 of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), relating to providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes, is amended—

(A) in subparagraph (B)—

(i) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and moving such subclauses 2 ems to the right;

(ii) by striking ''PURPOSES.—A PDP sponsor'' and inserting PURPOSES—

''(i) IN GENERAL.—A PDP sponsor.''; and

(iii) by adding at the end the following new clause:

''(ii) CLARIFICATION.—The limitation on data use under subparagraph (C)(i) shall not apply to the extent that the PDP sponsor is using the data provided to carry out any of the purposes described in clause (i).''; and

(B) in subparagraph (C)(i), by striking ''To inform'' and inserting ''Subject to subparagraph (B)(ii), to inform''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2024.

(b) MANNER OF PROVISION.—Subparagraph (D) of such paragraph (6) is amended—

(1) by striking ''DESCRIBED.—The data described in this clause'' and inserting ''DESCRIBED.—

''(i) IN GENERAL.—The data described in this subparagraph''; and

(2) by adding at the end the following new clause:

''(ii) MANNER OF PROVISION.—

''(I) IN GENERAL.—Such data may be provided pursuant to this paragraph in the same manner as data under the Part D Enhanced Medication Therapy Management model tested under section 1115A, through Application Programming Interface, or in another manner as determined by the Secretary.

''(II) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this clause by program instruction or otherwise.''.

(c) TECHNICAL CORRECTION.—Such paragraph (6) is redesignated as paragraph (7).

SEC. 125. MEDICARE PART D REBATE BY MANUFACTURERS FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14B, as added by section 121, the following new section:

''SEC. 1860D–14C. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

''(a) REQUIREMENTS.—

''(1) SECRETARIAL PROVISION OF INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 6 months after the end of each rebate period (as defined in paragraph (4)(A)) beginning on or after January 1, 2025, the Secretary shall, for each rebatable covered part D drug (as defined in paragraph (4)(B)), report to each manufacturer (as defined in paragraph (4)(C)) of such rebatable covered part D drug the following for the rebate period:

''(i) Information on the total number of units (as defined in paragraph (4)(D)) of each dosage form and strength described in paragraph (1)(A) of subsection (b) for such rebatable covered part D drug and rebate period.

''(ii) Information on the amount (if any) of the excess price described in paragraph (1)(B) of such subsection for such rebatable covered part D drug and rebate period.

''(iii) The rebate amount specified under such subsection for such rebatable covered part D drug and rebate period.

''(iv) Other information determined appropriate by the Secretary.

''(B) TRANSITION RULE FOR INFORMATION IN 2025.—Notwithstanding subparagraph (A), the Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in clauses (i), (ii), (iii), and (iv) of such subparagraph for rebate periods in 2025 until not later than December 31, 2026.

''(2) MANUFACTURER REBATE.—

''(A) IN GENERAL.—Subject to subparagraph (B), for each rebate period beginning on or after January 1, 2025, each manufacturer of a rebatable covered part D drug shall, not later than 30 days after the date of receipt from the Secretary of the information and rebate amount pursuant to paragraph (1), provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such drug for such rebate period.

''(B) EXEMPTION FOR SHORTAGES.—The Secretary may reduce or waive the rebate under this paragraph with respect to a rebatable covered part D drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act.

''(3) REQUEST FOR RECONSIDERATION.—The Secretary shall establish procedures under which a manufacturer of a rebatable covered part D drug may request a reconsideration by the Secretary of the rebate amount specified under subsection (b) for such drug and rebate period, as reported to the manufacturer pursuant to paragraph (1). Timing for a reconsideration shall be coordinated with the timing of reconciliation, as described in subsection (b)(6) and as determined appropriate by the Secretary.

''(4) DEFINITIONS.—In this section:

''(A) REBATE PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'rebate period' means, with respect to a year, each of the six month periods that begin on January 1 and July 1 of the year.

''(ii) INITIAL REBATE PERIOD FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a rebatable covered part D drug described in subsection (c), the initial rebate period for which a rebate amount is determined for such rebatable covered part D drug pursuant to such subsection shall be the period beginning with the first month after the last day of the six month period that begins on the day on which the drug was first marketed and ending on the last day of the first full rebate period under clause (i) that follows the last day of such six month period.

''(B) REBATABLE COVERED PART D DRUG.—The term 'rebatable covered part D drug' means a covered part D drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351(a) of the Public Health Service Act.

''(C) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1860D—14A(g).

''(D) UNITS.—The term 'units' means, with respect to a rebatable covered part D drug, the lowest common quantity (such as the number of capsules or tablets, milligrams of molecules, or grams) of such drug dispensed to individuals under this part.

''(E) PRICE.—The term 'price' means, with respect to a rebatable covered part D drug, the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for such drug.

''(b) REBATE AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (e)(2), the amount of the rebate specified in this subsection for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the amount equal to the product of—

''(A) the total number of units of such dosage form and strength for each rebatable covered part D drug during the rebate period; and

''(B) the amount (if any) by which—

''(i) the unit-weighted average price for such dosage form and strength of the drug determined under paragraph (2) for the rebate period; exceeds

''(ii) the inflation-adjusted price for such dosage form and strength determined under paragraph (3) for the rebate period.

''(2) DETERMINATION OF UNIT-WEIGHTED AVERAGE PRICE.—

''(A) IN GENERAL.—The unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered Part D drug, is the sum of the products of—

''(i) the weighted average price determined under subparagraph (B) with respect to each package size of such dosage form and strength dispensed during the rebate period; and

''(ii) the ratio of—

''(I) the total number of units of such package size dispensed during the rebate period; to

''(II) the total number of units of such dosage form and strength of such drug dispensed during such rebate period.

''(B) COMPUTATION OF WEIGHTED AVERAGE PRICE.—The weighted average price, with respect to each package size of such dosage form and strength of a rebatable covered part D drug dispensed during a rebate period, is the sum of the products of—

''(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug during the rebate period; and

''(ii) the ratio of—

''(I) the number of days for which each such price is applicable during the rebate period; to

''(II) the total number of days in such rebate period.

''(3) DETERMINATION OF INFLATION-ADJUSTED PRICE.—

''(A) IN GENERAL.—The inflation-adjusted price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is—

''(i) the benchmark unit-weighted price determined under subparagraph (B) for the rebate period; increased by

''(ii) the percentage by which the rebate period CPI–U (as defined in paragraph (4)) for the rebate period exceeds the benchmark CPI–U (as defined in paragraph (5)).

''(B) DETERMINATION OF BENCHMARK UNIT-WEIGHTED PRICE.—The benchmark unit-weighted price determined under this subparagraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the sum of the products of—

''(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug on July 1, 2021; and

''(ii) the ratio of—

''(I) the total number of units of such package size dispensed on July 1, 2021; to

''(II) the total number of units of such dosage form and strength dispensed on July 1, 2021.

''(4) BENCHMARK CPI–U.—The term 'benchmark CPI–U' means the consumer price index for all urban consumers (United States city average) for July 2021.

''(5) REBATE PERIOD CPI–U.—The term 'rebate period CPI–U' means, with respect to a rebate period, the consumer price index for all urban consumers (United States city average) for the last month of the rebate period.

''(6) ANNUAL RECONCILIATION OF REBATE AMOUNT.—The Secretary shall, on an annual basis, conduct a one-time reconciliation of the rebate amounts owed by a manufacturer under this section based on any changes submitted by a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan to the number of units of a rebatable covered part D drug dispensed during the preceding year. Such reconciliation shall be completed not later than 6 months after the date by which the Secretary reconciles payment for covered part D drugs with PDP sponsors of prescription drug plans or MA organizations offering MA–PD plans.

''(c) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Subject to subsection (e)(2), in the case of a rebatable covered part D drug first approved or licensed by the Food and Drug Administration after July 1, 2021—

''(1) subparagraph (A)(ii) of subsection (b)(3) shall be applied as if the term 'benchmark CPI–U' were defined under subsection (b)(4) as if the reference to 'July 2021' under such subsection were a reference to 'the first month after the last day of the six month period that begins on the day on which the drug was first marketed'; and

''(2) subsection (b)(3) shall be applied by substituting, for the benchmark unit-weighted price otherwise determined under subparagraph (B) of such subsection, the benchmark unit-weighted average price determined under paragraph (3) for the rebate period;

''(3) the benchmark unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the sum of the products of—

''(A) the subsequently rebatable drug weighted average price determined under paragraph (4) with respect to each package size of such dosage form and strength of such drug dispensed during the six month period that begins on the day on which the drug was first marketed; and

''(B) the ratio of—

''(i) the total number of units of such package size dispensed during the six month period that begins on the day on which the drug was first marketed; to

''(ii) the total number of units of such dosage form and strength of such drug dispensed during such six month period; and

''(4) the subsequently rebatable drug weighted average price, with respect to each package size of such dosage form and strength of such rebatable covered part D drug dispensed during the six month period that begins on the day on which the drug was first marketed, is the sum of the products of—

''(A) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug during the six month period that begins on the day on which the drug was first marketed; and

''(B) the ratio of—

''(i) the number of days for which each such price is applicable during such six month period; to

''(ii) the total number of days in such six month period.

''(d) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(e) ADMINISTRATION.—

''(1) PERIODIC AUDITS.—The Secretary shall permit a manufacturer of a rebatable covered part D drug to conduct periodic audits, directly or through contracts, of the data and information used to determine the rebate amount for such drug under this section.

''(2) SPECIAL RULES FOR CALCULATION OF BENCHMARK UNIT-WEIGHTED PRICE AND BENCHMARK-UNIT-WEIGHTED AVERAGE PRICE.—

''(A) BENCHMARK UNIT-WEIGHTED PRICE.—In the case that the benchmark unit-weighted price of a dosage form and strength of a rebatable covered part D drug is determined under subsection (b)(3)(B) to be $0 due to no units of such dosage form and strength of such drug being dispensed on July 1, 2021, the Secretary may use a calculation, as determined appropriate by the Secretary, to determine the benchmark-unit weighted price for such dosage form and strength of such drug that is different than the calculation described in such subsection.

''(B) BENCHMARK UNIT-WEIGHTED AVERAGE PRICE.—In the case that the benchmark unit-weighted average price of a dosage form and strength of a rebatable covered part D drug described under subsection (c) is determined under paragraph (3) of such subsection to be $0 due to no units of such dosage form and strength of such drug being dispensed during the six month period that begins on the day on which the drug was first marketed, the Secretary may use a calculation, as determined appropriate by the Secretary, to determine the benchmark-unit weighted average price for such dosage form and strength of such drug that is different than the calculation described in such paragraph.

''(3) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(4) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the determination of the rebate amount under subsection (b), including with respect to a subsequently approved drug pursuant to subsection (c), including—

''(A) the determination of—

''(i) the total number of units of each rebatable covered part D drug under subsection (b)(1)(A);

''(ii) the unit-weighted average price under subsection (b)(2);

''(iii) the inflation-adjusted price under subsection (b)(3);

''(iv) the benchmark unit-weighted average price under subsection (c)(3); and

''(v) the subsequently rebatable drug weighted average price under subsection (c)(4); and

''(B) the application of special rules for calculation of benchmark unit-weighted price and benchmark unit-weighted average price under paragraph (2) of this subsection.

''(f) CIVIL MONEY PENALTY.—

''(1) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements under subsection (a)(2) with respect to providing a rebate for a rebatable covered part D drug for a rebate period for each such failure in an amount equal to the sum of—

''(A) the rebate amount determined pursuant to subsection (b) for such drug for such rebate period; and

''(B) 25 percent of such amount.

''(2) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as having any effect on—

''(1) any formulary design under section 1860D–4(b)(3); or

''(2) any discounts provided under the coverage gap discount program under section 1860D–14A or the manufacturer catastrophic discount program under section 1860D–14B.

''(h) REBATE AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall enter into agreements described in paragraph (2) with manufacturers.

''(2) TERMS OF AGREEMENT.—

''(A) IN GENERAL.—A rebate agreement under this paragraph shall require the manufacturer to provide to the Secretary rebates required under subsection (a)(2)(A) with respect to a rebate period.

''(B) MANUFACTURER PROVISION OF PRICE AND DRUG PRODUCT INFORMATION.—Each manufacturer with an agreement in effect under this subsection shall report to the Secretary, with respect to each rebatable covered part D drug of the manufacturer, at a time specified by the Secretary—

''(i) for each calendar month under the rebate agreement—

''(I) each wholesale acquisition cost (as defined in section 1847A(c)(6)) applicable during the month, applicable to each National Drug Code for the dosage form and strength of such rebatable covered part D drug; and

''(II) the number of days with respect to which each wholesale acquisition cost reported was applicable;

''(ii) the wholesale acquisition cost (as so defined) applicable on July 1, 2021, applicable to each National Drug Code for the dosage form and strength of such rebatable covered part D drug (or, in the case of a rebatable covered part D drug first approved or licensed by the Food and Drug Administration after July 1, 2021, each wholesale acquisition cost applicable to each National Drug Code of each dosage form and strength of the rebatable covered part D drug of the manufacturer during the six month period that begins on the day on which the drug was first marketed); and

''(iii) such other information as the Secretary shall require.

Information reported under this subparagraph is subject to audit by the Inspector General of the Department of Health and Human Services.

''(3) CIVIL MONEY PENALTIES.—The provisions of subparagraph (C) of section 1927(b)(3) shall apply with respect to information required pursuant to paragraph (2)(B) of this subsection and the failure to provide such information in the same manner and to the same extent as such provisions apply with respect to information required under subparagraph (A) of such section 1927(b)(3) and the failure to provide such information.

''(4) COORDINATION.—The Secretary may coordinate rebate agreements required under this subsection with agreements required under section 1860D–14B.

''(i) FUNDING.—

''(1) IN GENERAL.—There are appropriated to the Secretary, from the Federal Supplementary Medical Insurance Trust Fund established under section 1841—

''(A) for each of calendar years 2022 through 2027, $4,000,000; and

''(B) for each subsequent calendar year, such sums as are necessary to carry out this section.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153), as amended by section 121(g), is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''and'' at the end;

(ii) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(7) have entered into and have in effect an agreement described in section 1860D–14C(h)(2) with the Secretary.'';

(B) in subsection (b), by striking ''(6)'' and inserting ''(7)''; and

(C) in subsection (c), by striking ''(6)'' and inserting ''(7)''.

(2) Section 1927(c)(1)(C)(VI) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(VI)) is amended—

(A) by striking ''or any discounts'' and inserting ''any discounts''; and

(B) by inserting '', or any rebates under section 1860D–14C'' before the period.

SEC. 126. PROHIBITING BRANDING ON PART D BENEFIT CARDS.

(a) IN GENERAL.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking ''co-branded network provider'' and inserting ''co-branded, co-owned, or affiliated network provider, pharmacy, or pharmacy benefit manager''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 127. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE.—Beginning January 1, 2023, the PDP sponsor of a prescription drug plan shall report to the Secretary, as specified by the Secretary—

''(1) any substantiated or suspicious activities (as defined by the Secretary) with respect to the program under this part as it relates to fraud, waste, and abuse; and

''(2) any steps made by the PDP sponsor after identifying such activities to take corrective actions.''.

SEC. 128. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by section 124, is amended by adding at the end the following new paragraph:

''(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

''(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

''(i) established or adopted by the Secretary under subparagraph (B), as listed under clause (ii) of such subparagraph; and

''(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

''(B) STANDARD PHARMACY QUALITY MEASURES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

''(ii) MAINTENANCE OF LIST.—The Secretary shall maintain a single list of measures established or adopted under this subparagraph.

''(C) EFFECTIVE DATE.—The requirement under subparagraph (A) shall take effect for plan years beginning on January 1, 2024, or such earlier date specified by the Secretary if the Secretary determines there are sufficient measures established or adopted under subparagraph (B) for the purposes of the requirement under subparagraph (A).''.

SEC. 129. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

''(E) ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(i) IN GENERAL.—For 2028 and subsequent years, the Secretary shall add a new set of measures to the 5-star rating system based on access to biosimilar biological products covered under part B and, in the case of MA–PD plans, such products that are covered part D drugs. Such measures shall assess the impact a plan's benefit structure may have on enrollees' utilization of or ability to access biosimilar biological products, including in comparison to the reference biological product, and shall include measures, as applicable, with respect to the following:

''(I) COVERAGE.—Assessing whether a biosimilar biological product is on the plan formulary in lieu of or in addition to the reference biological product.

''(II) PREFERENCING.—Assessing tier placement or cost-sharing for a biosimilar biological product relative to the reference biological product.

''(III) UTILIZATION MANAGEMENT TOOLS.—Assessing whether and how utilization management tools are used with respect to a biosimilar biological product relative to the reference biological product.

''(IV) UTILIZATION.—Assessing the percentage of enrollees prescribed the biosimilar biological product and the percentage of enrollees prescribed the reference biological product when the reference biological product is also on the plan formulary.

''(ii) DEFINITIONS.—In this subparagraph, the terms 'biosimilar biological product' and 'reference biological product' have the meaning given those terms in section 1847A(c)(6).

''(iii) PROTECTING PATIENT INTERESTS.—In developing such measures, the Secretary shall ensure that each measure developed to address coverage, preferencing, or utilization management is constructed such that patients retain access to appropriate therapeutic options without undue administrative burden.''.

(b) CLARIFICATION REGARDING APPLICATION TO PRESCRIPTION DRUG PLANS.—To the extent the Secretary of Health and Human Services applies the 5-star rating system under section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)), or a similar system, to prescription drug plans under part D of title XVIII of such Act, the provisions of subparagraph (E) of such section, as added by subsection (a) of this section, shall apply under the system with respect to such plans in the same manner as such provisions apply to the 5-star rating system under such section 1853(o)(4).

SEC. 130. FAIRNESS IN THE CALCULATION OF THE PART D PREMIUM.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended—

(1) in paragraph (3)(A), by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''; and

(2) by adding at the end the following new paragraph:

''(8) APPLICABLE PERCENT.—For purposes of paragraph (3)(A), the applicable percent specified in this paragraph is—

''(A) for years prior to 2024, 25.5 percent; and

''(B) for 2024 and subsequent years, 24.5 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) SUBSIDY.—Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is

amended, in the matter preceding paragraph (1), by inserting ''(or, for 2022 and subsequent years, 75.5 percent)'' after ''74.5 percent''.

(2) FALLBACK AREA MONTHLY BENEFICIARY PREMIUM.—Section 1860D–11(g)(6) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in section 1860D–13(a)(8))''.

(3) INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT (IRMAA).—Section 1860D–13(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395w–113(a)(7)(B)(i)(II)) is amended by striking ''25.5 percent'' and inserting ''the applicable percent (as specified in paragraph (8))''.

SEC. 131. HHS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer's drugs and biologicals, including for Medicare part D beneficiaries.

(2) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for health care providers who prescribe the manufacturer's products;

(ii) Federal laws affecting these pharmaceutical manufacturer distribution models; and

(iii) whether hub services could improperly incentivize health care providers to deem a drug or biological as medically necessary under section 423.578 of title 42, Code of Federal Regulations.

(B) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than July 1, 2024, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subtitle C—Miscellaneous

SEC. 141. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128K the following new section:

''SEC. 1128L. DRUG MANUFACTURER PRICE TRANSPARENCY.

''(a) IN GENERAL.—

''(1) DETERMINATIONS.—Beginning July 1, 2024, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

''(2) REQUIRED JUSTIFICATION.—If the Secretary determines under paragraph (1) that an applicable drug is described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in subsection (c) in accordance with the timing described in subsection (d).

''(b) APPLICABLE DRUG DESCRIBED.—

''(1) IN GENERAL.—An applicable drug is described in this subsection if it meets any of the following at the time of the determination:

''(A) LARGE INCREASE.—The drug (per dose)—

''(i) has a wholesale acquisition cost of at least $10; and

''(ii) had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 100 percent since the date of the enactment of this section;

''(II) during 2023, of at least 100 percent in the preceding 12 months or of at least 150 percent in the preceding 24 months;

''(III) during 2024, of at least 100 percent in the preceding 12 months or of at least 200 percent in the preceding 36 months;

''(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

''(B) HIGH SPENDING WITH INCREASE.—The drug—

''(i) was in the top 50th percentile of net spending under title XVIII or XIX (to the extent data is available) during any 12-month period in the preceding 60 months; and

''(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

''(I) during 2022, of at least 15 percent since the date of the enactment of this section;

''(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 20 percent in the preceding 24 months;

''(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 36 months;

''(IV) during 2025, of at least 15 percent in the preceding 12 months or of at least 40 percent in the preceding 48 months; or

''(V) on or after January 1, 2026, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 60 months.

''(C) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after such date, such wholesale acquisition cost for a year's supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(2) SPECIAL RULES.—

''(A) AUTHORITY OF SECRETARY TO SUBSTITUTE PERCENTAGES WITHIN A DE MINIMIS RANGE.—For purposes of applying paragraph (1), the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph (other than the percentile described subparagraph (B)(i) of such paragraph) a percentage within a de minimis range specified by the Secretary below the percentage so described.

''(B) DRUGS WITH HIGH LAUNCH PRICES ANNUALLY REPORT UNTIL A THERAPEUTIC EQUIVALENT IS AVAILABLE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of paragraph (1), such drug shall remain described in such subparagraph (C) (and the manufacturer of such drug shall annually report the justification under subsection (c)(2)) until the Secretary determines that there is a therapeutic equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations, or any successor regulation) for such drug.

''(3) DOSE.—For purposes of applying paragraph (1), the Secretary shall establish a definition of the term 'dose'.

''(c) JUSTIFICATION DESCRIBED.—

''(1) INCREASE IN WAC.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the increase in the wholesale acquisition cost of the applicable drug of the manufacturer, as determined appropriate by the Secretary and which may include the following:

''(A) The individual factors that have contributed to the increase in the wholesale acquisition cost.

''(B) An explanation of the role of each factor in contributing to such increase.

''(C) Total expenditures of the manufacturer on—

''(i) materials and manufacturing for such drug;

''(ii) acquiring patents and licensing for each drug of the manufacturer; and

''(iii) costs to purchase or acquire the drug from another company, if applicable.

''(D) The percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds.

''(E) The total expenditures of the manufacturer on research and development for such drug.

''(F) The total revenue and net profit generated from the applicable drug for each calendar year since drug approval.

''(G) The total expenditures of the manufacturer that are associated with marketing and advertising for the applicable drug.

''(H) Additional information specific to the manufacturer of the applicable drug, such as—

''(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

''(ii) metrics used to determine executive compensation;

''(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

''(I) drug research and development; or

''(II) clinical trials on drugs that failed to receive approval by the Food and Drug Administration.

''(2) HIGH LAUNCH PRICE.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (C) of subsection (b)(1), the justification described in this subsection is all relevant, truthful, and nonmisleading information and supporting documentation necessary to justify the wholesale acquisition cost of the applicable drug of the manufacturer, as determined by the Secretary and which may include the items described in subparagraph (C) through (H) of paragraph (1).

''(d) TIMING.—

''(1) NOTIFICATION.—Not later than 60 days after the date on which the Secretary makes the determination that a drug is an applicable drug under subsection (b), the Secretary shall notify the manufacturer of the applicable drug of such determination.

''(2) SUBMISSION OF JUSTIFICATION.—Not later than 180 days after the date on which a manufacturer receives a notification under paragraph (1), the manufacturer shall submit to the Secretary the justification required under subsection (a).

''(3) POSTING ON INTERNET WEBSITE.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after receiving the justification under paragraph (2), the Secretary shall post on the Internet website of

the Centers for Medicare & Medicaid Services the justification, together with a summary of such justification that is written and formatted using language that is easily understandable by beneficiaries under titles XVIII and XIX.

''(B) EXCLUSION OF PROPRIETARY INFORMATION.—The Secretary shall exclude proprietary information, such as trade secrets and intellectual property, submitted by the manufacturer in the justification under paragraph (2) from the posting described in subparagraph (A).

''(e) EXCEPTION TO REQUIREMENT FOR SUBMISSION.—In the case of a drug that the Secretary determines is an applicable drug described in subparagraph (A) or (B) of subsection (b)(1), the requirement to submit a justification under subsection (a) shall not apply where the manufacturer, after receiving the notification under subsection (d)(1) with respect to the applicable drug of the manufacturer, reduces the wholesale acquisition cost of a drug so that it no longer is described in such subparagraph (A) or (B) for at least a 4-month period, as determined by the Secretary.

''(f) PENALTIES.—

''(1) FAILURE TO SUBMIT TIMELY JUSTIFICATION.—If the Secretary determines that a manufacturer has failed to submit a justification as required under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount of $10,000 for each day the manufacturer has failed to submit such justification as so required.

''(2) FALSE INFORMATION.—Any manufacturer that submits a justification under this section and knowingly provides false information in such justification is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information.

''(3) APPLICATION OF PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). Civil monetary penalties imposed under this subsection are in addition to other penalties as may be prescribed by law.

''(g) DEFINITIONS.—In this section:

''(1) DRUG.—The term 'drug' means a drug, as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act, that is intended for human use and subject to section 503(b)(1) of such Act, including a product licensed under section 351 of the Public health Service Act.

''(2) MANUFACTURER.—The term 'manufacturer' has the meaning given that term in section 1847A(c)(6)(A).

''(3) WHOLESALE ACQUISITION COST.—The term 'wholesale acquisition cost' has the meaning given that term in section 1847A(c)(6)(B).''.

SEC. 142. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23), as amended by section 122, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) a State plan under title XIX, including a managed care entity (as defined in section 1932(a)(1)(B)),'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(excluding bona fide'' and all that follows through ''patient education programs))''; and

(ii) by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage of'';

(B) in paragraph (3), by striking ''aggregate amount of'' and inserting ''aggregate amount and percentage (defined as a share of gross drug costs) of''; and

(C) by adding at the end the following new paragraph:

''(4) The aggregate amount of bona fide service fees (which include distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs)) the PBM received from—

''(A) PDP sponsors;

''(B) qualified health benefit plans;

''(C) managed care entities (as defined in section 1932(a)(1)(b)); and

''(D) drug manufacturers.'';

(3) in subsection (c), by adding at the end the following new paragraphs:

''(5) To States to carry out their administration and oversight of the State plan under title XIX.

''(6) To the Federal Trade Commission to carry out section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45a) and any other relevant consumer protection or antitrust authorities enforced by such Commission, including reviewing proposed mergers in the prescription drug sector.

''(7) To assist the Department of Justice to carry out its antitrust authorities, including reviewing proposed mergers in the prescription drug sector.''; and

(4) by adding at the end the following new subsection:

''(f) ANNUAL OIG EVALUATION AND REPORT.—

''(1) ANALYSIS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the information provided to the Secretary under this section. Such evaluation shall include an analysis of—

''(A) PBM rebates;

''(B) administrative fees;

''(C) the difference between what plans pay PBMs and what PBMs pay pharmacies;

''(D) generic dispensing rates; and

''(E) other areas determined appropriate by the Inspector General.

''(2) REPORT.—Not later than July 1, 2023, and annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate. Such report shall not disclose the identity of a specific PBM, plan, or price charged for a drug.''.

SEC. 143. PRESCRIPTION DRUG PRICING DASHBOARDS.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARDS.

''(a) IN GENERAL.—Beginning not later than January 1, 2023, the Secretary shall establish, and annually update, internet website-based dashboards, through which beneficiaries, clinicians, researchers, and the public can review information on spending for, and utilization of, prescription drugs and biologicals (and related supplies and mechanisms of delivery) covered under each of parts B and D of title XVIII and under a State program under title XIX, including information on trends of such spending and utilization over time.

''(b) MEDICARE PART B DRUG AND BIOLOGICAL DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part B of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to drug or biologicals covered under such part B:

''(A) The brand name and, if applicable, the generic names of the drug or biological.

''(B) Consumer-friendly information on the uses and clinical indications of the drug or biological.

''(C) The manufacturer or labeler of the drug or biological.

''(D) To the extent feasible, the following information:

''(i) Average total spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

''(ii) The percentage change in average spending on the drug or biological per dosage unit between the most recent calendar year for which data is available and—

''(I) the preceding calendar year; and

''(II) the preceding 5 and 10 calendar years.

''(iii) The annual growth rate in average spending per dosage unit of the drug or biological in the most recent 5 or 10 calendar years for which data is available.

''(iv) Total spending for the drug or biological for the most recent calendar year for which data is available.

''(v) The number of beneficiaries receiving the drug or biological in the most recent calendar year for which data is available.

''(vi) Average spending on the drug per beneficiary for the most recent calendar year for which data is available.

''(E) The average sales price of the drug or biological (as determined under section 1847A) for the most recent quarter.

''(F) Consumer-friendly information about the coinsurance amount for the drug or biological for beneficiaries for the most recent quarter. Such information shall not include coinsurance amounts for qualified medicare beneficiaries (as defined in section 1905(p)(1)).

''(G) For the most recent calendar year for which data is available—

''(i) the 15 drugs and biologicals with the highest total spending under such part; and

''(ii) any drug or biological for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(H) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about drug and biological spending and utilization (including trends of such spending and utilization).

''(c) MEDICARE COVERED PART D DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for part D of title XVIII shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered part D drugs under such part D:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) Information on average annual beneficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) for the current plan year. Such information shall not include

out-of-pocket costs for subsidy eligible individuals under section 1860D–14.

''(C) Information on how to access resources as described in sections 1860D–1(c) and 1851(d).

''(D) For the most recent calendar year for which data is available—

''(i) the 15 covered part D drugs with the highest total spending under such part; and

''(ii) any covered part D drug for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

''(E) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered part D drug spending and utilization (including trends of such spending and utilization).

''(d) MEDICAID COVERED OUTPATIENT DRUG DASHBOARD.—

''(1) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered outpatient drugs under such title:

''(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

''(B) For the most recent calendar year for which data is available, the 15 covered outpatient drugs with the highest total spending under such title.

''(C) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered outpatient drug spending and utilization (including trends of such spending and utilization).

''(e) DATA FILES.—The Secretary shall make available the underlying data for each dashboard established under subsection (a) in a machine-readable format.''.

SEC. 144. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The Secretary shall invite the following to the public meeting:

(i) Representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices within the Centers for Medicare & Medicaid Services.

(ii) Stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products.

(iii) Representatives of commercial health insurance payers.

(iv) Stakeholders with expertise in the administration and use of novel medical products, including physicians.

(v) Stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting agenda shall include—

(i) an overview of the types of products and product categories in the drug and medical device development pipeline and the volume of products which may meet the description of a novel medical product under subsection (c);

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and

(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing under this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled ''National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development'' to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) FINAL GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(b) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the Internet website of the Department of Health and Human Services regarding processes under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to the coding, coverage, and payment of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes under the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment preferences) into the coverage and payment processes within the Centers for Medicare & Medicaid Services;

(B) decrease the length of time to make national and local coverage determinations under the Medicare program (as those terms are defined in subparagraphs (A) and (B), respectively, of section 1862(l)(6) of the Social Security Act (42 U.S.C. 1395y(l)(6));

(C) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations; and

(D) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 356(g)).

SEC. 145. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l) of the Social Security Act (42 U.S.C. 1395y(l)) is amended by adding at the end the following new paragraph:

''(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrative contractor, may consult with patients and organizations representing patients, including patients with disabilities, in making national and local coverage determinations.''.

SEC. 146. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term ''independent charity patient assistance program'' means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 509(a) of such Code) that offers patient assistance.

(2) MANUFACTURER.—The term ''manufacturer'' has the meaning given that term in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term ''manufacturer patient assistance program'' means an organization, including a private foundation (as so defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term ''patient assistance'' means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Secretary of Health and Human Services.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the findings of the study required under subsection (a).

SEC. 147. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the ''Commission'') shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations as the Commission deems appropriate, regarding—

(A) formulary design under such part D;

(B) the ability of the benefit structure under such part D to control total spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D; and

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D.

SEC. 148. TAKING STEPS TO FULFILL TREATY OBLIGATIONS TO TRIBAL COMMUNITIES.

(a) GAO STUDY.—The Comptroller General shall conduct a study regarding access to, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(2) recommendations to align the value of prescription drug discounts available under the Medicaid drug rebate program established under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) with prescription drug discounts available to Tribal communities through the purchased/referred care program of the Indian Health Service for physician administered drugs; and

(3) an examination of how Tribal communities and urban Indian organizations utilize the Medicare part D program established under title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(2) INDIAN; INDIAN HEALTH PROGRAM; INDIAN TRIBE.—The terms ''Indian'', ''Indian health program'', and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

TITLE II—MEDICAID DRUG PRICING REFORMS

SEC. 201. MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE IMPROVEMENTS.

(a) IN GENERAL.—Subparagraph (A) of section 1927(d)(4) of the Social Security Act (42 U.S.C. 1396r–8(d)(4)) is amended to read as follows:

''(A)(i) The formulary is developed and reviewed by a pharmacy and therapeutics committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State.

''(ii) Subject to clause (vi), the State establishes and implements a conflict of interest policy for the pharmacy and therapeutics committee that—

''(I) is publicly accessible;

''(II) requires all committee members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in committee matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.

''(iii) The membership of the pharmacy and therapeutics committee—

''(I) is made publicly available;

''(II) is composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers; and

''(III) includes at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iv) At the option of the State, the State's drug use review board established under subsection (g)(3) may serve as the pharmacy and therapeutics committee provided the State ensures that such board meets the requirements of clauses (ii) and (iii).

''(v) The State reviews and has final approval of the formulary established by the pharmacy and therapeutics committee.

''(vi) If the Secretary determines it appropriate or necessary based on the findings and recommendations of the Comptroller General of the United States in the report submitted to Congress under section 203 of the Prescription Drug Pricing Reduction Act of 2022, the Secretary shall issue guidance that States must follow for establishing conflict of interest policies for the pharmacy and therapeutics committee in accordance with the requirements of clause (ii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.''.

(b) APPLICATION TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Clause (xiii) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking ''and (III)'' and inserting ''(III)'';

(B) by striking the period at the end and inserting '', and (IV) any formulary used by the entity for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity is developed and reviewed by a pharmacy and therapeutics committee that meets the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(C) by moving the left margin 2 ems to the left.

(2) APPLICATION TO PIHPS AND PAHPS.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

''(10) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by an other specified entity (as defined in paragraph (9)(D)(iii)) unless such services are provided in accordance with a contract between the State and the entity which satisfies the requirements of paragraph (2)(A)(xiii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 202. IMPROVING REPORTING REQUIREMENTS AND DEVELOPING STANDARDS FOR THE USE OF DRUG USE REVIEW BOARDS IN STATE MEDICAID PROGRAMS.

(a) IN GENERAL.—Section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(g)(3)) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The membership of the DUR Board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

''(I) The clinically appropriate prescribing of covered outpatient drugs.

''(II) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

''(III) Drug use review, evaluation, and intervention.

''(IV) Medical quality assurance.

''(ii) MEMBERSHIP REQUIREMENTS.—The membership of the DUR Board shall—

''(I) be made publicly available;

''(II) be composed of members who are independent and free of any conflict, including with respect to manufacturers, medicaid managed care entities, and pharmacy benefit managers;

''(III) be made up of at least 1/3 but no more than 51 percent members who are licensed and actively practicing physicians and at least 1/3 members who are licensed and actively practicing pharmacists; and

''(IV) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

''(iii) CONFLICT OF INTEREST POLICY.—The State shall establish and implement a conflict of interest policy for the DUR Board that—

''(I) is publicly accessible;

''(II) requires all board members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in board matters; and

''(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest.''; and

(2) by adding at the end the following new subparagraph:

''(E) DUR BOARD MEMBERSHIP REPORTS.—

''(i) DUR BOARD REPORTS.—Each State shall require the DUR Board to prepare and submit to the State an annual report on the DUR Board membership. Each such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other information required by the State.

''(ii) INCLUSION OF DUR BOARD MEMBERSHIP INFORMATION IN STATE REPORTS.—Each annual State report to the Secretary required under subparagraph (D) shall include—

''(I) the number of individuals serving on the State's DUR Board;

''(II) the names and professions of the individuals serving on such DUR Board;

''(III) any conflicts of interest or recusals with respect to members of such DUR Board reported by the DUR Board or that the State was aware of during the period that is the subject of the report; and

''(IV) whether the State has elected for such DUR Board to serve as the committee responsible for developing a State formulary under subsection (d)(4)(A).''.

(b) MANAGED CARE REQUIREMENTS.—Section 1932(i) of the Social Security Act (42 U.S.C. 1396u–2(i)) is amended—

(1) by inserting ''and each contract under a State plan with an other specified entity (as defined in section 1903(m)(9)(D)(iii))'' after ''under section 1903(m)'';

(2) by striking ''section 483.3(s)(4)'' and inserting ''section 438.3(s)(4)'';

(3) by striking ''483.3(s)(5)'' and inserting ''438.3(s)(5)''; and

(4) by adding at the end the following: ''Such a managed care entity or other specified entity shall not be considered to be in compliance with the requirement of such section 438.3(s)(5) that the entity provide a detailed description of its drug utilization review activities unless the entity includes a description of the prospective drug review activities described in paragraph (2)(A) of section 1927(g) and the activities listed in paragraph (3)(C) of section 1927(g), makes the underlying drug utilization review data available to the State and the Secretary, and provides such other information as deemed appropriate by the Secretary.''.

(c) DEVELOPMENT OF NATIONAL STANDARDS FOR MEDICAID DRUG USE REVIEW.—The Secretary of Health and Human Services may promulgate regulations or guidance establishing national standards for Medicaid drug use review programs under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)), for the purpose of aligning review criteria for prospective and retrospective drug use review across all State Medicaid programs.

(d) CMS GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance—

(1) outlining steps that States must take to come into compliance with statutory and regulatory requirements for prospective and retrospective drug use review under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(g)) and drug utilization review activities and requirements under section 1932(i) of such Act (42 U.S.C. 1396u–2(i)) (including with respect to requirements that were in effect before the date of enactment of this Act); and

(2) describing the actions that the Secretary will take to enforce such requirements.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 203. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) INVESTIGATION.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid program State drug use review boards (in this section referred to as ''DUR Boards'') and pharmacy and therapeutics committees (in this section referred to as ''P&T Committees'').

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and statewide P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations or other Medicaid managed care arrangements (including other specified entities (as defined in section 1903(m)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1396b(m)(9)(D)(iii)) and collectively referred to in this section as ''Medicaid MCOs''); and

(C) States that allow Medicaid MCOs to have their own P&T Committees and the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(2) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r(g)(3)) and P&T Committees.

(3) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(4) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards and P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(5) A description outlining how States, DUR Boards, or P&T Committees define conflicts of interest.

(6) A description of how DUR Boards and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

(7) A description of the tools, if any, States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

(8) An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(9) A review of strategies States may use to guard against conflicts of interest on DUR Boards and P&T Committees and to ensure compliance with the requirements of titles XI and XIX of the Social Security Act (42 U.S.C. 1301 et seq., 1396 et seq.) and access to effective, clinically appropriate, and medically necessary drug treatments for Medicaid beneficiaries, including recommendations for such legislative and administrative actions as the Comptroller General determines appropriate.

SEC. 204. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID DRUG REBATE PROGRAM.

(a) AUDIT OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

''(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

''(i) AUDITS.—The Secretary shall conduct regular audits of the price and drug product information reported by manufacturers under subparagraph (A) for the most recently ended rebate period to ensure the accuracy and timeliness of such information. In conducting such audits, the Secretary may employ evaluations, surveys, statistical sampling, predictive analytics and other relevant tools and methods.

''(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER'S AVERAGE SALES PRICE.—In addition to the audits required under clause (i), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as 'direct sellers')), when necessary, to verify manufacturer prices and manufacturer's average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

''(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including under subparagraph (C) of this paragraph, the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller, if the wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments) and (b)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(iv) REPORTS.—

''(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure accurate and timely reporting and oversight of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information should be considered to ensure the integrity of the drug rebate program under this section.

''(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

''(III) CONTENT.—Each report submitted under subclause (II) shall, with respect to the period that is the subject of the report, include summaries of—

''(aa) error rates in the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

''(bb) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

''(cc) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

''(dd) the types of price and drug product information reviewed under the audits conducted under this subparagraph;

''(ee) the tools and methodologies employed in such audits;

''(ff) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

''(gg) such other relevant information as the Secretary shall deem appropriate.

''(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall redact such proprietary information as the Secretary determines appropriate to prevent disclosure of, and to safeguard, such information.

''(v) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter to carry out this subparagraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(i)) is amended by striking ''increased by $10,000 for each day in which such information has not been provided and such amount shall be paid to the Treasury'' and inserting '', for each covered outpatient drug with respect to which such information is not provided, $50,000 for the first day that such information is not provided on a timely basis and $19,000 for each subsequent day that such information is not provided (with such amounts being paid to the Treasury),''.

(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(C)(ii)) is amended by striking ''$100,000'' and inserting ''$500,000''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to affect the application of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to any civil penalty amount under section 1927 of the Social Security Act (42 U.S.C. 1396r–8).

SEC. 205. APPLYING MEDICAID DRUG REBATE REQUIREMENT TO DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396r–8(k)(3)) is amended to read as follows:

''(3) LIMITING DEFINITION.—

''(A) IN GENERAL.—The term 'covered outpatient drug' does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, any of the following (and for which payment may be made under this title as part of payment for the following and not as direct reimbursement for the drug):

''(i) Inpatient hospital services.

''(ii) Hospice services.

''(iii) Dental services, except that drugs for which the State plan authorizes direct reimbursement to the dispensing dentist are covered outpatient drugs.

''(iv) Physicians' services.

''(v) Outpatient hospital services.

''(vi) Nursing facility services and services provided by an intermediate care facility for the mentally retarded.

''(vii) Other laboratory and x-ray services.

''(viii) Renal dialysis.

''(B) OTHER EXCLUSIONS.—Such term also does not include any such drug or product for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used for a medical indication which is not a medically accepted indication.

''(C) STATE OPTION.—At the option of a State, such term may include any drug, biological product, or insulin provided on an outpatient basis as part of, or as incident to and in the same setting as, services described in clause (iv) or (v) of subparagraph (A) (such as a drug, biological product, or insulin being provided as part of a bundled payment).

''(D) NO EFFECT ON BEST PRICE.—Any drug, biological product, or insulin excluded from the definition of such term as a result of this paragraph shall be treated as a covered outpatient drug for purposes of determining the best price (as defined in subsection (c)(1)(C)) for such drug, biological product, or insulin.''.

(b) EFFECTIVE DATE; IMPLEMENTATION GUIDANCE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) IMPLEMENTATION AND GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance and relevant informational bulletins for States, manufacturers (as defined in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396r–8(k)(5)), and other relevant stakeholders, including health care providers, regarding implementation of the amendment made by subsection (a).

SEC. 206. IMPROVING TRANSPARENCY AND PREVENTING THE USE OF ABUSIVE SPREAD PRICING AND RELATED PRACTICES IN MEDICAID.

(a) PASS-THROUGH PRICING REQUIRED.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by adding at the end the following:

''(6) PASS-THROUGH PRICING REQUIRED.—A contract between the State and a pharmacy benefit manager (referred to in this paragraph as a 'PBM'), or a contract between the State and a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)) that includes provisions making the entity responsible for coverage of covered outpatient drugs dispensed to individuals enrolled with the entity, shall require that payment for such drugs (excluding, at the option of the State, any drug that is subject to an agreement under section 340B of the Public Health Service Act) and related administrative services (as applicable), including payments made by a PBM on behalf of the State or entity, is based on a pass-through pricing model under which—

''(A) any payment made by the entity or the PBM (as applicable) for such a drug—

''(i) is limited to—

''(I) ingredient cost; and

''(II) a professional dispensing fee that is not less than the professional dispensing fee that the State plan or waiver would pay if the plan or waiver was making the payment directly;

''(ii) is passed through in its entirety by the entity or PBM to the pharmacy that dispenses the drug; and

''(iii) is made in a manner that is consistent with section 1902(a)(30)(A) and sections 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM;

''(B) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

''(C) the entity or the PBM (as applicable) shall make available to the State, and the Secretary upon request, all costs and payments related to covered outpatient drugs and accompanying administrative services incurred, received, or made by the entity or the PBM, including ingredient costs, professional dispensing fees, administrative fees, post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

''(D) any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, effective rate contract adjustments, or related adjustments such as direct and indirect remuneration fees or assessments (after allowing for a reasonable administrative fee as described in subparagraph (B)) is not allowable for purposes of claiming Federal matching payments under this title.''.

(2) CONFORMING AMENDMENT.—Section 1903(m)(2)(A)(xiii) of such Act (42 U.S.C. 1396b(m)(2)(A)(xiii)), as amended by section 201(b)(1), is amended—

(A) by striking ''and (IV)'' and inserting ''(IV)''; and

(B) by inserting before the period at the end the following: '', and (V) pharmacy benefit management services provided by the entity, or provided by a pharmacy benefit manager on behalf of the entity under a contract or other arrangement between the entity and the pharmacy benefit manager, shall

comply with the requirements of section 1927(e)(6)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to contracts between States and managed care entities, other specified entities, or pharmacy benefits managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) SURVEY OF RETAIL PRICES.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking ''and'' after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through ''(1)'' and inserting the following:

''(1) SURVEY OF RETAIL PRICES.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

''(A) USE OF VENDOR.—The Secretary may contract services for—

''(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies from all sources of payment, including third parties, and, to the extent available, the usual and customary charges to consumers for such drugs; and'';

(B) by adding at the end of paragraph (1) the following:

''(F) SURVEY REPORTING.—In order to meet the requirement of section 1902(a)(54), a State shall require that any retail community pharmacy in the State that receives any payment, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection.

''(G) SURVEY INFORMATION.—Information on retail community prices obtained under this paragraph shall be made publicly available and shall include at least the following:

''(i) The monthly response rate of the survey including a list of pharmacies not in compliance with subparagraph (F).

''(ii) The sampling frame and number of pharmacies sampled monthly.

''(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

''(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operated pharmacies.

''(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

''(vi) Information on average professional dispensing fees paid.

''(H) PENALTIES.—

''(i) FAILURE TO PROVIDE TIMELY INFORMATION.—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed $10,000 for each day in which such information has not been provided.

''(ii) FALSE INFORMATION.—A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

''(iii) OTHER PENALTIES.—Any civil money penalties imposed under this subparagraph shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(I) REPORT ON SPECIALTY DRUGS AND PHARMACIES.—

''(i) IN GENERAL.—Not later than 18 months after the effective date of this subparagraph, the Secretary shall submit a report to Congress examining specialty drug coverage and reimbursement under this title.

''(ii) CONTENT OF REPORT.—Such report shall include a description of how State Medicaid programs define specialty drugs, how much State Medicaid programs pay for specialty drugs, how States and managed care plans determine payment for specialty drugs, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquisition costs for specialty drugs are captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs capture drugs sold at specialty pharmacies and how such specialty pharmacies should be defined.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting '', including payment rates under Medicaid managed care plans,'' after ''under this title''; and

(ii) in subparagraph (B), by inserting ''and the basis for such dispensing fees'' before the semicolon; and

(D) in paragraph (4), by inserting '', and $5,000,000 for fiscal year 2023 and each fiscal year thereafter,'' after ''2010''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by adding ''and'' after the semicolon;

(C) by moving the left margins of subclause (I) and (II) 2 ems to the right; and

(D) by adding at the end the following:

''(III) in the case of rebate periods that begin on or after the date of enactment of this subclause, on the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act);''; and

(2) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting ''and clause (viii) of this subparagraph'' after ''1847A'';

(B) in clause (vi), by striking ''and'' after the comma;

(C) in clause (vii), by striking the period and inserting '', and''; and

(D) by inserting after clause (vii) the following:

''(viii) to the Secretary to disclose (through a website accessible to the public) the most recently reported wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for each covered outpatient drug (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), as reported under subparagraph (A)(i)(III).''.

SEC. 207. T–MSIS DRUG DATA ANALYTICS REPORTS.

(a) IN GENERAL.—Not later than May 1 of each calendar year beginning with calendar year 2023, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) REQUIRED CONTENT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent available, with respect to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver)—

(i) across all available forms or models of reimbursement used under the plan or waiver;

(ii) within specialties and subspecialties, as defined by the Secretary;

(iii) by episodes of care for—

(I) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(II) procedural groupings; and

(III) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of an individual, as determined by the Secretary);

(iv) by patient demographic characteristics, including race (to the extent that the Secretary determines that there is sufficient data available with respect to such characteristic in a majority of States and that inclusion of such characteristic would not jeopardize the privacy of the individual), gender, and age;

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(B) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescribing patterns when a covered outpatient drug is prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(2) ADDITIONAL CONTENT.—To the extent available, a report required under subsection (a) for a calendar year may include State-specific information about prescription utilization management tools under State Medicaid plans or waivers of such plans, including—

(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan;

(B) a comparison of prescription utilization management tools applicable to populations covered under a State Medicaid plan waiver under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

(C) a comparison of the prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities within the State;

(D) a comparison of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver; and

(E) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) analyses of national, State, and local patterns of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identifying such patterns); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(c) USE OF T–MSIS DATA.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Transformed Medicaid Statistical Information System (''T–MSIS'') data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) PREPARATION OF REPORT.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(e) APPROPRIATION.—For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 208. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICAID.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

''(l) STATE OPTION TO PAY FOR COVERED OUTPATIENT DRUGS THROUGH RISK-SHARING VALUE-BASED AGREEMENTS.—

''(1) IN GENERAL.—Beginning January 1, 2024, a State shall have the option to pay (whether on a fee-for-service or managed care basis) for covered outpatient drugs that are potentially curative treatments intended for one-time use that are administered to individuals under this title by entering into a risk-sharing value-based payment agreement with the manufacturer of the drug in accordance with the requirements of this subsection.

''(2) SECRETARIAL APPROVAL.—

''(A) IN GENERAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the manufacturer unless the following requirements are met:

''(i) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT AND IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS.—The manufacturer has a rebate agreement in effect as required under subsections (a) and (b) of this section and is in compliance with all applicable requirements under this title.

''(ii) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—

''(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is not expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

''(II) NET FEDERAL SPENDING DEFINED.—For purposes of this subsection, the term 'net Federal spending' means the amount of Federal payments the Chief Actuary estimates would be made under this title for administering a covered outpatient drug to an individual eligible for medical assistance under a State plan or a waiver of such plan, reduced by the amount of all rebates the Chief Actuary estimates would be paid with respect to the administering of such drug, including all rebates under this title and any supplemental or other additional rebates, in the absence of such an agreement.

''(III) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information. The State and manufacturer shall provide the Secretary and the Chief Actuary with all necessary information required to make the estimates needed for such certifications.

''(iii) LAUNCH AND LIST PRICE JUSTIFICATIONS.—The manufacturer submits all relevant information and supporting documentation necessary for pricing decisions as deemed appropriate by the Secretary, which shall be truthful and non-misleading, including manufacturer information and supporting documentation for launch price or list price increases, and any applicable justification required under section 1128L.

''(iv) CONFIDENTIALITY OF INFORMATION; PENALTIES.—The provisions of subparagraphs (C) and (D) of subsection (b)(3) shall apply to a manufacturer that fails to submit the information and documentation required under clauses (ii) and (iii) on a timely basis, or that knowingly provides false or misleading information, in the same manner as such provisions apply to a manufacturer with a rebate agreement under this section.

''(B) CONSIDERATION OF STATE REQUEST FOR APPROVAL.—

''(i) IN GENERAL.—The Secretary shall treat a State request for approval of a risk-sharing value-based payment agreement in the same manner that the Secretary treats a State plan amendment, and subpart B of part 430 of title 42, Code of Federal Regulations, including, subject to clause (ii), the timing requirements of section 430.16 of such title (as in effect on the date of enactment of this subsection), shall apply to a request for approval of a risk-sharing value-based payment agreement in the same manner as such subpart applies to a State plan amendment.

''(ii) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs as required under subparagraph (C) and make a determination on whether to approve a request from a State for approval of a proposed risk-sharing value-based payment agreement (or request additional information necessary to allow the Secretary to make a determination with respect to such request for approval) within the time period, to the extent practicable, specified in section 430.16 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this subsection), but in no case shall the Secretary take more than 180 days after the receipt of such request for approval or response to such request for additional information to make such a determination (or request additional information).

''(C) CONSULTATION WITH THE COMMISSIONER OF FOOD AND DRUGS.—In considering whether to approve a risk-sharing value-based payment agreement, the Secretary, to the extent necessary, shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such agreement are appropriate.

''(3) INSTALLMENT-BASED PAYMENT STRUCTURE.—

''(A) IN GENERAL.—A risk-sharing value-based payment agreement shall provide for a payment structure under which, for every installment year of the agreement (subject to subparagraph (B)), the State shall pay the total installment year amount in equal installments to be paid at regular intervals over a period of time that shall be specified in the agreement.

''(B) REQUIREMENTS FOR INSTALLMENT PAYMENTS.—

''(i) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) for an installment year not later than 30 days after the end of such year.

''(ii) LENGTH OF INSTALLMENT PERIOD.—The period of time over which the State shall make the installment payments described in subparagraph (A) for an installment year shall not be longer than 5 years.

''(iii) NONPAYMENT OR REDUCED PAYMENT OF INSTALLMENTS FOLLOWING A FAILURE TO MEET CLINICAL PARAMETER.—If, prior to the payment date (as specified in the agreement) of any installment payment described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that—

''(I) the installment payment shall not be made; or

''(II) the installment payment shall be reduced by a percentage specified in the agreement that is based on the outcome achieved by the drug relative to the relevant clinical parameter.

''(4) NOTICE OF INTENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the State and shall only be effective upon Secretarial approval as required under this subsection.

''(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

''(i) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act after the date of enactment of this subsection, not

more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case of a drug described in clause (ii), not later than March 31, 2022), the manufacturer must notify the Secretary of the manufacturer's intent to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug. If no such meeting has occurred, the Secretary may use discretion as to whether a potentially curative treatment intended for one-time use may qualify for a risk-sharing value-based payment agreement under this section. A manufacturer notification of interest shall not have any influence on a decision for drug approval by the Food and Drug Administration.

''(ii) APPLICATION TO CERTAIN SUBSEQUENTLY APPROVED DRUGS.—A drug described in this clause is a covered outpatient drug of a manufacturer—

''(I) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act after the date of enactment of this subsection; and

''(II) with respect to which, as of January 1, 2024, more than 90 days have passed after the manufacturer's meeting with the Food and Drug Administration following phase II clinical trials for such drug.

''(iii) PARALLEL APPROVAL.—The Secretary, in coordination with the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Food and Drugs, shall, to the extent practicable, approve a State's request to enter into a proposed risk-sharing value-based payment agreement that otherwise meets the requirements of this subsection at the time that such a drug is approved by the Food and Drug Administration to help provide that no State that wishes to enter into such an agreement is required to pay for the drug in full at one time if the State is seeking to pay over a period of time as outlined in the proposed agreement.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be applied or construed to modify or affect the timeframes or factors involved in the Secretary's determination of whether to approve or license a drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act.

''(5) SPECIAL PAYMENT RULES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, with respect to an individual who is administered a unit of a covered outpatient drug that is reimbursed under a State plan by a State Medicaid agency under a risk-sharing value-based payment agreement in an installment year, the State shall remain liable to the manufacturer of such drug for payment for such unit without regard to whether the individual remains enrolled in the State plan under this title (or a waiver of such plan) for each installment year for which the State is to make installment payments for covered outpatient drugs purchased under the agreement in such year.

''(B) DEATH.—In the case of an individual described in subparagraph (A) who dies during the period described in such subparagraph, the State plan shall not be liable for any remaining payment for the unit of the covered outpatient drug administered to the individual which is owed under the agreement described in such subparagraph.

''(C) WITHDRAWAL OF APPROVAL.—In the case of a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement between a State and a manufacturer under this subsection, including a drug approved in accordance with section 506(c) of the Federal Food, Drug, and Cosmetic Act, and such drug is the subject of an application that has been withdrawn by the Secretary, the State plan shall not be liable for any remaining payment that is owed under the agreement.

''(D) ALTERNATIVE ARRANGEMENT UNDER AGREEMENT.—Subject to approval by the Secretary, the terms of a proposed risk-sharing value-based payment agreement submitted for approval by a State may provide that subparagraph (A) shall not apply.

''(E) GUIDANCE.—Not later than January 1, 2024, the Secretary shall issue guidance to States establishing a process for States to notify the Secretary when an individual who is administered a unit of a covered outpatient drug that is purchased by a State plan under a risk-sharing value-based payment agreement ceases to be enrolled under the State plan under this title (or a waiver of such plan) or dies before the end of the installment period applicable to such unit under the agreement.

''(6) TREATMENT OF PAYMENTS UNDER RISK-SHARING VALUE-BASED AGREEMENTS FOR PURPOSES OF AVERAGE MANUFACTURER PRICE; BEST PRICE.—The Secretary shall treat any payments made to the manufacturer of a covered outpatient drug under a risk-sharing value-based payment agreement under this subsection during a rebate period in the same manner that the Secretary treats payments made under a State supplemental rebate agreement under sections 447.504(c)(19) and 447.505(c)(7) of title 42, Code of Federal Regulations (or any successor regulations) for purposes of determining average manufacturer price and best price under this section with respect to the covered outpatient drug and a rebate period and for purposes of offsets required under subsection (b)(1)(B).

''(7) ASSESSMENTS AND REPORT TO CONGRESS.—

''(A) ASSESSMENTS.—

''(i) IN GENERAL.—Not later than 180 days after the end of each assessment period of any risk-sharing value-based payment agreement for a State approved under this subsection, the Secretary shall conduct an evaluation of such agreement which shall include an evaluation by the Chief Actuary to determine whether program spending under the risk-sharing value-based payment agreement aligned with the projections for the agreement made under paragraph (2)(A)(ii), including an assessment of whether actual Federal spending under this title under the agreement was less or more than net Federal spending would have been in the absence of the agreement.

''(ii) ASSESSMENT PERIOD.—For purposes of clause (i)—

''(I) the first assessment period for a risk-sharing value-based payment agreement shall be the period of time over which payments are scheduled to be made under the agreement for the first 10 individuals who are administered covered outpatient drugs under the agreement except that such period shall not exceed the 5-year period after the date on which the Secretary approves the agreement; and

''(II) each subsequent assessment period for a risk-sharing value-based payment agreement shall be the 5-year period following the end of the previous assessment period.

''(B) RESULTS OF ASSESSMENTS.—

''(i) TERMINATION OPTION.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the actual Federal spending under this title for any covered outpatient drug that was the subject of the State's risk-sharing value-based payment agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the Secretary may terminate approval of such agreement and shall immediately conduct an assessment under this paragraph of any other ongoing risk-sharing value-based payment agreement to which the same manufacturer is a party.

''(ii) REPAYMENT REQUIRED.—

''(I) IN GENERAL.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the Federal spending under the risk-sharing value-based agreement for a covered outpatient drug that was subject to such agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the manufacturer shall repay the difference to the State and Federal governments in a timely manner as determined by the Secretary.

''(II) TERMINATION FOR FAILURE TO PAY.—The failure of a manufacturer to make repayments required under subclause (I) in a timely manner shall result in immediate termination of all risk-sharing value-based agreements to which the manufacturer is a party.

''(III) ADDITIONAL PENALTIES.—In the case of a manufacturer that fails to make repayments required under subclause (I), the Secretary may treat such manufacturer in the same manner as a manufacturer that fails to pay required rebates under this section, and the Secretary may—

''(aa) suspend or terminate the manufacturer's rebate agreement under this section; and

''(bb) pursue any other remedy that would be available if the manufacturer had failed to pay required rebates under this section.

''(C) REPORT TO CONGRESS.—Not later than 5 years after the first risk-sharing value-based payment agreement is approved under this subsection, the Secretary shall submit to Congress and make available to the public a report that includes—

''(i) an assessment of the impact of risk-sharing value-based payment agreements on access for individuals who are eligible for benefits under a State plan or waiver under this title to medically necessary covered outpatient drugs and related treatments;

''(ii) an analysis of the impact of such agreements on overall State and Federal spending under this title;

''(iii) an assessment of the impact of such agreements on drug prices, including launch price and price increases; and

''(iv) such recommendations to Congress as the Secretary deems appropriate.

''(8) GUIDANCE AND REGULATIONS.—

''(A) IN GENERAL.—Not later than January 1, 2024, the Secretary shall issue guidance to States seeking to enter into risk-sharing value-based payment agreements under this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

''(B) MODEL AGREEMENTS.—

''(i) IN GENERAL.—If a State expresses an interest in pursuing a risk-sharing value-based payment agreement under this subsection with a manufacturer for the purchase of a covered outpatient drug, the Secretary may share with such State any risk-sharing value-based agreement between a State and the manufacturer for the purchase of such drug that has been approved under this subsection. While such shared agreement may serve as a template for a State that wishes to propose, the use of a previously approved agreement shall not affect the submission and approval process for approval of a proposed risk-sharing value-based payment agreement under this subsection, including the requirements under paragraph (2)(A).

''(ii) CONFIDENTIALITY.—In the case of a risk-sharing value-based payment agreement that is disclosed to a State by the Secretary under this subparagraph and that is only in

effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such information.

''(C) OIG CONSULTATION.—

''(i) IN GENERAL.—The Secretary shall consult with the Office of the Inspector General of the Department of Health and Human Services to determine whether there are potential program integrity concerns (including issues related to compliance with sections 1128B and 1877) with agreement approvals or templates and address accordingly.

''(ii) OIG POLICY UPDATES AS NECESSARY.—The Inspector General of the Department of Health and Human Services shall review and update, as necessary, any policies or guidelines of the Office of the Inspector General of the Department of Human Services (including policies related to the enforcement of section 1128B) to accommodate the use of risk-sharing value-based payment agreements in accordance with this section.

''(9) RULES OF CONSTRUCTION.—

''(A) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall prohibit a State from requesting a modification from the Secretary to the terms of a risk-sharing value-based payment agreement. A modification that is expected to result in any increase to projected net State or Federal spending under the agreement shall be subject to recertification by the Chief Actuary as described in paragraph (2)(A)(ii) before the modification may be approved.

''(B) REBATE AGREEMENTS.—Nothing in this subsection shall be construed as requiring a State to enter into a risk-sharing value-based payment agreement or as limiting or superseding the ability of a State to enter into a supplemental rebate agreement for a covered outpatient drug.

''(C) FFP FOR PAYMENTS UNDER RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS.—Federal financial participation shall be available under this title for any payment made by a State to a manufacturer for a covered outpatient drug under a risk-sharing value-based payment agreement in accordance with this subsection, except that no Federal financial participation shall be available for any payment made by a State to a manufacturer under such an agreement on and after the effective date of a disapproval of such agreement by the Secretary.

''(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—Except as expressly provided in this subsection, nothing in this subsection or in any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

''(10) APPROPRIATIONS.—For fiscal year 2022 and each fiscal year thereafter, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

''(11) DEFINITIONS.—In this subsection:

''(A) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

''(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

''(C) POTENTIALLY CURATIVE TREATMENT INTENDED FOR ONE-TIME USE.—The term 'potentially curative treatment intended for one-time use' means a treatment that consists of the administration of a covered outpatient drug that—

''(i) is a form of gene therapy for a rare disease, as defined by the Commissioner of Food and Drugs, designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act to treat a serious or life-threatening disease or condition;

''(ii) if administered in accordance with the labeling of such drug, is expected to result in either—

''(I) the cure of such disease or condition; or

''(II) a reduction in the symptoms of such disease or condition to the extent that such disease or condition is not expected to lead to early mortality; and

''(iii) is expected to achieve a result described in clause (ii), which may be achieved over an extended period of time, after not more than 3 administrations.

''(D) RELEVANT CLINICAL PARAMETER.—The term 'relevant clinical parameter' means, with respect to a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement—

''(i) a clinical endpoint specified in the drug's labeling or supported by one or more of the compendia described in section 1861(t)(2)(B)(ii)(I) that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) is required to be achieved (based on observed metrics in patient populations) under the terms of the agreement; or

''(ii) a surrogate endpoint (as defined in section 507(e)(9) of the Federal Food, Drug, and Cosmetic Act), including those developed by patient-focused drug development tools, that—

''(I) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

''(II) has been qualified by the Food and Drug Administration.

''(E) RISK-SHARING VALUE-BASED PAYMENT AGREEMENT.—The term 'risk-sharing value-based payment agreement' means an agreement between a State plan and a manufacturer—

''(i) for the purchase of a covered outpatient drug of the manufacturer that is a potentially curative treatment intended for one-time use;

''(ii) under which payment for such drug shall be made pursuant to an installment-based payment structure that meets the requirements of paragraph (3);

''(iii) which conditions payment on the achievement of at least 2 relevant clinical parameters (as defined in subparagraph (C));

''(iv) which provides that—

''(I) the State plan will directly reimburse the manufacturer for the drug; or

''(II) a third party will reimburse the manufacture in a manner approved by the Secretary;

''(v) is approved by the Secretary in accordance with paragraph (2).

''(F) TOTAL INSTALLMENT YEAR AMOUNT.—The term 'total installment year amount' means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of—

''(i) the unit price of the drug charged under the agreement; and

''(ii) the number of units of such drug administered under the agreement during such installment year.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(i)(10)(A) of the Social Security Act (42 U.S.C. 1396b(i)(10)(A)) is amended by striking ''or unless section 1927(a)(3) applies'' and inserting '', section 1927(a)(3) applies with respect to such drugs, or such drugs are the subject of a risk-sharing value-based payment agreement under section 1927(l)''.

(2) Section 1927(b) of the Social Security Act (42 U.S.C. 1396r–8(b)) is amended—

(A) in paragraph (1)(A), by inserting ''but excluding any drugs for which payment is made by a State under a risk-sharing value-based payment agreement under subsection (l))'' after ''for coverage of such drugs''; and

(B) in paragraph (3)—

(i) in subparagraph (C)(i), by inserting ''or subsection (l)(2)(A)'' after ''subparagraph (A)''; and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting '', under subsection (l)(2)(A),'' after ''under this paragraph''.

SEC. 209. MODIFICATION OF MAXIMUM REBATE AMOUNT UNDER MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Subparagraph (D) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended to read as follows:

''(D) MAXIMUM REBATE AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in no case shall the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period exceed—

''(I) for rebate periods beginning after December 31, 2009, and before September 30, 2024, 100 percent of the average manufacturer price of the drug; and

''(II) for rebate periods beginning on or after October 1, 2024, 125 percent of the average manufacturer price of the drug.

''(ii) NO MAXIMUM AMOUNT FOR DRUGS IF AMP INCREASES OUTPACE INFLATION.—

''(I) IN GENERAL.—If the average manufacturer price with respect to each dosage form and strength of a single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph for the rebate period, and any subsequent rebate period until the average manufacturer price of the drug is the same or less than the inflation-adjusted average manufacturer price determined with respect to such drug under subclause (II) for the rebate period, with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

''(II) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, 1990 (without regard to whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the 1st day of such quarter), increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the month in which the rebate period begins exceeds such index for September 1990.''.

(b) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Section 1927(c)(2)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(B)) is amended by inserting ''and clause (ii)(II) of subparagraph (D)'' after ''clause (ii)(II) of subparagraph (A)''.

(c) TECHNICAL AMENDMENTS.—Section 1927(c)(3)(C)(ii)(IV) of the Social Security Act

(42 U.S.C. 1396r–9(c)(3)(C)(ii)(IV)) is amended—

(1) by striking ''subparagraph (A)'' and inserting ''paragraph (3)(A)''; and

(2) by striking ''this subparagraph'' and inserting ''paragraph (3)(C)''.

SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 13301 and insert the following:

SEC. ________. REPEAL OF MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—

''(1) IN GENERAL.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(A) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(B) the aggregate number of such transactions exceeds 200.

''(2) TERMINATION.—This subsection shall not apply to any return for any calendar year beginning after September 30, 2031.''.

(b) CONFORMING AMENDMENT.—Section 6050W(c)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of any transaction occurring before September 30, 2031, the preceding sentence shall be applied without regard to 'described in subsection (d)(3)(A)(iii)'.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to transactions after the date of the enactment of the American Rescue Plan Act of 2021.

SA 5486. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 384, line 5, and insert the following:

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended—

(A) by redesignating subsection (g) as subsection (h), and

(B) by inserting after subsection (f) the following:

''(g) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

''(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

''(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

''(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

''(i) the manufacturer's suggested retail price,

''(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

''(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1),

''(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

''(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured that—

''(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

''(ii) such election shall not limit the value or use of such incentive.

''(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

''(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

''(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

''(A) shall not be includible in the gross income of the taxpayer, and

''(B) with respect to the dealer, shall not be deductible under this title.

''(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

''(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

''(B) paragraph (6) of such subsection shall not apply, and

''(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

''(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

''(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

''(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(6) shall apply for purposes of this paragraph.

''(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(8) DEALER.—For purposes of this subsection, the term 'dealer' means a person licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles.

''(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).''.

(2) CONFORMING AMENDMENTS.—Section 30D, as amended by the preceding provisions of this section, is amended—

(A) in subsection (d)(1)(H) of such section—

(i) in clause (iv), by striking ''and'' at the end,

(ii) in clause (v), by striking the period at the end and inserting '', and'', and

(iii) by adding at the end the following:

''(vi) in the case of a taxpayer who makes an election under subsection (g)(1), any amount described in subsection (g)(2)(C) which has been provided to such taxpayer.'', and

(B) in subsection (f)—

(i) by striking paragraph (3), and

(ii) in paragraph (8), by inserting '', including any vehicle with respect to which the taxpayer elects the application of subsection (g)'' before the period at the end.

(h) EXTENSION OF CREDIT FOR QUALIFIED 2- OR 3- WHEELED PLUG-IN ELECTRIC VEHICLES; TERMINATION.—Section 30D is amended—

(1) in subsection (h)(3), as redesignated by the preceding provisions of this section—

(A) in subparagraph (B), by striking ''4 kilowatt hours'' and inserting ''7 kilowatt hours'', and

(B) by striking subparagraph (E) and inserting the following:

''(E) in the case of a vehicle placed in service after December 31, 2021, the final assembly of which occurs within the United States.''.

SA 5487. Mr. GRAHAM (for himself, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. PORTMAN, Mr. BARRASSO, and Ms. MURKOWSKI) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

Strike sections 50261 through 50263 and insert the following:

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ''$2 per acre for a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform

Act of 1987.'' and inserting ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.''; and

(2) in paragraph (2)(C), by striking ''$2 per acre'' and inserting ''$10 per acre''.

(b) FOSSIL FUEL RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ''$1.50 per acre'' and all that follows through the period at the end and inserting ''$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', $3 per acre per year during the 2-year period beginning on the date the lease begins, and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and $15 per acre per year thereafter.''.

(2) RENTALS IN REINSTATED LEASES.—Section 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ''$10'' and inserting ''$20''.

(c) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) FEE FOR EXPRESSION OF INTEREST.—

''(1) IN GENERAL.—The Secretary shall assess a nonrefundable fee against any person that, in accordance with procedures established by the Secretary to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

''(2) AMOUNT OF FEE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be $5 per acre of the area covered by the applicable expression of interest.

''(B) ADJUSTMENT OF FEE.—The Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.''.

the following:

''(7) EXCLUDED ENTITIES.—For purposes of this section, the term 'new clean vehicle' shall not include—

''(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled—

''(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

''(ii) in a country which is subject to an active withhold release order or .finding issued by United States Customs and Border Protection of the Department of Homeland Security, or

''(B) any vehicle placed in service after December 31, 2023, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

''(i) by a foreign entity of concern (as so defined), or

''(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.''.

On page 391, strike line 22 and all that follows through page 393, line 13, and insert the following:

''(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000,

''(ii) in the case of a head of household (as defined in section 2(b)), $112,500, and

''(iii) in the case of a taxpayer not described in clause (i) or (ii), $75,000.

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

''(11) MANFACTURER'S SUGGESTED RETAIL PRICE LIMITATION.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer's suggested retail price in excess of $42,000.''.

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used—

(1) to train users on the equipment described in subsection (a);

(2) to provide directors of ports of entry with an alternate method for identifying narcotics, including synthetic opioids, at lower purity levels,

(3) to test any new chemical screening devices to understand the abilities and limitations of such devices relating to identifying narcotics at various purity levels before U.S. Customs and Border Protection commits to the acquisition of such devices; and

(4) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010—. ALLOWANCE OF CERTAIN DEDUCTIONS IN DETERMINING APPLICABLE FINANCIAL STATEMENT INCOME.

(a) IN GENERAL.—Section 56A(c), as added by section 10101, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

''(15) ADJUSTMENT FOR THE PRODUCTION OF OIL, COAL, AND NATURAL GAS AND FOR MINING.—

''(A) IN GENERAL.—Adjusted financial statement income shall be—

''(i) appropriately adjusted to disregard any amount of qualified expense that is taken into account on the taxpayer's applicable financial statement, and

''(ii) reduced by the amount of qualified expenses which are deductible under this chapter to the extent allowed as a deduction in computing taxable income for the taxable year.

''(B) QUALIFIED EXPENSES.—For purposes of this paragraph, the term 'qualified expenses' means—

''(i) any intangible drilling and development costs (within the meaning of section 263(c)),

''(ii) geological and geophysical expenditures (within the meaning of section 167(h)).

''(iii) qualified tertiary inject expenses (as defined in section 193)b)),

''(iv) expenses to which sections 616 and 617 apply, and

''(v) amounts allowable as a depletion deduction under section 611.''.

SEC. 1010—. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 164(b) is amended by striking '', and before January 1, 2026''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (2); and

(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (3).

(2) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt—

(i) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(ii) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(3) ZERO ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(B) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) STATE MATCH.—The State cost share requirement under the item relating to ''Department of Energy—Energy Conservation'' in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this subsection.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available under this subsection, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this subsection.

(b) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize outstanding permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

On page 545, strike line 1 and all that follows through page 547, line 17, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ''AMOUNT.—The amount'' and inserting ''AMOUNT.—

''(I) IN GENERAL.—The amount'', and

(2) by adding at the end the following new subclause:

''(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.''.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ''for a taxable year, there shall be allowed'' and inserting ''for a taxable year—

''(A) there shall be allowed'',

(B) by striking ''equal to the'' and inserting ''equal to so much of the'',

(C) by striking the period at the end and inserting ''as does not exceed the limitation of subclause (I) of section 41(h)(4)(B)(i) (applied without regard to subclause (II) thereof), and'', and

(D) by adding at the end the following new subparagraph:

''(B) there shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).''.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'', and

(B) by inserting '', and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,'' after ''calendar quarter''.

(3) CARRYOVER.—Paragraph (3) of section 3111(f) is amended by striking ''the credit'' and inserting ''any credit''.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ''credit'' and inserting ''credits'', and

(B) by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''.

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ''the $250,000 amount'' and inserting ''each of the $250,000 amounts''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES; EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.—

(1) IN GENERAL.—Section 164(b)(6), as amended by section 13904, is further amended—

(A) in the heading, by striking ''2026'' and inserting ''2025'', and

(B) by striking ''2027'' and inserting ''2026''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

(b) EXTENSION OF LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

(1) IN GENERAL.—Section 461(l)(1) is amended by striking ''January 1, 2027'' each place it appears and inserting ''January 1, 2029''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2026.

PRIVILEGES OF THE FLOOR

Mr. SANDERS. Mr. President, I ask unanimous consent that the following staff members from my staff and from Senator GRAHAM's staff be given all-access floor passes for the consideration of the bill: majority staff: Michael Jones, Joshua Smith, Tyler Evilsizer, Melissa Kaplan-Pistiner, and Billy Gendell; Republican staff: Nick Myers, Matthew Giroux, Matthew Joe Keeley, Becky Cole, and Craig Abele.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, AUGUST 9, 2022, THROUGH TUESDAY, SEPTEMBER 6, 2022

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, August 9, at 9 a.m.; Friday, August 12, at 9 a.m.; Tuesday, August 16, at 8 a.m.; Friday, August 19, at 2:30 p.m.; Tuesday, August 23, at 10:30 a.m.; Friday, August 26, at 10 a.m.; Tuesday, August 30, at 10 a.m.; Friday, September 2, at 9 a.m. I further ask that when the Senate adjourns on Friday, September 2, it next convene at 3 p.m., Tuesday, September 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Lee nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday, September 6.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. SCHUMER. Madam President, I ask unanimous consent that the senior Senator from Maryland, Mr. CARDIN, be authorized to sign duly enrolled bills or joint resolutions from August 8, 2022, through September 6, 2022.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, AUGUST 9, 2022, AT 9 A.M.

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 748.

There being no objection, the Senate, at 3:42 p.m., adjourned until Tuesday, August 9, 2022, at 9 a.m., under the previous order and, pursuant to S. Res. 748, as a further mark of respect to the late Jackie Walorski, former Representative from Indiana.

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

DAVID M. UHLMANN, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 2022:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MONDE MUYANGWA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

CONSTANCE J. MILSTEIN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

CONFIRMATION

Executive nomination confirmed by the Senate August 7, 2022:

DEPARTMENT OF STATE

CARRIN F. PATMAN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.