

115TH CONGRESS
2D SESSION

H. R. 5785

To advance Black families in the 21st century.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2018

Mr. RICHMOND (for himself, Mr. LEWIS of Georgia, Ms. NORTON, Ms. MAXINE WATERS of California, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. HASTINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. MEEKS, Ms. LEE, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. MOORE, Ms. CLARKE of New York, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, Ms. FUDGE, Ms. BASS, Ms. SEWELL of Alabama, Ms. WILSON of Florida, Mr. PAYNE, Mrs. BEATTY, Mr. JEFFRIES, Mr. VEASEY, Ms. KELLY of Illinois, Ms. ADAMS, Mrs. LAWRENCE, Ms. PLASKETT, Mrs. WATSON COLEMAN, Mr. EVANS, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mrs. DEMINGS, Mr. LAWSON of Florida, and Mr. MCEACHIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, Financial Services, Transportation and Infrastructure, Ways and Means, Energy and Commerce, the Budget, Education and the Workforce, Science, Space, and Technology, Veterans' Affairs, Homeland Security, Armed Services, Small Business, House Administration, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To advance Black families in the 21st century.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Jobs and Justice Act of 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents; findings.

DIVISION A—JOBS

TITLE I—MAIN STREET MARSHALL PLAN

Subtitle A—In General

- Sec. 1001. Submission of data relating to diversity by certain contractors.
- Sec. 1002. Submission of data relating to diversity by issuers.
- Sec. 1003. Sense of Congress on infrastructure spending.
- Sec. 1004. Sense of Congress on infrastructure workforce development.
- Sec. 1005. Qualification of rehabilitation expenditures for public school build-
ings for rehabilitation credit.
- Sec. 1006. Supplemental appropriation for the drinking water State revolving
funds.
- Sec. 1007. Highway projects.
- Sec. 1008. Public transportation projects.
- Sec. 1009. Establishment of performance measures for transportation accessi-
bility.
- Sec. 1010. Supplemental appropriation for TIGER discretionary grant pro-
gram.
- Sec. 1011. Definitions.
- Sec. 1012. Purpose and reservation.
- Sec. 1013. Allocation to States.
- Sec. 1014. Need-based grants to qualified local educational agencies.
- Sec. 1015. Annual report on grant program.
- Sec. 1016. Authorization of appropriations.
- Sec. 1017. School infrastructure bonds.
- Sec. 1018. Expansion of qualified zone academy bonds.
- Sec. 1019. Annual report on bond program.
- Sec. 1020. Allowable uses of funds.
- Sec. 1021. Prohibited uses.
- Sec. 1022. Green practices.
- Sec. 1023. Use of American iron, steel, and manufactured products.
- Sec. 1024. Comptroller General report.
- Sec. 1025. Study and report physical condition of public schools.
- Sec. 1026. Development of data standards.
- Sec. 1027. Information clearinghouse.
- Sec. 1028. Temporary increase in funding for impact aid construction.

Subtitle B—Building Resiliency

- Sec. 1201. Definitions.
- Sec. 1202. Community Resilience Grant Program.
- Sec. 1203. National Research Center for Resilience.

- Sec. 1204. Annual programs report.
- Sec. 1205. GAO reports.
- Sec. 1206. Funding.

TITLE II—POVERTY

- Sec. 2001. Allocation of funds for assistance in persistent poverty counties.
- Sec. 2002. Sense of the Congress.
- Sec. 2003. Findings.
- Sec. 2004. Definitions.
- Sec. 2005. Applications.
- Sec. 2006. Demonstration authority; annual grants.
- Sec. 2007. Reserve fund.
- Sec. 2008. Eligibility for participation.
- Sec. 2009. Deposits by qualified entities.
- Sec. 2010. Regulations.
- Sec. 2011. Annual progress reports.
- Sec. 2012. Sanctions.
- Sec. 2013. Evaluations.
- Sec. 2014. Costs of training qualified entities.
- Sec. 2015. Waiver authority.
- Sec. 2016. Authorization of appropriations.
- Sec. 2017. Conforming amendments.
- Sec. 2018. General effective date.
- Sec. 2019. Low-income sewer and water assistance pilot program.

TITLE III—WORKFORCE DEVELOPMENT

- Sec. 3001. Job skills training for older individuals.
- Sec. 3002. Extension of work opportunity tax credit for certain targeted groups.
- Sec. 3003. Youth and summer jobs.
- Sec. 3004. YouthBuild program.
- Sec. 3005. Tax credit for providing programs for students that promote economic and financial literacy.
- Sec. 3006. Teacher recruiting.
- Sec. 3007. Recidivism reduction working group.
- Sec. 3008. Commendable release program.
- Sec. 3009. Increase in work opportunity tax credit for hiring qualified ex-felons.
- Sec. 3010. Entrepreneurship apprenticeships.
- Sec. 3011. Expansion of eligible programs.
- Sec. 3012. Model standards and guidelines for credentialing environmental health workers.
- Sec. 3013. Environmental health workforce development plan.
- Sec. 3014. Environmental health workforce development report.
- Sec. 3015. Public service loan forgiveness.
- Sec. 3016. Definitions.
- Sec. 3017. Grants to prepare girls and underrepresented minorities.
- Sec. 3018. GAO study.
- Sec. 3019. Contents of study.
- Sec. 3020. Report.
- Sec. 3021. Grants to units of general local government.
- Sec. 3022. Back to Basics Job Creation grant program.
- Sec. 3023. Grants for provision of transition assistance to members of the Armed Forces recently separated from active duty service.

- Sec. 3024. Credit for employees participating in qualified apprenticeship programs.
- Sec. 3025. Findings.
- Sec. 3026. Authorization of appropriations.
- Sec. 3027. Reservation of funds for administrative and other purposes.
- Sec. 3028. Summer employment opportunities for at-risk youth.
- Sec. 3029. Year-round employment for opportunity youth.
- Sec. 3030. Connecting-for-opportunities competitive grant program.
- Sec. 3031. Labor standards.
- Sec. 3032. Privacy.
- Sec. 3033. Innovation and learning.
- Sec. 3034. Evaluation and reports.
- Sec. 3035. Definitions.
- Sec. 3036. Minimum wage increases.
- Sec. 3037. Tipped employees.
- Sec. 3038. Newly hired employees who are less than 20 years old.
- Sec. 3039. Publication of notice.
- Sec. 3040. Promoting economic self-sufficiency for individuals with disabilities.
- Sec. 3041. General effective date.
- Sec. 3042. Prohibitions relating to prospective employees' salary and benefit history.
- Sec. 3043. Private right of action under the National Labor Relations Act.
- Sec. 3044. Findings and purpose.
- Sec. 3045. Urging employment, on-the-job training, and apprenticeships for unemployed African-American young men in rebuilding the Nation's crumbling infrastructure.
- Sec. 3046. Sense of Congress.
- Sec. 3047. Increase in research credit for contracted research with United States businesses.
- Sec. 3048. Homeland Security cybersecurity workforce; personnel authorities.
- Sec. 3049. Protecting Social Security, railroad retirement, and black lung benefits from administrative offset.
- Sec. 3050. Expansion of authority for noncompetitive appointments of military spouses by Federal agencies.
- Sec. 3051. Report on mechanisms to increase participation in Department of Defense contracts of firms with programs to employ military spouses.
- Sec. 3052. Improvement of education and career opportunities programs for military spouses.
- Sec. 3053. Military family childcare matters.
- Sec. 3054. Expansion of period of availability of Military OneSource program for retired and discharged members of the Armed Forces and their immediate families.
- Sec. 3055. Transition assistance for military spouses.
- Sec. 3056. Public-private partnerships on health, safety, welfare, and morale of military families.
- Sec. 3057. Small business activities of military spouses on military installations.
- Sec. 3058. Report on assessment of frequency of permanent changes of station of members of the Armed Forces on employment among military spouses.

TITLE IV—HEALTH

- Sec. 4001. Study on the uninsured.
- Sec. 4002. Volunteer dental projects and action for dental health program.

- Sec. 4003. Critical access hospital improvements.
- Sec. 4004. Community health center collaborative access expansion.
- Sec. 4005. Improving opportunity diaper distribution demonstration project.
- Sec. 4006. Findings.
- Sec. 4007. Findings.
- Sec. 4008. Expanding research and education with respect to endometrial cancer.

TITLE V—SMALL BUSINESS

- Sec. 5001. Direct loans to small business concerns.
- Sec. 5002. Pilot program to fund local incubators.
- Sec. 5003. Funding for organizations that support startup businesses.
- Sec. 5004. Expanding broadcast ownership opportunities.
- Sec. 5005. Permanent increase of limitation on deduction for start-up and organizational expenditures.
- Sec. 5006. Veteran small business start-up credit.
- Sec. 5007. Inspector General report on participation in FAA programs by disadvantaged small business concerns.
- Sec. 5008. Minority and disadvantaged business participation.
- Sec. 5009. Passenger facility charges.
- Sec. 5010. Annual tracking of certain new firms at airports with a disadvantaged business enterprise program.
- Sec. 5011. Audits.
- Sec. 5012. Prompt payments.
- Sec. 5013. Expansion of credit for expenditures to provide access to disabled individuals.
- Sec. 5014. Reporting requirements for certain small business concerns.

TITLE VI—ECONOMIC DEVELOPMENT

- Sec. 6001. Economic growth, retention, and recruitment of commercial investment in economically underserved communities.
- Sec. 6002. Minority Bank Deposit Program.
- Sec. 6003. Reporting certain positive consumer credit information to consumer reporting agencies.
- Sec. 6004. Gender and racial and ethnic diversity in appointing Federal Reserve bank presidents.
- Sec. 6005. Allocations under new markets tax credit made more competitive.
- Sec. 6006. Extension and improvement of new markets tax credit.

TITLE VII—HOUSING AND ASSET BUILDING

- Sec. 7001. Sense of Congress regarding the right of all renters to a safe, affordable, and decent home.

Subtitle A—A Path to Ending Homelessness

- Sec. 7101. Congressional findings.
- Sec. 7102. Emergency relief funding.
- Sec. 7103. Housing Trust Fund.
- Sec. 7104. Technical assistance funds to help States and local organizations align health and housing systems.
- Sec. 7105. Permanent authorization of appropriations for McKinney-Vento Homeless Assistance Act grants.
- Sec. 7106. Permanent extension of United States Interagency Council on Homelessness.

Sec. 7107. Emergency designation.

Subtitle B—Tenant Blacklisting

Sec. 7201. Tenant blacklisting.

Sec. 7202. Capital Fund amounts for large public housing agencies.

Sec. 7203. Assistance to NeighborWorks for mortgage foreclosure mitigation activities.

Sec. 7204. Incremental housing choice voucher assistance.

Sec. 7205. Extension of pilot program.

Subtitle C—Financial Literacy

Sec. 7301. Discount on mortgage insurance premium payments for first-time homebuyers who complete financial literacy housing counseling programs.

Sec. 7302. Young Americans financial literacy.

Sec. 7303. Office for Under-Banked and Un-Banked Consumers.

Subtitle D—Housing Fairness

Sec. 7401. Testing for discrimination.

Sec. 7402. Increase in funding for the Fair Housing Initiatives Program.

Sec. 7403. Sense of Congress.

Sec. 7404. Grants to private entities to study housing discrimination.

Sec. 7405. Limitation on use of funds.

TITLE VIII—EDUCATION

Subtitle A—Elementary and Secondary Education

PART 1—SUPPORTING PROMISE NEIGHBORHOODS

Sec. 8001. Purpose.

Sec. 8002. Definitions.

SUBPART A—PROMISE NEIGHBORHOOD PARTNERSHIP GRANTS

Sec. 8011. Program authorized.

Sec. 8012. Eligible entities.

Sec. 8013. Application requirements.

Sec. 8014. Use of funds.

Sec. 8015. Report and publicly available data.

Sec. 8016. Accountability.

SUBPART B—GENERAL PROVISIONS

Sec. 8021. Planning grants.

Sec. 8022. Evaluation.

Sec. 8023. National activities.

Sec. 8024. Authorization of appropriations.

PART 2—INCREASED ACCESS TO COMPUTER SCIENCE EDUCATION

Sec. 8031. Definitions.

Sec. 8032. Grants to States, local educational agencies, and eligible Tribal schools.

Sec. 8033. Reporting requirements.

PART 3—ENVIRONMENTAL JUSTICE EDUCATION

Sec. 8041. Grants authorized.

Subtitle B—Community College

Sec. 8101. Purpose.

PART 1—STATE AND INDIAN TRIBE GRANTS FOR COMMUNITY COLLEGES

- Sec. 8111. In general.
- Sec. 8112. Federal share; non-Federal share.
- Sec. 8113. Eligibility.
- Sec. 8114. Applications.
- Sec. 8115. Allowable uses of funds.
- Sec. 8116. Definitions.
- Sec. 8117. Appropriations.

PART 2—GRANTS TO CERTAIN INSTITUTIONS OF HIGHER EDUCATION

- Sec. 8121. Pathways to student success for historically black colleges and universities.
- Sec. 8122. Pathways to student success for Hispanic-serving institutions, Asian American and Native American Pacific Islander-serving institutions, tribal colleges and universities, Alaska Native-serving institutions, Native Hawaiian-serving institutions, predominantly Black institutions, and Native American-serving nontribal institutions.
- Sec. 8123. Definitions.
- Sec. 8124. Appropriations.

Subtitle C—Higher Education

PART 1—EARLY COLLEGE FEDERAL PELL GRANTS

Sec. 8201. Early College Federal Pell Grant.

PART 2—MANDATORY FUNDING FOR PELL GRANTS

Sec. 8205. Funding Federal Pell Grants through mandatory funding.

PART 3—INCLUDING PARENT PLUS LOANS IN INCOME-CONTINGENT AND INCOME-BASED REPAYMENT PLANS

- Sec. 8211. Applicable rate of interest for PLUS loans.
- Sec. 8212. Elimination of origination fee for Parent PLUS loans.
- Sec. 8213. Counseling for Parent PLUS borrowers.
- Sec. 8214. Inclusion of Parent PLUS loans in income-contingent and income-based repayment plans.

PART 4—AMERICA RISING PROGRAM

Sec. 8221. Establishment of America RISING program.

PART 5—SCIENCE AND TECHNOLOGY

- Sec. 8231. Office of Cybersecurity Education and Awareness.
- Sec. 8232. Science and technology initiative grants.
- Sec. 8233. Project-based learning program.

- Sec. 8234. Matching funds for State and privately financed science and technology after-school programs.
- Sec. 8235. Science and Technology Board of Advisors.
- Sec. 8236. Laboratories for science and technology excellence.
- Sec. 8237. Computing and Information Research Working Group.
- Sec. 8238. Process for adoption research and a best practices voluntary guidelines for laboratory facilities.
- Sec. 8239. Computing and information security mentoring programs for college students.
- Sec. 8240. Grants for computer equipment.
- Sec. 8241. Centers of Academic Computing and Information Assurance.
- Sec. 8242. Lifelong learning in computer and information security study.
- Sec. 8243. Computer and information security job opportunities program.
- Sec. 8244. Department of Homeland Security cybersecurity training programs and equipment.
- Sec. 8245. E-Security Fellows Program.
- Sec. 8246. National Science Foundation study on science and technology student retention.
- Sec. 8247. Challenge Grants.
- Sec. 8248. E-Security Fellows Program.

PART 6—SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

- Sec. 8251. Eligibility of students to participate in the supplemental nutrition assistance program.

PART 7—STRENGTHENING PREVENTION AND RESPONSE MEASURES FOR HATE CRIMES ON COLLEGE CAMPUSES

- Sec. 8261. Hate crime prevention and response.
- Sec. 8262. Clery Act amendments.
- Sec. 8263. Program participation agreements.
- Sec. 8264. Accrediting agency recognition.

Subtitle D—Historically Black Colleges and Universities

- Sec. 8301. Bond insurance.
- Sec. 8302. Strengthening technical assistance.
- Sec. 8303. HBCU Capital Financing Advisory Board.

Subtitle E—Mentoring

- Sec. 8401. Transition-to-Success Mentoring Program.
- Sec. 8402. Table of contents.

Subtitle F—Civil Rights

- Sec. 8501. Restoration of right to civil action in disparate impact cases under title VI of the Civil Rights Act of 1964.
- Sec. 8502. Designation of monitors under title VI of the Civil Rights Act of 1964.
- Sec. 8503. Special Assistant for Equity and Inclusion.

DIVISION B—JUSTICE

TITLE I—POLICE REFORM

- Sec. 1001. Definitions.

- Sec. 1002. Prohibition.
- Sec. 1003. Enforcement.
- Sec. 1004. Policies to eliminate racial profiling.
- Sec. 1005. Policies required for grants.
- Sec. 1006. Involvement of Attorney General.
- Sec. 1007. Data collection demonstration project.
- Sec. 1008. Best practices development grants.
- Sec. 1009. Authorization of appropriations.
- Sec. 1010. Attorney General to issue regulations.
- Sec. 1011. Publication of data.
- Sec. 1012. Limitations on publication of data.
- Sec. 1013. Attorney General to issue regulations and reports.
- Sec. 1014. Severability.
- Sec. 1015. Savings clause.
- Sec. 1016. Body-worn camera grants.
- Sec. 1017. Study on the cost of the purchase and use of body-worn cameras by law enforcement agencies.
- Sec. 1018. Establishment of task force on community policing and body camera accountability.
- Sec. 1019. GAO report on Pentagon's 1033 Program.
- Sec. 1020. Findings.
- Sec. 1021. Use of body cameras by certain ICE officers.
- Sec. 1022. Recordings to be provided to certain persons.
- Sec. 1023. Withholding of certain funds.
- Sec. 1024. Accreditation of law enforcement agencies.
- Sec. 1025. Definitions.
- Sec. 1026. Law enforcement grants.
- Sec. 1027. Attorney General to conduct study.
- Sec. 1028. Authorization of appropriations.
- Sec. 1029. National Task Force on Law Enforcement Oversight.
- Sec. 1030. Federal data collection on law enforcement practices.
- Sec. 1031. Medallions for fallen law enforcement officers.
- Sec. 1032. Training on de-escalation for law enforcement.
- Sec. 1033. Data collection.
- Sec. 1034. Affirmative duty to use de-escalation tactics when available.
- Sec. 1035. Attorney General guidance.
- Sec. 1036. In general.
- Sec. 1037. Findings.
- Sec. 1038. Use of COPS grant funds to hire law enforcement officers who are residents of the communities they serve.
- Sec. 1039. Definitions.
- Sec. 1040. Use of force reporting.
- Sec. 1041. Community and law enforcement partnership grant program.
- Sec. 1042. Compliance with reporting requirements.
- Sec. 1043. Authorization of appropriations.
- Sec. 1044. Findings.
- Sec. 1045. Limitation on Department of Defense transfer of personal property to local law enforcement agencies.
- Sec. 1046. Findings.
- Sec. 1047. Task force to assist Federal officials in determining appropriateness of items for use by law enforcement.
- Sec. 1048. Urban Areas Security Initiative and State Homeland Security grant program.
- Sec. 1049. Modification of authority to transfer Department of Defense property for law enforcement activities.

- Sec. 1050. Edward Byrne Memorial Justice Assistance Grants.
- Sec. 1051. Department of Justice reports on SWAT teams.
- Sec. 1052. Federal Law Enforcement Training Center certification of instructors in training on use of force and special equipment.
- Sec. 1053. Civil action by Attorney General.
- Sec. 1054. Annual reporting requirement.
- Sec. 1055. Grants to educate Americans about the principles and practice of nonviolence.
- Sec. 1056. Limitation on use of funds.
- Sec. 1057. Findings.
- Sec. 1058. Eligibility for grants under the Byrne JAG Program.
- Sec. 1059. Prohibition of money bail in Federal criminal cases.
- Sec. 1060. Reduction in grant funding for units of local government.
- Sec. 1061. Exemptions.
- Sec. 1062. Waivers.

TITLE II—PUBLIC DEFENSE

- Sec. 2001. Clarification of right to counsel.
- Sec. 2002. Treatment of individuals held or detained at ports of entry or at any CBP or ICE detention facility.
- Sec. 2003. Duty to disclose favorable information.
- Sec. 2004. Technical and conforming amendments.

TITLE III—DRUG POLICY REFORM

- Sec. 3001. De-scheduling marijuana.
- Sec. 3002. Community Reinvestment Fund.
- Sec. 3003. Findings; sense of Congress.
- Sec. 3004. Limitation on receipt of Byrne grant funds and other Department of Justice law enforcement assistance.
- Sec. 3005. Collection of data.

TITLE IV—JUVENILE JUSTICE

- Sec. 4001. Findings.
- Sec. 4002. Commission establishment and membership.
- Sec. 4003. Other matters relating to appointment; removal.
- Sec. 4004. Leadership election.
- Sec. 4005. Commission duties and powers.
- Sec. 4006. Commission meeting requirements.
- Sec. 4007. Annual report guidelines.
- Sec. 4008. Commission compensation.

TITLE V—PARENTAL INCARCERATION (EXCLUDING CASES INVOLVING CRIMES AGAINST CHILDREN)

- Sec. 5001. Treatment of primary caretaker parents and other individuals in Federal prisons.
- Sec. 5002. Overnight visit pilot program.

TITLE VI—SENTENCING REFORM

- Sec. 6001. Findings.
- Sec. 6002. Approval of certain prosecutions by Attorney General.
- Sec. 6003. Modification of certain sentencing provisions.
- Sec. 6004. Eligibility for resentencing based on changes in law.

- Sec. 6005. Directives to the Sentencing Commission.
- Sec. 6006. Exclusion of acquitted conduct and discretion to disregard manipulated conduct from consideration during sentencing.
- Sec. 6007. Amendments to enhanced penalties provision.
- Sec. 6008. Ability to petition for release to extended supervision for certain prisoners who are medically incapacitated, geriatric, or caregiver parents of minor children and who do not pose public safety risks.

TITLE VII—DEATH PENALTY REFORM

- Sec. 7001. Repeal of Federal laws providing for the death penalty.
- Sec. 7002. Prohibition on imposition of death sentence.

TITLE VIII—VOTING

- Sec. 8000. Short title.

Subtitle A—Voting Rights Advancement

- Sec. 8001. Short title.
- Sec. 8002. Voting on Indian lands.
- Sec. 8003. Violations triggering authority of court to retain jurisdiction.
- Sec. 8004. Criteria for coverage of States and political subdivisions.
- Sec. 8005. Determination of States and political subdivisions subject to preclearance for covered practices.
- Sec. 8006. Promoting transparency to enforce the Voting Rights Act.
- Sec. 8007. Authority to assign observers.
- Sec. 8008. Preliminary injunctive relief.
- Sec. 8009. Definitions.
- Sec. 8010. Bilingual election requirements.
- Sec. 8011. Requiring declaratory judgment or preclearance as prerequisite for multiple Congressional redistricting plans enacted pursuant to same decennial census and apportionment of Representatives.
- Sec. 8012. Other technical and conforming amendments.
- Sec. 8013. Tribal voting consultation.

Subtitle B—Promoting Internet Registration

- Sec. 8100. Short title.

PART 1—PROMOTING INTERNET REGISTRATION

- Sec. 8101. Requiring availability of Internet for voter registration.
- Sec. 8102. Use of Internet to update registration information.
- Sec. 8103. Provision of election information by electronic mail to individuals registered to vote.
- Sec. 8104. Clarification of requirement regarding necessary information to show eligibility to vote.
- Sec. 8105. Effective date.

PART 2—AUTOMATED REGISTRATION OF CERTAIN INDIVIDUALS

- Sec. 8111. Automated voter registration.
- Sec. 8112. List maintenance, privacy, and security.
- Sec. 8113. Promoting accuracy of Statewide voter registration lists.
- Sec. 8114. Definitions.
- Sec. 8115. Effective date.

PART 3—OTHER INITIATIVES TO PROMOTE VOTER REGISTRATION

- Sec. 8121. Same day registration.
- Sec. 8122. Acceptance of voter registration applications from individuals under 18 years of age.
- Sec. 8123. Annual reports on voter registration statistics.

PART 4—AVAILABILITY OF HAVA REQUIREMENTS PAYMENTS

- Sec. 8131. Availability of requirements payments under HAVA to cover costs of compliance with new requirements.

PART 5—PROHIBITING INTERFERENCE WITH VOTER REGISTRATION

- Sec. 8141. Prohibiting hindering, interfering with, or preventing voter registration.
- Sec. 8142. Establishment of best practices.

Subtitle C—Access to Voting for Individuals With Disabilities

- Sec. 8201. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
- Sec. 8202. Pilot programs for enabling individuals with disabilities to register to vote and vote privately and independently at residences.
- Sec. 8203. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.

Subtitle D—Prohibiting Voter Caging

- Sec. 8301. Voter caging and other questionable challenges prohibited.
- Sec. 8302. Development and adoption of best practices for preventing voter caging.
- Sec. 8303. Severability.

Subtitle E—Prohibiting Deceptive Practices

- Sec. 8401. Prohibition on deceptive practices in Federal elections.
- Sec. 8402. Modification of penalty for voter intimidation.
- Sec. 8403. Sentencing guidelines.
- Sec. 8404. Reporting violations; corrective action.

Subtitle F—Democracy Restoration

- Sec. 8501. Rights of citizens.
- Sec. 8502. Enforcement.
- Sec. 8503. Notification of restoration of voting rights.
- Sec. 8504. Definitions.
- Sec. 8505. Relation to other laws.
- Sec. 8506. Federal prison funds.
- Sec. 8507. Effective date.

Subtitle G—Accuracy, Integrity, and Security of Elections

- Sec. 8600. Short title.

PART 1—PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT PAPER BALLOT

- Sec. 8601. Moratorium on acquisition of certain direct recording electronic voting systems and certain other voting systems.
- Sec. 8602. Paper ballot and manual counting requirements.
- Sec. 8603. Accessibility and ballot verification for individuals with disabilities.
- Sec. 8604. Additional voting system requirements.
- Sec. 8604. Effective date for new requirements.

PART 2—REQUIREMENT FOR MANDATORY MANUAL AUDITS BY HAND COUNT

- Sec. 8611. Mandatory manual audits.
- Sec. 8612. Availability of enforcement under Help America Vote Act of 2002.
- Sec. 8613. Guidance on best practices for alternative audit mechanisms.
- Sec. 8614. Clerical amendment.

Subtitle H—Provisional Ballots

- Sec. 8701. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle I—Early Voting and Voting by Mail

- Sec. 8801. Early voting and voting by mail.

Subtitle J—Absent Uniformed Services Voters and Overseas Voters

- Sec. 8901. Extending guarantee of residency for voting purposes to family members of absent military personnel.
- Sec. 8902. Pre-election reports on availability and transmission of absentee ballots.
- Sec. 8903. Enforcement.
- Sec. 8904. Revisions to 45-day absentee ballot transmission rule.
- Sec. 8905. Use of single absentee ballot application for subsequent elections.
- Sec. 8906. Effective date.

Subtitle K—Poll Worker Recruitment and Training

- Sec. 8911. Leave to serve as a poll worker for Federal employees.
- Sec. 8912. Grants to States for poll worker recruitment and training.
- Sec. 8913. Model poll worker training program.
- Sec. 8914. State defined.

Subtitle L—Enhancement of Enforcement

- Sec. 8921. Enhancement of enforcement of Help America Vote Act of 2002.

Subtitle M—Federal Election Integrity

- Sec. 8931. Prohibition on campaign activities by chief State election administration officials.
- Sec. 8932. Due process requirements for individuals proposed to be removed from list of eligible voters.
- Sec. 8933. Mandatory response by Attorney General to allegations of voter intimidation or suppression by law enforcement officers and other government officials.

Subtitle N—Election Day as Legal Public Holiday

- Sec. 8941. Treatment of Election Day in same manner as legal public holiday for purposes of Federal employment.

Subtitle O—Other Election Administration Improvements

- Sec. 8951. Requirements for availability of sufficient polling places, equipment, and resources.
- Sec. 8952. Treatment of universities as voter registration agencies.
- Sec. 8953. Requiring States to accept student identifications for purposes of meeting voter identification requirements.
- Sec. 8954. Minimum notification requirements for voters affected by polling place changes.
- Sec. 8955. Voter information response systems and hotline.
- Sec. 8956. Reauthorization of election assistance commission.
- Sec. 8957. Application of laws to Commonwealth of Northern Mariana Islands.
- Sec. 8958. Repeal of exemption of Election Assistance Commission from certain government contracting requirements.
- Sec. 8959. Permitting Election Assistance Commission to exercise rulemaking authority.
- Sec. 8960. No effect on other laws.

TITLE IX—PRISON REFORM

- Sec. 9001. Elimination of Federal contracts for privately run prisons within 3 years.
- Sec. 9002. Prohibition on private entities running prisons housing State and local prisoners after 3 years.
- Sec. 9003. Freedom of Information Act applicable for contract prisons.
- Sec. 9004. Restrictions on the provision of inmate telephone and video service.
- Sec. 9005. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
- Sec. 9006. Reinstatement of parole.
- Sec. 9007. Termination of detention bed quota.
- Sec. 9008. Oversight of detention facilities.
- Sec. 9009. Prerelease custody.
- Sec. 9010. Purposes.
- Sec. 9011. National solitary confinement study and reform commission.
- Sec. 9012. Adoption and effect of national standards.
- Sec. 9013. Definitions.

TITLE X—COLLATERAL CONSEQUENCES

- Sec. 10001. Repeal of suspension of eligibility under the Higher Education Act of 1965 for grants, loans, and work assistance for drug-related offenses.
- Sec. 10002. Repeal of denial of assistance and benefits for certain drug-related convictions.
- Sec. 10003. Prohibition on criminal history inquiries prior to conditional offer for Federal employment.
- Sec. 10004. Prohibition on criminal history inquiries by contractors prior to conditional offer.
- Sec. 10005. Report on employment of individuals formerly incarcerated in Federal prisons.
- Sec. 10006. Penalty for unauthorized participation by convicted individual.
- Sec. 10007. Lowering the age for expungement of certain convictions for simple possession of controlled substances by nonviolent young offenders.
- Sec. 10008. Residence of incarcerated individuals.

TITLE XI—GUN VIOLENCE

- Sec. 11001. Definitions of “intimate partner” and “misdemeanor crime of domestic violence” expanded.
- Sec. 11002. Unlawful sale of firearm to a person subject to court order.
- Sec. 11003. List of persons subject to a restraining or similar order prohibited from possessing or receiving a firearm expanded.
- Sec. 11004. Stalking prohibitions.
- Sec. 11005. Findings.
- Sec. 11006. Research on mental health, gun violence, and how they intersect.
- Sec. 11007. Report on effects of gun violence on public health.
- Sec. 11008. Report on effects of gun violence on mental health in minority communities.

1 (c) FINDINGS.—Congress finds the following:

2 (1) Nearly 70 years have passed since the post-
3 World War II economic recovery initiative known as
4 the Marshall Plan spurred the fastest period of
5 growth in European history. Industrial and agricul-
6 tural production skyrocketed. The poverty and star-
7 vation of the immediate postwar years disappeared,
8 and Western Europe embarked upon an unprece-
9 dented two decades of growth that saw standards of
10 living increase dramatically.

11 (2) Whitney M. Young, who served as executive
12 director of the National Urban League from 1961 to
13 1971, first proposed a domestic Marshall Plan in
14 1964. Many elements of his plan, which called for
15 \$145 billion in spending over 10 years, were incor-
16 porated into President Lyndon B. Johnson’s War on
17 Poverty legislation.

1 (3) In the 1990 edition of the State of Black
2 America, National Urban League President John
3 Jacob again called for an urban Marshall Plan.

4 (4) In 2017, the National Urban League again
5 called for an investment in America by introducing
6 “The Main Street Marshall Plan: From Poverty to
7 Shared Prosperity.” The plan calls for investment in
8 physical infrastructure such as roads, bridges and
9 buildings, and for human development, such as edu-
10 cation, job training and health insurance.

11 (5) African Americans were disproportionately
12 battered by the Great Recession and have benefited
13 least from the fragile economic recovery that has fol-
14 lowed and continue to lag behind in employment, en-
15 trepreneurship, education and homeownership,
16 across all educational levels.

17 (6) While the United States economy has
18 emerged from the depths of the Great Recession,
19 employment outcomes remain challenging for Afri-
20 can Americans.

21 (7) The African American unemployment rate,
22 at 6.9 percent, remains nearly twice the White un-
23 employment rate of 3.6 percent, a situation which
24 has been true for nearly as long as unemployment

1 statistics have been recorded (since around the time
2 of the Great Depression).

3 (8) Unemployment remains particularly acute
4 among African American youth between the ages of
5 16 and 19. As of March 2018, the Bureau of Labor
6 Statistics reported that the Black youth unemploy-
7 ment rate of those ages is 27.9 percent compared
8 with 10.7 percent for White youth of this age. This
9 dramatizes the tremendous employment challenges
10 faced by African American youth who live in urban
11 communities.

12 (9) Although Census Data shows that Black-
13 owned businesses are growing in number at a faster
14 rate than for any other group, they have failed to re-
15 alize their full economic potential.

16 (10) According to the Kauffman Foundation's
17 calculations from the U.S. Census Annual Survey of
18 Entrepreneurs, while the average size of mature,
19 non-minority-owned businesses is \$2,300,000 in an-
20 nual revenue when they have been in business 11 to
21 15 years, the average size of minority-owned busi-
22 nesses is only \$1,600,000 at the same age. Minori-
23 ties own half as many businesses as non-minorities.
24 The conclusion Kauffman draws: minority-owned
25 businesses start smaller and stay smaller.

1 (11) Studies show that lifetime earnings go up
2 for American adults with each level of educational
3 attainment.

4 (12) According to the National Center for Edu-
5 cation Statistics (NCES), in 2014 the median earn-
6 ings of young adults with a bachelor's degree
7 (\$49,900) were 66 percent higher than the median
8 earnings of young adult high school completers
9 (\$30,000). The median earnings of young adult high
10 school completers were 20 percent higher than the
11 median earnings of those without a high school cre-
12 dential (\$25,000). Today, median lifetime earnings
13 for those with a bachelor's degree are \$2,300,000 or
14 74 percent more than those with just a high school
15 diploma.

16 (13) Despite overall gains nationally, gaps in
17 college enrollment and completion by race persist. In
18 2016, college enrollment for White students was 71
19 percent, which was a six percent increase from 2000.
20 From 2000 to 2015, enrollment of Black students
21 went from 30.5 percent to 34.9 percent, and enroll-
22 ment of Latino students went from 21.7 percent to
23 36.6 percent. Nationally, over two-thirds of all Asian
24 and White students complete college within six years

1 compared to less than half of all Black and Latino
2 students.

3 (14) America's public school population is ma-
4 jority minority and in 2044, the United States is ex-
5 pected to be a majority-minority nation where
6 Whites will make up less than half of the population.
7 Given this seismic shift in demographics, we must be
8 more intentional about improving college readiness
9 in our nation's elementary and secondary schools
10 and promoting access and success to post-secondary
11 education for historically underrepresented students.

12 (15) Homeownership is the primary means of
13 building equity and passing on wealth from one gen-
14 eration to the next. This is especially true for Afri-
15 can Americans, where over 90 percent of wealth is
16 in their homes, according to the Center for Global
17 Policy Solutions.

18 (16) Yet, African-American homeowners were
19 three times more likely to be steered into subprime
20 products, even when they qualified for conventional
21 mortgages, in the years leading up to the financial
22 crisis. The foreclosure rate for these loans was 10
23 times greater than conventional mortgages. Con-
24 sequently, while the African-American homeowner-
25 ship rate peaked in 2004 at 50 percent, it is cur-

1 rently only 41.2 percent and is projected to decrease
2 to 40 percent by 2030. Reversing this trend is vital
3 to American families, to communities, and to our na-
4 tional economy.

5 (17) The United States needs a domestic Main-
6 stream Marshall plan that will combat poverty, pro-
7 mote equality and eliminate racial disparities.

8 **DIVISION A—JOBS**

9 **TITLE I—MAIN STREET**

10 **MARSHALL PLAN**

11 **Subtitle A—In General**

12 **SEC. 1001. SUBMISSION OF DATA RELATING TO DIVERSITY** 13 **BY CERTAIN CONTRACTORS.**

14 (a) IN GENERAL.—Chapter 47 of subtitle I of title
15 41, United States Code, is amended by adding at the end
16 the following new section:

17 “**§ 4713. Submission of data relating to diversity by**
18 **certain contractors**

19 “(a) SUBMISSION OF DATA.—In the case of the
20 award of a contract in an amount of \$5,000,000 or more
21 to a covered contractor, the head of an executive agency
22 shall require the contractor to submit, not later than 60
23 days after the award of the contract, the following:

1 “(1) Data on the racial, ethnic, and gender
2 composition of the board of directors and the C-level
3 executives of the covered contractor.

4 “(2) Data on the affiliation of any member of
5 the board of directors or any C-level executive to a
6 historically underrepresented group, including vet-
7 erans of the Armed Forces and individuals with dis-
8 abilities.

9 “(3) Any plan or strategy that exists on the
10 date of the submission of data under this subsection
11 to improve the diversity of the board of directors or
12 the C-level executives of the covered contractor.

13 “(b) REPORTS.—

14 “(1) QUARTERLY REPORT TO GENERAL SERV-
15 ICES ADMINISTRATION.—After the end of a calendar
16 quarter, each executive agency shall submit to the
17 Administrator of General Services a report that in-
18 cludes the data submitted by contractors under sub-
19 section (a) during the quarter covered.

20 “(2) ANNUAL REPORT TO CONGRESS AND OF-
21 FICES OF MINORITY AND WOMEN INCLUSION.—

22 “(A) IN GENERAL.—Not later than Feb-
23 ruary 14 of each calendar year, the Adminis-
24 trator of General Services shall submit to Con-
25 gress and each Office of Minority and Women

1 Inclusion established under section 342 of the
2 Dodd-Frank Wall Street Reform and Consumer
3 Protection Act (12 U.S.C. 5452) an annual re-
4 port that—

5 “(i) includes the data submitted to
6 the Administrator under paragraph (1)
7 during the preceding calendar year and the
8 data submitted under section 13(s) of the
9 Securities Exchange Act of 1934;

10 “(ii) uses the data described in clause
11 (i), as well as information from other reli-
12 able sources, to analyze the diversity of the
13 board of directors and the C-level execu-
14 tives of each entity submitting data in
15 comparison to the industry peers of such
16 entity, including any trends and progress
17 related to such diversity; and

18 “(iii) based on the analysis conducted
19 under clause (ii), lists each entity submit-
20 ting data that is significantly lagging be-
21 hind the industry peers of such entity with
22 respect to the diversity of the board of di-
23 rectors and the C-level executives.

24 “(B) PUBLIC AVAILABILITY.—The Admin-
25 istrator of General Services shall make publicly

1 available each annual report submitted under
2 subparagraph (A).

3 “(c) PUBLIC COMMENT.—After the end of the four-
4 year period beginning on the date of the enactment of this
5 section, and every four years thereafter, the Administrator
6 of General Services shall review the implementation of the
7 requirements of this section and provide an opportunity
8 for public comment on such review.

9 “(d) DEFINITIONS.—In this section:

10 “(1) COVERED CONTRACTOR.—The term ‘cov-
11 ered contractor’ means a for-profit business with an-
12 nual gross receipts in excess of \$1,000,000,000 dur-
13 ing the year preceding the submission of a bid or
14 proposal for a contract described in subsection (a).

15 “(2) C-LEVEL EXECUTIVE.—The term ‘C-level
16 executive’ means the most senior executive officer,
17 information officer, technology officer, financial offi-
18 cer, compliance officer, or security officer of a cov-
19 ered contractor.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 47 of such title is amended
22 by inserting after the item relating to section 4712 the
23 following new item:

“4713. Submission of data relating to diversity by certain contractors.”.

1 **SEC. 1002. SUBMISSION OF DATA RELATING TO DIVERSITY**
2 **BY ISSUERS.**

3 (a) IN GENERAL.—Section 13 of the Securities Ex-
4 change Act of 1934 (15 U.S.C. 78m) is amended by add-
5 ing at the end the following:

6 “(s) SUBMISSION OF DATA RELATING TO DIVER-
7 SITY.—

8 “(1) SUBMISSION OF DATA.—Each issuer re-
9 quired to file an annual report under subsection (a)
10 shall disclose in that report, the following:

11 “(A) Data on the racial, ethnic, and gen-
12 der composition of the board of directors and
13 the C-level executives of the issuer.

14 “(B) Data on the affiliation of any mem-
15 ber of the board of directors or any C-level ex-
16 ecutive of the issuer to a historically underrep-
17 resented group, including veterans of the
18 Armed Forces and individuals with disabilities.

19 “(C) Any plan or strategy that exists on
20 the date of the submission of data under this
21 paragraph to improve the diversity of the board
22 of directors or the C-level executives of the
23 issuer.

24 “(2) C-LEVEL EXECUTIVE DEFINED.—In this
25 subsection, the term ‘C-level executive’ means the
26 most senior executive officer, information officer,

1 technology officer, financial officer, compliance offi-
2 cer, or security officer of an issuer.”.

3 (b) CORPORATE GOVERNANCE REGULATIONS.—Not
4 later than 90 days after the date of the enactment of this
5 Act, the Securities and Exchange Commission shall revise
6 paragraph (v) of section 229.407(c)(2) of title 17, Code
7 of Federal Regulations, to require that when the descrip-
8 tion described in such paragraph is presented in a proxy
9 or information statement relating to the election of direc-
10 tors, the qualities and skills described in such paragraph,
11 along with the nominee’s gender, race, ethnicity, and affili-
12 ation with a historically underrepresented group should be
13 presented in a chart or matrix form.

14 **SEC. 1003. SENSE OF CONGRESS ON INFRASTRUCTURE**
15 **SPENDING.**

16 Congress finds the following:

17 (1) Our nation’s infrastructure serves as the ar-
18 teries that move people, goods, and information
19 across our country. A strong infrastructure network
20 is critically important to the growth of our economy
21 and the overall health of each and every American.
22 This is especially true for Americans in low-income
23 and otherwise vulnerable communities struggling to
24 access the rest of the world.

1 (2) In the traditional sense, the term “infra-
2 structure” has been largely understood to include
3 our transportation infrastructure (roads, bridges,
4 rails, airports, ports/waterways), electrical grid, tele-
5 communications (landline phone, cable, satellite),
6 and public buildings. A 21st Century economy de-
7 mands a broader, more inclusive definition to ensure
8 that we are fully considering all of our infrastructure
9 needs. A newer definition should be expanded to in-
10 clude the following: energy-efficient housing;
11 broadband; educational facilities, including access to
12 traditional universities and community colleges, as
13 well as Historically Black Colleges and Universities;
14 forest roads and sidewalks/bike trails; parks; waste
15 removal and treatment facilities; and programs con-
16 necting seniors to their communities.

17 (3) Any effort to rebuild our nation’s crumbling
18 infrastructure must include robust federal funding.
19 Privatizing our nation’s infrastructure revitalization
20 would shift the burden to cash-strapped states and
21 cities while leaving out communities with the great-
22 est need: rural and low-income populations. Addi-
23 tionally, states and cities are less likely to take a re-
24 gional approach to investment, which is critical to
25 ensuring national connectivity. Public-private part-

1 nerships (P3s) have limited success funding infra-
2 structure projects. They are more expensive than
3 conventional funding, often limiting competition and
4 creating potential conflicts of interest. P3s would
5 likely only consider projects that can provide a re-
6 turn on investment, as opposed to the broad infra-
7 structure modernization this country desperately
8 needs. Ultimately, private infrastructure investment
9 would only fund a narrow scope of projects and the
10 limited projects fortunate enough to attract private
11 funding would tax the very people they are intended
12 to benefit through tolls and user fees.

13 (4) Ensuring long-term investment is equally
14 important to ensuring that investment is backed by
15 robust public funding. Delivering reliable infrastruc-
16 ture requires the certainty and confidence that can
17 only come with long-term funding. Congress needs to
18 do away with short-term extensions and provide
19 long-term authorization and spending measures that
20 will authorize and fund our nation's highway, public
21 transit, aviation, and water infrastructure programs
22 and projects at levels that are meaningful over the
23 long-term.

24 (5) Minority contractors should have the oppor-
25 tunity to rebuild their communities and employ

1 hardworking Americans along the way. Infrastruc-
2 ture investments should be disseminated through a
3 transparent procurement process with aggressive
4 contracting goals for Disadvantaged Business Enti-
5 ties and effective enforcement to root out fraudulent
6 firms. Contractors and subcontractors should have
7 the ability to employ local hiring preferences and
8 subcontractors should receive prompt payment when
9 services are rendered.

10 (6) Infrastructure development should be inclu-
11 sive of underserved segments of the population, such
12 as poor, rural, and elderly communities. Often times,
13 infrastructure planning does not benefit the poorest
14 communities and the infrastructure workforce tradi-
15 tionally lacks gender and racial diversity. A 21st
16 Century economy should not exclude individuals
17 from participation on the basis of demographics, ge-
18 ography, or financial means. Any infrastructure
19 package must include innovative job training and
20 workforce development initiatives to promote a di-
21 verse and inclusive labor pool. By ensuring partici-
22 pation from all individuals, we can provide equal op-
23 portunity for each and every American to contribute
24 in meaningful ways to both the economy and the
25 communities they call home.

1 (7) Climate change and the volatility that is as-
2 sociated with extreme weather events are only ex-
3 pected to worsen over time. More intense storms,
4 rising sea levels, storm surges, and other unusual
5 weather conditions are placing an immense strain on
6 our nation’s infrastructure and the limited resources
7 that we have to build and maintain it. As we plan
8 for the future and conceptualize how we will build
9 up our infrastructure, we need to consider the long-
10 term viability of these projects to ensure that they
11 are resilient to extreme weather.

12 (8) A robust transportation network must con-
13 sider the changing demographics of its users and the
14 subsequent changes in demand. Conventional trans-
15 portation planning relies heavily on motor vehicle
16 traffic. However, many communities—particularly in
17 urban areas—must now consider pedestrians, cy-
18 clists, public transit riders, ridesharing, and other
19 users when evaluating the effectiveness of the trans-
20 portation ecosystem.

21 (9) The development and adoption of autono-
22 mous vehicles, positive train control, NextGen,
23 Smart City planning, and other technologies and
24 transportation models is vastly altering the way we
25 conceptualize, plan, and execute transportation pol-

1 icy. The unique challenges that we face as a nation
2 will only grow increasingly more complex as the pop-
3 ulation grows and the nature of our infrastructure
4 becomes more interconnected. Any infrastructure
5 package must not only address the immediate needs
6 of our crumbling system, but also anticipate the
7 needs of a generation to come.

8 (10) Infrastructure impacts every American—
9 regardless of background, economic status, or polit-
10 ical affiliation.

11 **SEC. 1004. SENSE OF CONGRESS ON INFRASTRUCTURE**
12 **WORKFORCE DEVELOPMENT.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) America would need to spend approximately
15 \$1.44 trillion over the next 10 years to close the in-
16 frastructure gap.

17 (2) The infrastructure workforce is aging at a
18 rate where approximately 3,000,000 workers will
19 need to be replaced over the next 10 years,
20 compounding America’s infrastructure crisis.

21 (3) Infrastructure jobs include a wide range of
22 employment opportunities in both the public and pri-
23 vate sectors, including design, construction, oper-
24 ation, governance, and maintenance of America’s as-
25 sets.

1 (4) Infrastructure jobs provide competitive
2 wages with low barriers to entry, many of which re-
3 quire on-the-job training in lieu of formal higher
4 education.

5 (5) In spite of rising income inequality, infra-
6 structure jobs paid approximately 30 percent more
7 to low-income individuals than other occupations be-
8 tween the years of 2005 and 2015.

9 (6) In the fourth quarter of 2016, African-
10 Americans and Hispanics between the ages of 25
11 and 34 had the highest unemployment levels at 8.6
12 percent and 5.3 percent, respectively.

13 (7) The unemployment rate for military vet-
14 erans serving in conflicts since September 11th,
15 2001, has remained above the national unemploy-
16 ment rate, with the Federal Reserve of Chicago
17 highlighting how wartime deployment can limit the
18 types of training veterans receive that are transfer-
19 able to the civilian labor market.

20 (8) The Federal government should make con-
21 certed efforts, by coordination with State and local
22 governments, workforce development agencies, edu-
23 cational institutions, including Historically Black
24 Colleges and Universities and Hispanic Serving In-
25 stitutions, to recruit, train, and retain America's

1 next generation of infrastructure workers to close
2 the workforce gap.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) any infrastructure spending bill enacted
6 during the 115th Congress should include robust in-
7 vestments in workforce development programs that
8 take meaningful actions to recruit and train individ-
9 uals from communities with high unemployment
10 rates, including African-American communities, His-
11 panic communities, and American Indian tribal
12 areas;

13 (2) any infrastructure spending bill enacted
14 during the 115th Congress should include robust in-
15 vestments in workforce development programs that
16 take meaningful actions to recruit and train unem-
17 ployed veterans that have served in a conflict since
18 September 11th, 2001; and

19 (3) any infrastructure spending bill enacted
20 during the 115th Congress should include meaning-
21 ful outreach efforts geared toward under-represented
22 contractors, including minority- and women-owned
23 businesses, veteran owned small businesses, service-
24 disabled veteran owned small businesses, and
25 offerors that employ veterans on a full-time basis.

1 **SEC. 1005. QUALIFICATION OF REHABILITATION EXPENDI-**
2 **TURES FOR PUBLIC SCHOOL BUILDINGS FOR**
3 **REHABILITATION CREDIT.**

4 (a) IN GENERAL.—Section 47(c)(2)(B)(v) of the In-
5 ternal Revenue Code of 1986 is amended by adding at the
6 end the following new subclause:

7 “(III) CLAUSE NOT TO APPLY TO
8 PUBLIC SCHOOLS.—This clause shall
9 not apply in the case of any building
10 which is a qualified public educational
11 facility (as defined in section
12 142(k)(1), determined without regard
13 to subparagraph (B) thereof) and
14 used as such during some period be-
15 fore such expenditure and used as
16 such immediately after such expendi-
17 ture.”.

18 (b) REPORT.—Not later than the date which is 5
19 years after the date of the enactment of this Act, the Sec-
20 retary of the Treasury, after consultation with the heads
21 of appropriate Federal agencies, shall report to Congress
22 on the effects resulting from the amendment made by sub-
23 section (a).

24 (c) EFFECTIVE DATE.—The amendment made by
25 this section shall apply to property placed in service after
26 the date of the enactment of this Act.

1 **SEC. 1006. SUPPLEMENTAL APPROPRIATION FOR THE**
2 **DRINKING WATER STATE REVOLVING FUNDS.**

3 (a) IN GENERAL.—There is appropriated, out of any
4 money in the Treasury not otherwise appropriated, for fis-
5 cal year 2018 for “Environmental Protection Agency—
6 State and Tribal Assistance Grants” for an additional
7 amount for capitalization grants under section 1452 of the
8 Safe Drinking Water Act in accordance with the provi-
9 sions under this account in title VII of division A of Public
10 Law 111–5, \$7,500,000,000, to remain available through
11 September 30, 2022.

12 (b) BUDGETARY TREATMENT.—The amount appro-
13 priated under subsection (a)—

14 (1) is designated by the Congress as an emer-
15 gency requirement pursuant to section 251(b)(2)(A)
16 of the Balanced Budget and Emergency Deficit Con-
17 trol Act of 1985, except that such amount shall be
18 available only if the President subsequently so des-
19 ignates such amount and transmits such designation
20 to the Congress; and

21 (2) shall be exempt from sequestration under
22 such Act.

23 **SEC. 1007. HIGHWAY PROJECTS.**

24 Section 112 of title 23, United States Code, is
25 amended by adding at the end the following:

26 “(h) LOCAL HIRING.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, a State may establish local hiring
3 bid specifications or consider the hiring of local
4 workers in the evaluation of bids and proposals for
5 a project under this title.

6 “(2) DEFINITION.—For purposes of this sub-
7 section, the term ‘local’ means the geographic
8 boundaries of a local area, as defined by the con-
9 tracting agency, in which the project is located.”.

10 **SEC. 1008. PUBLIC TRANSPORTATION PROJECTS.**

11 Section 5325 of title 49, United States Code, is
12 amended by adding at the end the following:

13 “(1) LOCAL HIRING.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law, a recipient of assistance under this
16 chapter may establish local hiring bid specifications
17 or consider local hiring in the evaluation of bids and
18 proposals for a project under this chapter.

19 “(2) DEFINITION.—For purposes of this sub-
20 section, the term ‘local’ means the geographic
21 boundaries of a local area, as defined by the con-
22 tracting agency, in which the project is located.”.

1 **SEC. 1009. ESTABLISHMENT OF PERFORMANCE MEASURES**
2 **FOR TRANSPORTATION ACCESSIBILITY.**

3 (a) CONNECTIVITY AND ACCESSIBILITY PERFORM-
4 ANCE MEASURES.—Section 150 of title 23, United States
5 Code, is amended—

6 (1) in subsection (c) by adding at the end the
7 following:

8 “(7) MULTIMODAL TRANSPORTATION
9 CONNECTIVITY AND ACCESSIBILITY.—

10 “(A) IN GENERAL.—Not later than 6 years
11 after the date of enactment of this paragraph,
12 the Secretary shall issue such regulations as are
13 necessary to establish performance measures re-
14 lating to transportation connectivity and acces-
15 sibility for States and metropolitan planning or-
16 ganizations to use to assess the connectivity
17 and accessibility of roadways, public transit in-
18 frastructure, pedestrian and bikeway infrastruc-
19 ture, and other transportation infrastructure.

20 “(B) CONTENT.—The performance meas-
21 ures required under subparagraph (A) shall in-
22 clude measures to assess—

23 “(i) with respect to the general popu-
24 lation serviced by a transportation sys-
25 tem—

1 “(I) the change in cumulative ac-
2 cess to employment opportunities;

3 “(II) multi-modal choice and en-
4 hanced interconnections among modes
5 to—

6 “(aa) offer variety of choice
7 between and among modes;

8 “(bb) provide accessible and
9 reliable transportation for all
10 users; and

11 “(cc) encourage travel de-
12 mand management; and

13 “(III) such other areas the Sec-
14 retary considers appropriate; and

15 “(ii) with respect to disadvantaged
16 populations serviced by a transportation
17 system—

18 “(I) transportation accessibility
19 for disadvantaged populations;

20 “(II) change in cumulative job
21 accessibility for disadvantaged popu-
22 lations; and

23 “(III) such other areas the Sec-
24 retary considers appropriate.

1 “(C) DISADVANTAGED POPULATION DE-
2 FINED.—In this paragraph, the term ‘disadvan-
3 taged population’ means a low-income or minor-
4 ity population, or people with disabilities, as de-
5 termined by the Secretary.”; and

6 (2) in subsection (d) by striking “and (6)” and
7 inserting “(6), and (7)”.

8 (b) TITLE 23 METROPOLITAN PLANNING COORDINA-
9 TION.—Section 134(h)(2)(B) of title 23, United States
10 Code, is amended by adding at the end the following:

11 “(iii) MULTIMODAL TRANSPORTATION
12 ACCESSIBILITY PERFORMANCE TARGETS.—
13 Selection of performance targets by a met-
14 ropolitan planning organization shall be co-
15 ordinated, to the maximum extent prac-
16 ticable, with the relevant State and pro-
17 viders of public transportation to ensure
18 consistency with section 150(c)(7).”.

19 (c) TITLE 49 METROPOLITAN PLANNING COORDINA-
20 TION.—Section 5303(h)(2)(B) of title 49, United States
21 Code, is amended by adding at the end the following:

22 “(iii) MULTIMODAL TRANSPORTATION
23 ACCESSIBILITY PERFORMANCE TARGETS.—
24 Selection of performance targets by a met-
25 ropolitan planning organization shall be co-

1 ordinated, to the maximum extent prac-
2 ticable, with the relevant State and pro-
3 viders of public transportation to ensure
4 consistency with section 150(e)(7) of title
5 23.”.

6 **SEC. 1010. SUPPLEMENTAL APPROPRIATION FOR TIGER**
7 **DISCRETIONARY GRANT PROGRAM.**

8 (a) **IN GENERAL.**—There is appropriated, out of any
9 money in the Treasury not otherwise appropriated, for fis-
10 cal year 2018 for “Department of Transportation—Office
11 of the Secretary—National Infrastructure Investments”
12 for an additional amount in accordance with the provisions
13 under this account in title I of division K of Public Law
14 115–31, \$7,500,000,000, to remain available through Sep-
15 tember 30, 2022.

16 (b) **BUDGETARY TREATMENT.**—The amount appro-
17 priated under subsection (a)—

18 (1) is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A)
20 of the Balanced Budget and Emergency Deficit Con-
21 trol Act of 1985, except that such amount shall be
22 available only if the President subsequently so des-
23 ignates such amount and transmits such designation
24 to the Congress; and

1 (2) shall be exempt from sequestration under
2 such Act.

3 **SEC. 1011. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committee on Education and
8 the Workforce of the House of Representatives and
9 the Committee on Health, Education, Labor, and
10 Pensions of the Senate.

11 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
12 reau-funded school” has the meaning given to the
13 term in section 1141 of the Education Amendments
14 of 1978 (25 U.S.C. 2021).

15 (3) COVERED FUNDS.—The term “covered
16 funds” means funds received—

17 (A) under title I of this Act; or

18 (B) from a school infrastructure bond.

19 (4) ESEA TERMS.—The terms “elementary
20 school”, “local educational agency”, “outlying area”,
21 and “secondary school” have the meanings given to
22 the terms in section 8101 of the Elementary and
23 Secondary Education Act 1965 (20 U.S.C. 7801).

24 (5) PUBLIC SCHOOL FACILITIES.—The term
25 “public school facilities” means the facilities of a

1 public elementary school or a public secondary
2 school.

3 (6) QUALIFIED LOCAL EDUCATIONAL AGEN-
4 CY.—The term “qualified local educational agency”
5 means a local educational agency that receives funds
6 under part A of title I of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 6311 et
8 seq.).

9 (7) SCHOOL INFRASTRUCTURE BOND.—The
10 term “school infrastructure bond” means a bond
11 designated by the issuer as a school infrastructure
12 bond under section 54BB of the Internal Revenue
13 Code of 1986 (as added by section 201).

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of Education.

16 (9) STATE.—The term “State” means each of
17 the 50 States and the District of Columbia.

18 **SEC. 1012. PURPOSE AND RESERVATION.**

19 (a) PURPOSE.—Funds made available under this title
20 shall be for the purpose of supporting long-term improve-
21 ments to public school facilities in accordance with this
22 Act.

23 (b) RESERVATION FOR OUTLYING AREAS, PUERTO
24 RICO, AND BUREAU-FUNDED SCHOOLS.—

1 (1) IN GENERAL.—For each of fiscal years
2 2018 through 2020, the Secretary shall reserve,
3 from the amount appropriated to carry out this
4 title—

5 (A) one-half of 1 percent, to provide assist-
6 ance to the outlying areas;

7 (B) one-half of 1 percent, to provide assist-
8 ance to the Commonwealth of Puerto Rico; and

9 (C) one-half of 1 percent, for payments to
10 the Secretary of the Interior to provide assist-
11 ance to Bureau-funded schools.

12 (2) USE OF RESERVED FUNDS.—Sections 301
13 through 304 shall apply to the use of funds reserved
14 under paragraph (1).

15 **SEC. 1013. ALLOCATION TO STATES.**

16 (a) ALLOCATION TO STATES.—

17 (1) STATE-BY-STATE ALLOCATION.—Of the
18 amount appropriated to carry out this title for each
19 fiscal year and not reserved under section 101(b),
20 each State that has a plan approved by the Sec-
21 retary under subsection (b) shall be allocated an
22 amount in proportion to the amount received by all
23 local educational agencies in the State under part A
24 of title I of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the

1 previous fiscal year relative to the total such amount
2 received by all local educational agencies in every
3 State that has a plan approved by the Secretary
4 under subsection (b).

5 (2) STATE RESERVATION.—A State may reserve
6 not more than 1 percent of its allocation under para-
7 graph (1) to carry out its responsibilities under this
8 Act, which shall include—

9 (A) providing technical assistance to local
10 educational agencies, including by—

11 (i) identifying which State agencies
12 have programs, resources, and expertise
13 relevant to the activities supported by the
14 allocation under this section; and

15 (ii) coordinating the provision of tech-
16 nical assistance across such agencies;

17 (B) in accordance with the guidance issued
18 by the Secretary under section 307, developing
19 an online, publicly searchable database that
20 contains an inventory of all public school facili-
21 ties infrastructure in the State (including the
22 facilities of Bureau-funded schools, as appro-
23 priate), including, with respect to each such fa-
24 cility, an identification of—

- 1 (i) the information described in
2 clauses (i) through (vi) of subparagraph
3 (F);
- 4 (ii) the age (including an identifica-
5 tion of the date of any retrofits or recent
6 renovations) of—
- 7 (I) the facility;
 - 8 (II) its roof;
 - 9 (III) its lighting system;
 - 10 (IV) its windows;
 - 11 (V) its ceilings;
 - 12 (VI) its plumbing; and
 - 13 (VII) its heating, ventilation, and
14 air conditioning system;
- 15 (iii) fire safety inspection results; and
- 16 (iv) the proximity of the facilities to
17 toxic sites or the vulnerability of the facili-
18 ties to natural disasters, including the ex-
19 tent to which facilities that are vulnerable
20 to natural disasters are seismically retro-
21 fitted;
- 22 (C) updating the database developed under
23 subparagraph (B) not less frequently than once
24 every 2 years;

1 (D) ensuring that the information in the
2 database developed under subparagraph (B)—

3 (i) is posted on a publicly accessible
4 website of the State; and

5 (ii) is regularly distributed to local
6 educational agencies and Tribal govern-
7 ments in the State;

8 (E) issuing or reviewing regulations to en-
9 sure the health and safety of students and staff
10 during construction or renovation projects; and

11 (F) issuing or reviewing regulations to en-
12 sure safe, healthy, and high-performing school
13 buildings, including regulations governing—

14 (i) indoor air quality and ventilation,
15 including exposure to carbon monoxide and
16 carbon dioxide;

17 (ii) mold, mildew, and moisture con-
18 trol;

19 (iii) the safety of drinking water at
20 the tap and water used for meal prepara-
21 tion, including regulations that—

22 (I) address presence of lead and
23 other contaminants in such water; and

24 (II) require the regular testing of
25 the potability of water at the tap;

- 1 (iv) energy and water efficiency;
- 2 (v) excessive classroom noise; and
- 3 (vi) the levels of maintenance work,
- 4 operational spending, and capital invest-
- 5 ment needed to maintain the quality of
- 6 public school facilities; and
- 7 (G) creating a plan to reduce or eliminate
- 8 exposure to toxins and chemicals, including
- 9 mercury, radon, PCBs, lead, vapor intrusions,
- 10 and asbestos.

11 (b) STATE PLAN.—

12 (1) IN GENERAL.—To be eligible to receive an

13 allocation under this section, a State shall submit to

14 the Secretary a plan that—

15 (A) describes how the State will use the al-

16 location to make long-term improvements to

17 public school facilities;

18 (B) explains how the State will carry out

19 each of its responsibilities under subsection

20 (a)(2);

21 (C) explains how the State will make the

22 determinations under subsections (b) and (c) of

23 section 103;

24 (D) identifies how long, and at what levels,

25 the State will maintain fiscal effort for the ac-

1 tivities supported by the allocation after the
2 State no longer receives the allocation; and

3 (E) includes such other information as the
4 Secretary may require.

5 (2) APPROVAL AND DISAPPROVAL.—The Sec-
6 retary shall have the authority to approve or dis-
7 approve a State plan submitted under paragraph
8 (1).

9 (c) CONDITIONS.—As a condition of receiving an allo-
10 cation under this section, a State shall agree to the fol-
11 lowing:

12 (1) MATCHING REQUIREMENT.—The State shall
13 contribute, from non-Federal sources, an amount
14 equal to 10 percent of the amount of the allocation
15 received under this section to carry out the activities
16 supported by the allocation.

17 (2) MAINTENANCE OF EFFORT.—The State
18 shall provide an assurance to the Secretary that the
19 combined fiscal effort per student or the aggregate
20 expenditures of the State with respect to the activi-
21 ties supported by the allocation under this section
22 for fiscal years beginning with the fiscal year for
23 which the allocation is received will be not less than
24 90 percent of the combined fiscal effort or aggregate
25 expenditures by the State for such purposes for the

1 year preceding the fiscal year for which the alloca-
2 tion is received.

3 (3) SUPPLEMENT NOT SUPPLANT.—The State
4 shall use an allocation under this section only to
5 supplement the level of Federal, State, and local
6 public funds that would, in absence of such alloca-
7 tion, be made available for the activities supported
8 by the allocation, and not to supplant such funds.

9 **SEC. 1014. NEED-BASED GRANTS TO QUALIFIED LOCAL**
10 **EDUCATIONAL AGENCIES.**

11 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 from the amounts allocated to a State under section
14 102(a) and contributed by the State under section
15 102(c)(1), the State shall award grants to qualified
16 local educational agencies, on a competitive basis, to
17 carry out the activities described in section 301(a).

18 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
19 State may use up to 10 percent of the amount de-
20 scribed in paragraph (1) to make grants to qualified
21 local educational agencies carry out activities to im-
22 prove digital learning in accordance with section
23 301(b).

24 (b) ELIGIBILITY.—To be eligible to receive a grant
25 under this section a qualified local educational agency—

1 (1) shall be among the local educational agen-
2 cies in the State—

3 (A) with the greatest need to improve pub-
4 lic school facilities, as determined by the State,
5 which may include consideration of threats
6 posed by the proximity of the facilities to toxic
7 sites or the vulnerability of the facilities to nat-
8 ural disasters;

9 (B) with the highest numbers or percent-
10 ages of students counted under section 1124(c)
11 of the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 6333(c)); and

13 (C) with the most limited capacity to raise
14 funds for the long-term improvement of public
15 school facilities, as determined by an assess-
16 ment of—

17 (i) the current and historic ability of
18 the agency to raise funds for construction,
19 renovation, modernization, and major re-
20 pair projects for schools;

21 (ii) whether the agency has been able
22 to issue bonds or receive other funds to
23 support construction projects, including—

1 (I) qualified school construction
2 bonds under section 54F of the Inter-
3 nal Revenue Code of 1986;

4 (II) qualified zone academy
5 bonds under section 1397E of the In-
6 ternal Revenue Code of 1986;

7 (III) school infrastructure bonds
8 under section 54BB of the Internal
9 Revenue Code of 1986 (as added by
10 section 201); and

11 (IV) funds made available under
12 7007 of the Elementary and Sec-
13 ondary Education Act of 1965 (20
14 U.S.C. 7707); and

15 (iii) the bond rating of the agency;

16 and

17 (2) shall agree to prioritize the improvement of
18 the facilities of public schools that serve the highest
19 percentages of students who are eligible for a free or
20 reduced price lunch under the Richard B. Russell
21 National School Lunch Act (42 U.S.C. 1751 et seq.)
22 (which, in the case of a high school, may be cal-
23 culated using comparable data from the schools that
24 feed into the high school), as compared to other pub-
25 lic schools in the jurisdiction of the agency.

1 (c) PRIORITY OF GRANTS.—In awarding grants
2 under this section, the State shall give priority to local
3 educational agencies that—

4 (1) demonstrate the greatest need for such a
5 grant, as determined by a comparison of the factors
6 described in subsection (b);

7 (2) will use the grant to improve the facilities
8 of—

9 (A) elementary schools or middle schools
10 that have an enrollment of students who are eli-
11 gible for a free or reduced price lunch under the
12 Richard B. Russell National School Lunch Act
13 (42 U.S.C. 1751 et seq.) that constitutes not
14 less than 40 percent of the total student enroll-
15 ment at such schools; or

16 (B) high schools that have an enrollment
17 of students who are eligible for a free or re-
18 duced price lunch under such Act that con-
19 stitutes not less than 30 percent of the total
20 student enrollment at such schools (which may
21 be calculated using comparable data from the
22 schools that feed into the high school);

23 (3) operate public school facilities that pose a
24 severe health and safety threat to students and staff,
25 which may include a threat posed by the proximity

1 of the facilities to toxic sites or the vulnerability of
2 the facilities to natural disasters; and

3 (4) serve elementary schools or secondary
4 schools that lack access to high-speed broadband
5 sufficient to support digital learning (only in the
6 case of an agency that will use the grant improve
7 such access in accordance with section 301(b)).

8 (d) APPLICATION.—To be considered for a grant
9 under this section, a qualified local educational agency
10 shall submit an application to the State at such time, in
11 such manner, and containing such information as the
12 State may require. Such application shall include, at min-
13 imum—

14 (1) the information necessary for the State to
15 make the determinations under subsections (b) and
16 (c);

17 (2) a description of the projects that the agency
18 plans to carry out with the grant; and

19 (3) an explanation of how such projects will re-
20 duce risks to the health and safety of staff and stu-
21 dents at schools served by the agency.

22 (e) FACILITIES MASTER PLAN.—

23 (1) PLAN REQUIRED.—Not later than 180 days
24 after receiving a grant under this section, a qualified

1 local educational agency shall submit to the State a
2 comprehensive 10-year facilities master plan.

3 (2) ELEMENTS.—The facilities master plan re-
4 quired under paragraph (1) shall include, with re-
5 spect to all public school facilities of the agency, a
6 description of—

7 (A) the extent to which public school facili-
8 ties meet students’ educational needs and sup-
9 port the agency’s educational mission and vi-
10 sion;

11 (B) the physical condition of the public
12 school facilities;

13 (C) the current health, safety, and environ-
14 mental conditions of the public school facilities,
15 including—

16 (i) indoor air quality;

17 (ii) the presence of hazardous and
18 toxic substances and chemicals;

19 (iii) the safety of drinking water at
20 the tap and water used for meal prepara-
21 tion, including the level of lead and other
22 contaminants in such water;

23 (iv) energy and water efficiency;

24 (v) excessive classroom noise; and

1 (vi) other health, safety, and environ-
2 mental conditions that would impact the
3 health, safety, and learning ability of stu-
4 dents;

5 (D) how the local educational agency will
6 address any conditions identified under sub-
7 paragraph (C);

8 (E) the impact of current and future stu-
9 dent enrollment levels on the design of current
10 and future public school facilities, as well as the
11 financial implications of such enrollment levels;
12 and

13 (F) the dollar amount and percentage of
14 funds the local educational agency will dedicate
15 to capital construction projects as well as main-
16 tenance and operations related to maintaining
17 public school facilities.

18 (3) CONSULTATION.—In developing the facili-
19 ties master plan required under paragraph (1), the
20 qualified local educational agency shall consult with
21 teachers, principals and other school leaders, custo-
22 dial and maintenance staff, emergency first respond-
23 ers, school facilities directors, students and families,
24 community residents, and Indian Tribes and Tribal
25 organizations (as applicable).

1 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
2 educational agency shall use an allocation received under
3 this section only to supplement the level of Federal, State,
4 and local public funds that would, in the absence of such
5 allocation, be made available for the activities supported
6 by the allocation, and not to supplant such funds.

7 **SEC. 1015. ANNUAL REPORT ON GRANT PROGRAM.**

8 (a) IN GENERAL.—Not later than September 30 of
9 each fiscal year beginning after the date of the enactment
10 of this Act, the Secretary shall submit to the appropriate
11 congressional committees a report on the projects carried
12 out with funds made available under this title.

13 (b) ELEMENTS.—The report under paragraph (1)
14 shall include, with respect to the fiscal year preceding the
15 year in which the report is submitted, the following:

16 (1) An identification of each local educational
17 agency that received a grant under this title.

18 (2) With respect to each such agency, a descrip-
19 tion of—

20 (A) the demographic composition of the
21 student population served by the agency,
22 disaggregated by—

23 (i) race;

24 (ii) the number and percentage of stu-
25 dents counted under section 1124(c) of the

1 Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 6333(c)); and

3 (iii) the number and percentage of
4 students who are eligible for a free or re-
5 duced price lunch under the Richard B.
6 Russell National School Lunch Act (42
7 U.S.C. 1751 et seq.);

8 (B) the population density of the geo-
9 graphic area served by the agency;

10 (C) the projects for which the agency used
11 the grant received under this title;

12 (D) the demonstrable or expected benefits
13 of the projects; and

14 (E) the estimated number of jobs created
15 by the projects.

16 (3) The total dollar amount of all grants re-
17 ceived by local educational agencies under this title.

18 (c) LEA INFORMATION COLLECTION.—A local edu-
19 cational agency that receives a grant under this title
20 shall—

21 (1) annually compile the information described
22 in subsection (b)(2);

23 (2) make the information available to the pub-
24 lic, including by posting the information on a pub-
25 licly accessible website of the Agency; and

1 (3) submit the information to the State.

2 (d) STATE INFORMATION DISTRIBUTION.—A State
3 that receives information from a local educational agency
4 under subsection (c) shall—

5 (1) compile the information and report it annu-
6 ally to the Secretary at such time and in such man-
7 ner as the Secretary may require;

8 (2) make the information available to the pub-
9 lic, including by posting the information on a pub-
10 licly accessible website of the State; and

11 (3) regularly distribute the information to local
12 educational agencies and Tribal governments in the
13 State.

14 **SEC. 1016. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated
16 \$7,000,000,000 for each of fiscal years 2018 through
17 2027 to carry out this title.

18 **SEC. 1017. SCHOOL INFRASTRUCTURE BONDS.**

19 (a) IN GENERAL.—The Internal Revenue Code of
20 1986 is amended by adding after section 54AA the fol-
21 lowing new section:

22 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

23 “(a) IN GENERAL.—If a taxpayer holds a school in-
24 frastructure bond on one or more interest payment dates
25 of the bond during any taxable year, there shall be allowed

1 as a credit against the tax imposed by this chapter for
2 the taxable year an amount equal to the sum of the credits
3 determined under subsection (b) with respect to such
4 dates.

5 “(b) AMOUNT OF CREDIT.—The amount of the credit
6 determined under this subsection with respect to any in-
7 terest payment date for a school infrastructure bond is
8 100 percent of the amount of interest payable by the
9 issuer with respect to such date.

10 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

11 “(1) IN GENERAL.—The credit allowed under
12 subsection (a) for any taxable year shall not exceed
13 the excess of—

14 “(A) the sum of the regular tax liability
15 (as defined in section 26(b)) plus the tax im-
16 posed by section 55, over

17 “(B) the sum of the credits allowable
18 under this part (other than subpart C and this
19 subpart).

20 “(2) CARRYOVER OF UNUSED CREDIT.—If the
21 credit allowable under subsection (a) exceeds the
22 limitation imposed by paragraph (1) for such taxable
23 year, such excess shall be carried to the succeeding
24 taxable year and added to the credit allowable under
25 subsection (a) for such taxable year (determined be-

1 fore the application of paragraph (1) for such suc-
2 ceeding taxable year).

3 “(d) SCHOOL INFRASTRUCTURE BOND.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, the term ‘school infrastructure bond’ means
6 any bond issued as part of an issue if—

7 “(A) 100 percent of the available project
8 proceeds of such issue are to be used for the
9 purposes described in section 301 of the Jobs
10 and Justice Act of 2018,

11 “(B) the interest on such obligation would
12 (but for this section) be excludable from gross
13 income under section 103,

14 “(C) the issue meets the requirements of
15 paragraph (3), and

16 “(D) the issuer designates such bond for
17 purposes of this section.

18 “(2) APPLICABLE RULES.—For purposes of ap-
19 plying paragraph (1)—

20 “(A) for purposes of section 149(b), a
21 school infrastructure bond shall not be treated
22 as federally guaranteed by reason of the credit
23 allowed under subsection (a) or section 6431,

24 “(B) for purposes of section 148, the yield
25 on a school infrastructure bond shall be deter-

1 mined without regard to the credit allowed
2 under subsection (a), and

3 “(C) a bond shall not be treated as a
4 school infrastructure bond if the issue price has
5 more than a de minimis amount (determined
6 under rules similar to the rules of section
7 1273(a)(3)) of premium over the stated prin-
8 cipal amount of the bond.

9 “(3) 6-YEAR EXPENDITURE PERIOD.—

10 “(A) IN GENERAL.—An issue shall be
11 treated as meeting the requirements of this
12 paragraph if, as of the date of issuance, the
13 issuer reasonably expects 100 percent of the
14 available project proceeds to be spent for pur-
15 poses described in section 301 of the Jobs and
16 Justice Act of 2018 within the 6-year period be-
17 ginning on such date of issuance.

18 “(B) FAILURE TO SPEND REQUIRED
19 AMOUNT OF BOND PROCEEDS WITHIN 6
20 YEARS.—To the extent that less than 100 per-
21 cent of the available project proceeds of the
22 issue are expended at the close of the period de-
23 scribed in subparagraph (A) with respect to
24 such issue, the issuer shall redeem all of the
25 nonqualified bonds within 90 days after the end

1 of such period. For purposes of this paragraph,
2 the amount of the nonqualified bonds required
3 to be redeemed shall be determined in the same
4 manner as under section 142.

5 “(e) LIMITATION ON AMOUNT OF BONDS DES-
6 IGNATED.—The maximum aggregate face amount of
7 bonds issued during any calendar year which may be des-
8 ignated under subsection (d) by any issuer shall not exceed
9 the limitation amount allocated under subsection (g) for
10 such calendar year to such issuer.

11 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
12 DESIGNATED.—The national qualified school infrastruc-
13 ture bond limitation for each calendar year is—

14 “(1) \$10,000,000,000 for 2018,

15 “(2) \$10,000,000,000 for 2019, and

16 “(3) \$10,000,000,000 for 2020.

17 “(g) ALLOCATION OF LIMITATION.—

18 “(1) ALLOCATION AMONG STATES.—

19 “(A) Except as provided in paragraph (2),
20 the limitation applicable under subsection (f)
21 for any calendar year shall be allocated by the
22 Secretary among the States in proportion to the
23 respective amounts received by all local edu-
24 cational agencies in each State under part A of
25 title I of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 6311 et seq.) for
2 the previous fiscal year relative to the total such
3 amount received by all local educational agen-
4 cies in for the most recent fiscal year ending
5 before such calendar year.

6 “(B) Subject to subparagraph (C), the lim-
7 itation amount allocated to a State under sub-
8 paragraph (A) shall be allocated by the State
9 educational agency (or such other agency as is
10 authorized under State law to make such alloca-
11 tion) to issuers within such State in accordance
12 with the priorities described in section 103(c)
13 the of the Jobs and Justice Act of 2018 (as in
14 effect on the date of the enactment of this sec-
15 tion) and the eligibility requirements described
16 in section 103(b) of such Act, except that para-
17 graph (1)(C) of such section shall not apply to
18 the determination of eligibility for such alloca-
19 tion.

20 “(C) Up to 10 percent of the limitation
21 amount allocated to a State under subpara-
22 graph (A) may be allocated by the State to
23 issuers within such State to carry out activities
24 to improve digital learning in accordance with
25 section 301(b) of the Jobs and Justice Act of

1 2018 (as in effect on the date of the enactment
2 of this section).

3 “(2) ALLOCATIONS TO CERTAIN POSSES-
4 SIONS.—The amount to be allocated under para-
5 graph (1) to possessions of the United States other
6 than Puerto Rico for a calendar year shall be one-
7 half of 1 percent of national qualified school infra-
8 structure bond limitation for such year. In making
9 other allocations, the amount to be allocated under
10 paragraph (1) shall be reduced by the aggregate
11 amount allocated under this paragraph and para-
12 graph (3).

13 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—The
14 amount to be allocated under paragraph (1) to the
15 Secretary of the Interior for schools funded by the
16 Bureau of Indian Affairs for a calendar year shall
17 be one-half of 1 percent of national qualified school
18 infrastructure bond limitation for such year. Not-
19 withstanding any other provision of law, in the case
20 of amounts allocated under the preceding sentence,
21 Indian tribal governments (as defined in section
22 7701(a)(40)) shall be treated as qualified issuers for
23 purposes of this subchapter.

24 “(h) INTEREST PAYMENT DATE.—For purposes of
25 this section, the term ‘interest payment date’ means any

1 date on which the holder of record of the school infrastruc-
2 ture bond is entitled to a payment of interest under such
3 bond.

4 “(i) SPECIAL RULES.—

5 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
6 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
7 ERAL INCOME TAX PURPOSES.—For purposes of this
8 title, interest on any school infrastructure bond shall
9 be includible in gross income.

10 “(2) APPLICATION OF CERTAIN RULES.—Rules
11 similar to the rules of subsections (f), (g), (h), and
12 (i) of section 54A shall apply for purposes of the
13 credit allowed under subsection (a).

14 “(3) APPLICATION OF CERTAIN LABOR STAND-
15 ARDS.—Notwithstanding any other provision of law,
16 a school infrastructure bond shall be treated as a
17 qualified school construction bond for purposes of
18 the application of section 1601 of the American Re-
19 covery and Reinvestment Act of 2009 (Public Law
20 111–5; 26 U.S.C. 54C note.).”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) The table of subparts for part IV of sub-
23 chapter A of chapter 1 of such Code is amended by
24 amending the item related to subpart J to read as
25 follows:

“SUBPART J—CERTAIN INFRASTRUCTURE BONDS”.

1 (2) The table of chapters for subpart J of part
2 IV of subchapter A of chapter 1 of such Code is
3 amended by adding at the end the following new
4 item:

“Sec. 54BB. School infrastructure bonds.”.

5 (c) TRANSITIONAL COORDINATION WITH STATE
6 LAW.—Except as otherwise provided by a State after the
7 date of the enactment of this Act, the interest on any
8 school infrastructure bond (as defined in section 54BB of
9 the Internal Revenue Code of 1986, as added by this sec-
10 tion) and the amount of any credit determined under such
11 section with respect to such bond shall be treated for pur-
12 poses of the income tax laws of such State as being exempt
13 from Federal income tax.

14 (d) CREDIT FOR QUALIFIED BONDS ALLOWED TO
15 ISSUER.—Paragraph (3) of section 6431(f) of such Code
16 is amended by inserting “any school infrastructure bond
17 (as defined in section 54BB) or” before “any qualified tax
18 credit bond”.

19 (e) SEQUESTRATION.—Subparagraph (A) of section
20 255(g)(1) of the Balanced Budget and Emergency Deficit
21 Control Act of 1985 is amended by adding before “Postal
22 Service Fund” the following: “Payments under section
23 54BB of the Internal Revenue Code of 1986.”

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to obligations issued after Decem-
3 ber 31, 2017.

4 **SEC. 1018. EXPANSION OF QUALIFIED ZONE ACADEMY**
5 **BONDS.**

6 (a) CONSTRUCTION OF A PUBLIC SCHOOL FACIL-
7 ITY.—Subparagraph (A) of section 54E(d)(3) of the Inter-
8 nal Revenue Code of 1986 is amended by striking “reha-
9 bilitating or repairing” and inserting “constructing, reha-
10 bilitating, retrofitting, or repairing”.

11 (b) REMOVAL OF PRIVATE BUSINESS CONTRIBUTION
12 REQUIREMENT.—Section 54E of the Internal Revenue
13 Code of 1986 is amended—

14 (1) in subsection (a)(3)—

15 (A) in subparagraph (A), by inserting
16 “and” at the end; and

17 (B) by striking subparagraph (B);

18 (2) by striking subsection (b); and

19 (3) in paragraph (1) of subsection (c)—

20 (A) by striking “and \$400,000,0000” and
21 inserting “\$400,000,000”; and

22 (B) by striking “and, except as provided”
23 and all that follows through the period at the
24 end and inserting “, and \$1,400,000,000 for
25 2018 and each year thereafter.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to obligations issued after Decem-
3 ber 31, 2017.

4 **SEC. 1019. ANNUAL REPORT ON BOND PROGRAM.**

5 (a) IN GENERAL.—Not later than September 30 of
6 each fiscal year beginning after the date of the enactment
7 of this Act, the Secretary shall submit to the appropriate
8 congressional committees a report on the school infra-
9 structure bond program.

10 (b) ELEMENTS.—The report under paragraph (1)
11 shall include, with respect to the fiscal year preceding the
12 year in which the report is submitted, the following:

13 (1) An identification of—

14 (A) each local educational agency that re-
15 ceived funds from a school infrastructure bond;
16 and

17 (B) each local educational agency that was
18 eligible to receive such funds—

19 (i) but did not receive such funds; or

20 (ii) received less than the maximum
21 amount of funds for which the agency was
22 eligible.

23 (2) With respect to each local educational agen-
24 cy described in paragraph (1)—

1 (A) an assessment of the capacity of the
2 agency to raise funds for the long-term im-
3 provement of public school facilities, as deter-
4 mined by an assessment of—

5 (i) the current and historic ability of
6 the agency to raise funds for construction,
7 renovation, modernization, and major re-
8 pair projects for schools, including the abil-
9 ity of the agency to raise funds through
10 imposition of property taxes;

11 (ii) whether the agency has been able
12 to issue bonds to fund construction
13 projects, including such bonds as—

14 (I) qualified school construction
15 bonds under section 54F of the Inter-
16 nal Revenue Code of 1986;

17 (II) qualified zone academy
18 bonds under section 1397E of the In-
19 ternal Revenue Code of 1986; and

20 (III) school infrastructure bonds;

21 and

22 (iii) the bond rating of the agency;

23 (B) the demographic composition of the
24 student population served by the agency,
25 disaggregated by—

- 1 (i) race;
- 2 (ii) the number and percentage of stu-
- 3 dents counted under section 1124(c) of the
- 4 Elementary and Secondary Education Act
- 5 of 1965 (20 U.S.C. 6333(c)); and
- 6 (iii) the number and percentage of
- 7 students who are eligible for a free or re-
- 8 duced price lunch under the Richard B.
- 9 Russell National School Lunch Act (42
- 10 U.S.C. 1751 et seq.);
- 11 (C) the population density of the geo-
- 12 graphic area served by the agency;
- 13 (D) a description of the projects carried
- 14 out with funds received from school infrastruc-
- 15 ture bonds;
- 16 (E) a description of the demonstrable or
- 17 expected benefits of the projects; and
- 18 (F) the estimated number of jobs created
- 19 by the projects.
- 20 (3) The total dollar amount of all funds re-
- 21 ceived by local educational agencies from school in-
- 22 frastructure bonds.
- 23 (4) Any other factors that the Secretary deter-
- 24 mines to be appropriate.

1 (c) INFORMATION COLLECTION.—A State or local
2 educational agency that receives funds from a school infra-
3 structure bond shall—

4 (1) annually compile the information necessary
5 for the Secretary to determine the elements de-
6 scribed in subsection (b); and

7 (2) report the information to the Secretary at
8 such time and in such manner as the Secretary may
9 require.

10 **SEC. 1020. ALLOWABLE USES OF FUNDS.**

11 (a) IN GENERAL.—Except as provided in section 302,
12 a local educational agency that receives covered funds may
13 use such funds to—

14 (1) develop the facilities master plan required
15 under section 103(e);

16 (2) construct, modernize, renovate, or retrofit
17 public school facilities, which may include seismic
18 retrofitting for schools vulnerable to natural disas-
19 ters;

20 (3) carry out major repairs of public school fa-
21 cilities;

22 (4) install furniture or fixtures with at least a
23 10-year life in public school facilities;

24 (5) construct new public school facilities;

1 (6) acquire and prepare sites on which new
2 public school facilities will be constructed;

3 (7) extend the life of basic systems and compo-
4 nents of public school facilities;

5 (8) reduce current or anticipated overcrowding
6 in public school facilities;

7 (9) ensure the building envelopes of public
8 school facilities are structurally sound, secure, and
9 protects occupants and interiors from the elements;

10 (10) improve energy and water efficiency to
11 lower the costs of energy and water consumption in
12 public school facilities;

13 (11) improve indoor air quality in public school
14 facilities;

15 (12) reduce or eliminate the presence of—

16 (A) toxins and chemicals, including mer-
17 cury, radon, PCBs, lead, and asbestos;

18 (B) mold and mildew; or

19 (C) rodents and pests;

20 (13) ensure the safety of drinking water at the
21 tap and water used for meal preparation in public
22 school facilities, which may include testing of the po-
23 tability of water at the tap for the presence of lead
24 and other contaminants;

1 (14) bring public school facilities into compli-
2 ance with applicable fire, health, and safety codes;

3 (15) make public school facilities accessible to
4 people with disabilities through compliance with the
5 Americans with Disabilities Act of 1990 (42 U.S.C.
6 12101 et seq.) and section 504 of the Rehabilitation
7 Act of 1973 (29 U.S.C. 794);

8 (16) provide instructional program space im-
9 provements for programs relating to early learning
10 (including early learning programs operated by part-
11 ners of the agency), special education, science, tech-
12 nology, career and technical education, physical edu-
13 cation, or the arts;

14 (17) increase the use of public school facilities
15 for the purpose of community-based partnerships
16 that provide students with academic, health, and so-
17 cial services;

18 (18) ensure the health of students and staff
19 during the construction or modernization of public
20 school facilities; or

21 (19) reduce or eliminate excessive classroom
22 noise.

23 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
24 educational agency may use funds received under section
25 103(a)(2) or proceeds from a school infrastructure bond

1 limitation allocated under section 54BB(g)(1)(C) of the
2 Internal Revenue Code of 1986 (as added by section 201)
3 to leverage existing public programs or public-private part-
4 nerships to expand access to high-speed broadband suffi-
5 cient for digital learning.

6 **SEC. 1021. PROHIBITED USES.**

7 A local educational agency that receives covered
8 funds may not use such funds for—

9 (1) payment of routine and predictable mainte-
10 nance costs and minor repairs;

11 (2) any facility that is primarily used for ath-
12 letic contests or exhibitions or other events for which
13 admission is charged to the general public;

14 (3) vehicles;

15 (4) central offices, operation centers, or other
16 facilities that are not primarily used to educate stu-
17 dents; or

18 (5) digital infrastructure or handheld digital de-
19 vices.

20 **SEC. 1022. GREEN PRACTICES.**

21 (a) IN GENERAL.—In a given fiscal year, a local edu-
22 cational agency that uses covered funds for a new con-
23 struction project or renovation project shall use not less
24 than the applicable percentage (as described in subsection
25 (b)) of the funds used for such project for construction

1 or renovation that is certified, verified, or consistent with
2 any applicable provisions of—

3 (1) the United States Green Building Council
4 Leadership in Energy and Environmental Design
5 green building rating standard (commonly known as
6 the “LEED Green Building Rating System”);

7 (2) the Living Building Challenge developed by
8 the International Living Future Institute;

9 (3) a green building rating program developed
10 by the Collaborative for High-Performance Schools
11 (commonly known as “CHPS”) that is CHPS-
12 verified;

13 (4) a program that—

14 (A) has standards that are equivalent to or
15 more stringent than the standards of a program
16 described in paragraphs (1) through (3);

17 (B) is adopted by the State or another ju-
18 risdiction with authority over the agency; and

19 (C) includes a verifiable method to dem-
20 onstrate compliance with such program.

21 (b) APPLICABLE PERCENTAGE.—The applicable per-
22 centage described in this subsection is—

23 (1) for fiscal year 2018, 60 percent;

24 (2) for fiscal year 2019, 70 percent;

25 (3) for fiscal year 2020; 80 percent;

- 1 (4) for fiscal year 2021, 90 percent; and
2 (5) for each of fiscal years 2022 through 2027,
3 100 percent.

4 **SEC. 1023. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
5 **TURED PRODUCTS.**

6 (a) IN GENERAL.—A local educational agency that
7 receives covered funds shall ensure that any iron, steel,
8 and manufactured products used in projects carried out
9 with such funds are produced in the United States.

10 (b) WAIVER AUTHORITY.—

11 (1) IN GENERAL.—The Secretary may waive
12 the requirement of subsection (a) if the Secretary
13 determines that—

14 (A) applying subsection (a) would be in-
15 consistent with the public interest;

16 (B) iron, steel, and manufactured products
17 produced in the United States are not produced
18 in a sufficient and reasonably available amount
19 or are not of a satisfactory quality; or

20 (C) using iron, steel, and manufactured
21 products produced in the United States will in-
22 crease the cost of the overall project by more
23 than 25 percent.

24 (2) PUBLICATION.—Before issuing a waiver
25 under paragraph (1), the Secretary shall publish in

1 the Federal Register a detailed written explanation
2 of the waiver determination.

3 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
4 MENTS.—This section shall be applied in a manner con-
5 sistent with the obligations of the United States under
6 international agreements.

7 (d) DEFINITIONS.—In this section:

8 (1) PRODUCED IN THE UNITED STATES.—The
9 term “produced in the United States” means the fol-
10 lowing:

11 (A) When used with respect to a manufac-
12 tured product, the product was manufactured in
13 the United States and the cost of the compo-
14 nents of such product that were mined, pro-
15 duced, or manufactured in the United States
16 exceeds 60 percent of the total cost of all com-
17 ponents of the product.

18 (B) When used with respect to iron or
19 steel products, or an individual component of a
20 manufactured product, all manufacturing proc-
21 esses for such iron or steel products or compo-
22 nents, from the initial melting stage through
23 the application of coatings, occurred in the
24 United States. Except that the term does not
25 include—

1 (i) steel or iron material or products
2 manufactured abroad from semi-finished
3 steel or iron from the United States; and

4 (ii) or iron material or products man-
5 ufactured in the United States from semi-
6 finished steel or iron of foreign origin.

7 (2) MANUFACTURED PRODUCT.—The term
8 “manufactured product” means any construction
9 material or end product (as such terms are defined
10 in part 25.003 of the Federal Acquisition Regula-
11 tion) that is not an iron or steel product, includ-
12 ing—

13 (A) electrical components; and

14 (B) non-ferrous building materials, includ-
15 ing, aluminum and polyvinylchloride (PVC),
16 glass, fiber optics, plastic, wood, masonry, rub-
17 ber, manufactured stone, any other non-ferrous
18 metals, and any unmanufactured construction
19 material.

20 **SEC. 1024. COMPTROLLER GENERAL REPORT.**

21 (a) IN GENERAL.—Not later than the date that is
22 2 years after the date of the enactment of this Act, the
23 Comptroller General of the United States shall submit to
24 the appropriate congressional committees a report on the
25 projects carried out with covered funds.

1 (b) ELEMENTS.—The report under subsection (a)
2 shall include an assessment of—

3 (1) the types of projects carried out with cov-
4 ered funds;

5 (2) the geographic distribution of the projects;

6 (3) an assessment of the impact of the projects
7 on the health and safety of school staff and stu-
8 dents; and

9 (4) how the Secretary or States could make
10 covered funds more accessible—

11 (A) to schools with highest numbers and
12 percentages of students counted under section
13 1124(c) of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6333(c)); and

15 (B) to schools with fiscal challenges in
16 raising capital for school infrastructure
17 projects.

18 (c) UPDATES.—The Comptroller General shall up-
19 date and resubmit the report to the appropriate congres-
20 sional committees—

21 (1) on a date that is between 5 and 6 years
22 after the date of enactment of this Act; and

23 (2) on a date that is between 10 and 11 years
24 after such date of enactment.

1 **SEC. 1025. STUDY AND REPORT PHYSICAL CONDITION OF**
2 **PUBLIC SCHOOLS.**

3 (a) STUDY AND REPORT.—Not less frequently than
4 once in each 5-year period beginning after the date of the
5 enactment of this Act, the Secretary, acting through the
6 Director of the Institute of Education Sciences, shall—

7 (1) carry out a comprehensive study of the
8 physical conditions of public schools in the United
9 States, including schools that received covered funds
10 schools that did not receive such funds; and

11 (2) submit a report to the appropriate congress-
12 sional committees that includes that results of the
13 study.

14 (b) ELEMENTS.—Each study and report under sub-
15 section (a) shall include an assessment of—

16 (1) the effect of school facility conditions on
17 student and staff health and safety;

18 (2) the effect of school facility conditions on
19 student academic outcomes;

20 (3) the condition of school facilities, set forth
21 separately by geographic region;

22 (4) the condition of school facilities for eco-
23 nomically disadvantaged students as well as students
24 from major racial and ethnic subgroups; and

25 (5) the accessibility of school facilities for stu-
26 dents and staff with disabilities.

1 **SEC. 1026. DEVELOPMENT OF DATA STANDARDS.**

2 (a) DATA STANDARDS.—Not later than 120 days
3 after the date of the enactment of this Act, the Secretary,
4 in consultation with the officials described in subsection
5 (b), shall—

6 (1) identify the data that States should collect
7 and include in the databases developed under section
8 102(a)(2)(B);

9 (2) develop standards for the measurement of
10 such data; and

11 (3) issue guidance to States concerning the col-
12 lection and measurement of such data.

13 (b) OFFICIALS.—The officials described in this sub-
14 section are—

15 (1) the Administrator of the Environmental
16 Protection Agency;

17 (2) the Secretary of Energy;

18 (3) the Director of the Centers for Disease
19 Control and Prevention; and

20 (4) the Director of the National Institute for
21 Occupational Safety and Health.

22 **SEC. 1027. INFORMATION CLEARINGHOUSE.**

23 (a) IN GENERAL.—Not later than 120 days after the
24 date of the enactment of this Act, the Secretary shall es-
25 tablish a clearinghouse to disseminate information on Fed-
26 eral programs and financing mechanisms that may be

1 used to assist schools in initiating, developing, and financ-
2 ing—

3 (1) energy efficiency projects;

4 (2) distributed generation projects; and

5 (3) energy retrofitting projects.

6 (b) ELEMENTS.—In carrying out subsection (a), the
7 Secretary shall—

8 (1) consult with the officials described in sec-
9 tion 307(b) to develop a list of Federal programs
10 and financing mechanisms to be included in the
11 clearinghouse; and

12 (2) coordinate with such officials to develop a
13 collaborative education and outreach effort to
14 streamline communications and promote the Federal
15 programs and financing mechanisms included in the
16 clearinghouse, which may include the development
17 and maintenance of a single online resource that in-
18 cludes contact information for relevant technical as-
19 sistance that may be used by States, local education
20 agencies, and schools to effectively access and use
21 such Federal programs and financing mechanisms.

1 **SEC. 1028. TEMPORARY INCREASE IN FUNDING FOR IM-**
2 **PACT AID CONSTRUCTION.**

3 Section 7014(d) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
5 to read as follows:

6 “(d) CONSTRUCTION.—For the purpose of carrying
7 out section 7007, there are authorized to be appro-
8 priated—

9 “(1) \$17,406,000 for fiscal year 2017;

10 “(2) \$50,406,000 for each of fiscal years 2018
11 and 2019; and

12 “(3) \$52,756,765 for fiscal year 2020.”.

13 **Subtitle B—Building Resiliency**

14 **SEC. 1201. DEFINITIONS.**

15 For purposes of this subtitle, the following definitions
16 shall apply:

17 (1) ELIGIBLE ENTITY.—The term “eligible enti-
18 ty” means—

19 (A) a State;

20 (B) a unit of general local government;

21 (C) an Indian tribe; or

22 (D) a regional entity comprised of entities
23 described in subparagraph (A), (B), or (C).

24 (2) NATIONAL CENTER.—The term “National
25 Center” means the National Research Center for
26 Resilience established under section 143.

1 (3) RESILIENCE.—The term “resilience” means
2 the ability to prepare and plan for, absorb, recover
3 from, and more successfully adapt to disasters,
4 chronic stresses, and acute shocks, including any
5 hurricane, tornado, storm, high water, recurrent
6 flooding, wind-driven water, tidal wave, tsunami,
7 earthquake, volcanic eruption, fire, landslide,
8 mudslide, snowstorm, or drought.

9 (4) RESILIENCE GRANT.—The term “resilience
10 grant” means a grant awarded under section 142.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of Housing and Urban Development.

13 (6) STATE; UNIT OF GENERAL LOCAL GOVERN-
14 MENT; INDIAN TRIBE.—The terms “State”, “unit of
15 general local government”, and “Indian tribe” have
16 the meanings given such terms in section 102 of the
17 Housing and Community Development Act of 1974
18 (42 U.S.C. 5302).

19 **SEC. 1202. COMMUNITY RESILIENCE GRANT PROGRAM.**

20 (a) AUTHORITY.—The Secretary of Housing and
21 Urban Development shall carry out a Community Resil-
22 ience Grant Program under this section to provide assist-
23 ance to communities for increasing resilience to chronic
24 stresses and acute shocks, including improving long-term
25 resilience of infrastructure and housing.

1 (b) GRANTEES.—Grant amounts shall be awarded on
2 a competitive basis, as provided under section 102 of the
3 Department of Housing and Urban Development Reform
4 Act of 1989 (42 U.S.C. 3545), only to eligible entities,
5 within whose boundaries or jurisdictions are located any
6 area for which a major disaster was declared pursuant to
7 section 401 of the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5170), during the
9 5-year period ending upon the date on which the eligible
10 entity submits an application for such a grant.

11 (c) ELIGIBLE ACTIVITIES.—

12 (1) IN GENERAL.—Amounts from a resilience
13 grant may be used only for activities authorized
14 under either section 105 or 108 of the Housing and
15 Community Development Act of 1974 (42 U.S.C.
16 5305, 5308), but not including activities under para-
17 graphs (9) and (10) of such section 105(a).

18 (2) CONSULTATION.—The Secretary shall con-
19 sult with the Administrator of the Federal Emer-
20 gency Management Agency, the Chief of Engineers
21 and Commanding General of the United States
22 Army Corps of Engineers, the Administrator of the
23 Environmental Protection Agency, and the Secretary
24 of Transportation before awarding a resilience grant
25 to ensure that there is no duplication of assistance

1 with respect to activities carried out with amounts
2 provided from a resilience grant.

3 (d) MATCHING REQUIREMENT.—

4 (1) IN GENERAL.—The Secretary shall require
5 each recipient of a resilience grant to supplement
6 the amounts of the grant with an amount of funds
7 from non-Federal sources that is not less than 50
8 percent of the amount of the resilience grant.

9 (2) FORM OF NON-FEDERAL SHARE.—Supple-
10 mental funds provided under paragraph (1) may in-
11 clude any non-monetary, in-kind contributions in
12 connection with activities carried out under the plan
13 approved under subsection (e) for the grant recipi-
14 ent.

15 (e) APPLICATION; SELECTION; SELECTION CRITERIA;
16 PLANS.—

17 (1) APPLICATIONS.—

18 (A) REQUIREMENT.—The Secretary shall
19 provide for eligible entities to submit applica-
20 tions for resilience grants.

21 (B) PLANS FOR USE OF GRANT FUNDS.—

22 The Secretary shall require each application for
23 a resilience grant to include a plan detailing the
24 proposed use of all grant funds, including how

1 the use of such funds will address long-term re-
2 siliance of infrastructure and housing.

3 (2) REVIEW AND SELECTION; CRITERIA FOR SE-
4 LECTION.—

5 (A) COMPETITION.—Resilience grants shall
6 be awarded on a competitive basis and the Sec-
7 retary shall establish and utilize a transparent,
8 reliable, and valid system for reviewing and
9 evaluating applications for resilience grants, in
10 accordance with section 102 of the Department
11 of Housing and Urban Development Reform
12 Act of 1989 (42 U.S.C. 3545).

13 (B) CRITERIA.—The Secretary shall estab-
14 lish, by notice, and utilize criteria for selecting
15 applications to be funded under this section,
16 which shall—

17 (i) be based primarily on a determina-
18 tion of greatest need, as such term is de-
19 fined by the Secretary;

20 (ii) provide due consideration to other
21 enumerated factors, including the ability of
22 the plan for use of grant funds required
23 under paragraph (1)(B) to increase an ap-
24 plicant's resilience, and the capacity of the

1 applicant to successfully implement the ac-
2 tivities described in such plan;

3 (iii) provide that the Secretary shall
4 consider that an application that includes a
5 plan for use of grant funds that consists of
6 a resilience or mitigation plan previously
7 approved by another Federal agency, in-
8 cluding a hazard mitigation plan developed
9 under section 322 of the Robert T. Staf-
10 ford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5165), shall be suffi-
12 cient for purposes of paragraph (1)(B) if,
13 together with such plan, the applicant in-
14 cludes a detailed description regarding use
15 of all grant funds provided under this sec-
16 tion;

17 (iv) give consideration to the need for
18 resilience grants to be awarded to eligible
19 entities in each region of the United
20 States; and

21 (v) give consideration to applicants
22 whose plans submitted under paragraph
23 (1)(B) propose innovative approaches to
24 increasing community resilience to extreme
25 weather, including increasing long-term re-

1 silience of infrastructure and housing and
2 economic resilience.

3 (f) ADMINISTRATION; TREATMENT AS CDBG
4 FUNDS.—Except as otherwise provided by this subtitle,
5 amounts appropriated, revenues generated, or amounts
6 otherwise made available to eligible entities under this sec-
7 tion shall be treated as though such funds were commu-
8 nity development block grant funds under title I of the
9 Housing and Community Development Act of 1974 (42
10 U.S.C. 5301 et seq.).

11 (g) ENVIRONMENTAL REVIEWS.—

12 (1) ASSUMPTION OF RESPONSIBILITIES.—

13 (A) IN GENERAL.—In order to ensure that
14 the policies of the National Environmental Pol-
15 icy Act of 1969 (42 U.S.C. 4321 et seq.), and
16 other provisions of law which further the pur-
17 poses of such Act (as specified in regulations
18 issued by the Secretary) are most effectively im-
19 plemented in connection with the expenditure of
20 funds under this section, and to assure to the
21 public undiminished protection of the environ-
22 ment, the Secretary, in lieu of the environ-
23 mental protection procedures otherwise applica-
24 ble, may under regulations provide for the re-
25 lease of funds for particular projects to recipi-

1 ents of resilience grants who assume all of the
2 responsibilities for environmental review, deci-
3 sionmaking, and action pursuant to such Act,
4 and such other provisions of law as the regula-
5 tions of the Secretary specify, that would apply
6 to the Secretary were the Secretary to under-
7 take such projects as Federal projects.

8 (B) CONSULTATION.—The Secretary shall
9 issue regulations to carry out this paragraph
10 only after consultation with the Council on En-
11 vironmental Quality.

12 (2) SUBMISSION OF CERTIFICATION.—

13 (A) IN GENERAL.—The Secretary shall ap-
14 prove the release of funds for projects subject
15 to the procedures authorized by this subsection
16 only if, at least 15 days prior to such approval
17 and prior to any commitment of funds to such
18 projects other than for purposes authorized by
19 section 105(a)(12) of the Housing and Commu-
20 nity Development Act of 1974 (42 U.S.C.
21 5305(a)(12)), or for environmental studies, the
22 recipient of a resilience grant has submitted to
23 the Secretary a request for such release accom-
24 panied by a certification which meets the re-
25 quirements of paragraph (3).

1 (B) SATISFACTION OF ENVIRONMENTAL
2 LAWS.—The Secretary’s approval of any such
3 certification shall be deemed to satisfy the Sec-
4 retary’s responsibilities under the National En-
5 vironmental Policy Act of 1969 and such other
6 provisions of law as the regulations of the Sec-
7 retary specify insofar as those responsibilities
8 relate to the releases of funds for projects to be
9 carried out pursuant thereto which are covered
10 by such certification.

11 (3) REQUIREMENTS OF CERTIFICATION.—A
12 certification under the procedures authorized by this
13 subsection shall—

14 (A) be in a form acceptable to the Sec-
15 retary;

16 (B) be executed by the chief executive offi-
17 cer or other officer of the recipient of a resil-
18 ience grant who is qualified under regulations
19 of the Secretary;

20 (C) specify that the recipient of the resil-
21 ience grant has fully carried out its responsibil-
22 ities as described under paragraph (1) of this
23 subsection; and

24 (D) specify that the certifying officer—

1 (i) consents to assume the status of a
2 responsible Federal official under the Na-
3 tional Environmental Policy Act of 1969
4 and each provision of law specified in regu-
5 lations issued by the Secretary insofar as
6 the provisions of such Act or other such
7 provision of law apply pursuant to para-
8 graph (1) of this subsection; and

9 (ii) is authorized and consents on be-
10 half of the recipient of the resilience grant
11 and the certifying office to accept the ju-
12 risdiction of the Federal courts for the
13 purpose of enforcement of his responsibil-
14 ities as such an official.

15 (4) GRANTS TO STATES.—In the case of a resil-
16 ience grant made to a State—

17 (A) the State shall perform those actions
18 of the Secretary described in paragraph (2);
19 and

20 (B) the performance of such actions shall
21 be deemed to satisfy the Secretary's responsibil-
22 ities referred to in subparagraph (B) of such
23 paragraph.

24 (5) IMPLEMENTATION.—The Secretary shall
25 implement this subsection in a manner consistent

1 with the implementation of section 104(g) of the
2 Housing and Community Development Act of 1974
3 (42 U.S.C. 5304(g)).

4 **SEC. 1203. NATIONAL RESEARCH CENTER FOR RESILIENCE.**

5 (a) ESTABLISHMENT.—The Secretary, acting
6 through the Office of Policy Development and Research,
7 shall—

8 (1) select, on a competitive basis, a single non-
9 profit organization having a national reputation for
10 expertise in resilience research and capacity building
11 to develop a National Research Center for Resilience;
12 and

13 (2) subject only to the availability of amounts
14 provided in appropriation Acts, make annual grants
15 of amounts made available pursuant to section
16 146(b)(1) for the establishment and operation of the
17 National Center.

18 (b) ACTIVITIES.—The National Center shall—

19 (1) collaborate with institutions of higher edu-
20 cation as partners to create a best practices sharing
21 network to support the programs and activities car-
22 ried out with resilience grants;

23 (2) coordinate with any other relevant centers
24 and entities throughout the Federal Government on
25 efforts relating to improving community resilience;

1 (3) collect and disseminate research and other
2 information about evidence-based and promising
3 practices related to resilience to inform the efforts of
4 research partners and to support the programs and
5 activities carried out with resilience grants;

6 (4) increase the public's knowledge and under-
7 standing of effective practices to improve regional
8 and community resilience throughout the United
9 States; and

10 (5) make grants under subsection (d) for Re-
11 gional Centers for Resilience.

12 (c) DISSEMINATION OF PROVEN PRACTICES.—The
13 Secretary shall collect information from the National Cen-
14 ter regarding its activities and research and shall develop,
15 manage, and regularly update an online site to dissemi-
16 nate proven practices for improving community resilience.

17 (d) GRANTS FOR REGIONAL CENTERS FOR RESIL-
18 IENCE.—

19 (1) GRANT PROGRAM.—The National Center
20 shall carry out a program to make grants to institu-
21 tions of higher education, or other non-profit organi-
22 zations, having a national reputation to establish a
23 Regional Center for Resilience in each of the 10 re-
24 gions of the Department of Housing and Urban De-
25 velopment, as that shall serve as regional research

1 partners with recipients of resilience grants that are
2 located in the same geographic region as such insti-
3 tution, in collaboration with the National Center.

4 (2) SUPPORT SERVICES.—A Regional Center
5 for Resilience receiving a grant under this section
6 shall use such grant amounts to—

7 (A) provide research support to recipients
8 of resilience grants, including support services
9 for data collection, general research, and anal-
10 ysis to assess the progress of activities carried
11 out with resilience grants;

12 (B) provide technical assistance to prospec-
13 tive applicants for, and recipients of, resilience
14 grants; and

15 (C) collaborate with and share information
16 with the National Center.

17 **SEC. 1204. ANNUAL PROGRAMS REPORT.**

18 The Secretary shall annually submit to the Congress,
19 and make publicly available, a report on the programs car-
20 ried out under this subtitle, which shall evaluate the per-
21 formance of such programs using the program perform-
22 ance metrics established under Executive Order 13576 (76
23 Fed. Reg. 35297), or any subsequent replacement execu-
24 tive order.

1 **SEC. 1205. GAO REPORTS.**

2 (a) ACCESS TO INFORMATION.—The Comptroller
3 General of the United States shall have access to all infor-
4 mation regarding and generated by the programs carried
5 out under this subtitle.

6 (b) REPORTS.—Not later than the expiration of the
7 2-year period beginning on the date of the enactment of
8 this Act, and every two years thereafter, the Comptroller
9 General shall submit to the Congress a report analyzing
10 and assessing the performance of the programs carried out
11 under this subtitle.

12 **SEC. 1206. FUNDING.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this subtitle
15 \$1,000,000,000 for each of fiscal years 2019 through
16 2023.

17 (b) ALLOCATION.—Of any amounts appropriated for
18 each such fiscal year—

19 (1) 1.0 percent shall be available for grants
20 under section 143;

21 (2) 0.1 percent shall be available to the Office
22 of Community Planning and Development for nec-
23 essary costs, including information technology costs
24 and salaries and expenses, of administering and
25 overseeing funds made available for grants under
26 sections 142 and 143; and

1 (3) the remainder shall be available for resil-
2 ience grants under section 142.

3 **TITLE II—POVERTY**

4 **SEC. 2001. ALLOCATION OF FUNDS FOR ASSISTANCE IN** 5 **PERSISTENT POVERTY COUNTIES.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, of the funds made available (if any) in each
8 of fiscal years 2019 through 2028 in any appropriations
9 Act for each of the following accounts or activities, 10 per-
10 cent of such funds shall be allocated for assistance in per-
11 sistent poverty counties:

12 (1) “Department of Agriculture, Rural Develop-
13 ment Programs”.

14 (2) “Department of Commerce, Economic De-
15 velopment Administration, Economic Development
16 Assistance Programs”.

17 (3) “Department of Commerce, National Insti-
18 tute of Standards and Technology, Construction of
19 Research Facilities”.

20 (4) “Department of Education, Fund for the
21 Improvement of Education”.

22 (5) “Department of Education, Fund for the
23 Improvement of Postsecondary Education”.

1 (6) “Department of Labor, Employment and
2 Training Administration, Training and Employment
3 Services”.

4 (7) “Department of Health and Human Serv-
5 ices, Health Resources and Services Administra-
6 tion”.

7 (8) “Department of Housing and Urban Devel-
8 opment, Economic Development Initiative”.

9 (9) “Department of Justice, Office of Justice
10 Programs”.

11 (10) “Environmental Protection Agency, State
12 and Tribal Assistance Grants, Water and Waste-
13 water”.

14 (11) “Department of Transportation, Federal
15 Highway Administration, Transportation Commu-
16 nity and System Preservation”.

17 (12) “Department of the Treasury, Community
18 Development Financial Institutions”.

19 (b) DETERMINATION OF PERSISTENT POVERTY
20 COUNTIES.—For purposes of this section, the term “per-
21 sistent poverty counties” means any county with a poverty
22 rate of at least 20 percent, as determined in each of the
23 1990 and 2000 decennial censuses and the Bureau of the
24 Census’s Small Area Income and Poverty Estimates

1 (“SAIPE”) for the most recent year for which SAIPE
2 data is available.

3 (c) REPORTS.—Not later than six months after the
4 date of the enactment of this Act, each department or
5 agency listed in subsection (a) shall submit to Congress
6 a progress report on the implementation of this section.

7 **SEC. 2002. SENSE OF THE CONGRESS.**

8 It is the sense of the Congress that a qualified entity
9 conducting a demonstration project under the Assets for
10 Independence Act should, to the maximum extent prac-
11 ticable, increase—

12 (1) the rate at which the entity matches con-
13 tributions by individuals participating in the project
14 under section 410(a)(1) of such Act; or

15 (2) the number of individuals participating in
16 the project.

17 **SEC. 2003. FINDINGS.**

18 Section 402 of the Assets for Independence Act (42
19 U.S.C. 604 note) is amended—

20 (1) in paragraph (2), by striking “Fully $\frac{1}{2}$ ”
21 and inserting “Almost $\frac{1}{4}$ ”; and

22 (2) in paragraph (4), by striking the first sen-
23 tence and inserting the following: “Traditional pub-
24 lic assistance programs concentrate on income and
25 consumption and have lacked an asset-building com-

1 ponent to promote and support the transition to in-
2 creased economic self-sufficiency.”.

3 **SEC. 2004. DEFINITIONS.**

4 Section 404 of the Assets for Independence Act (42
5 U.S.C. 604 note) is amended—

6 (1) by striking paragraph (4) and inserting the
7 following:

8 “(4) HOUSEHOLD.—The term ‘household’
9 means an individual or group of individuals who live
10 in a single residence. Multiple households may share
11 a single residence.”;

12 (2) in paragraph (5)(A)—

13 (A) by striking clause (iii);

14 (B) by redesignating clauses (iv) through
15 (vi) as clauses (iii) through (v), respectively;
16 and

17 (C) in clause (iv), as so redesignated by
18 subparagraph (B), by striking “clause (vi)” and
19 inserting “clause (v)”;

20 (3) in paragraph (7)(A), by striking clauses (ii)
21 and (iii) and inserting the following:

22 “(ii) a State or local government
23 agency (or a public housing agency, as de-
24 fined in section 3(b)(6) of the United
25 States Housing Act of 1937 (42 U.S.C.

1 1437a(b)(6))) or a tribal government (or a
2 tribally designated housing entity, as de-
3 fined in section 4(22) of the Native Amer-
4 ican Housing Assistance and Self-Deter-
5 mination Act of 1996 (25 U.S.C.
6 4103(22)));

7 “(iii) a credit union designated as a
8 low-income credit union by the National
9 Credit Union Administration (NCUA); or

10 “(iv) an organization designated as a
11 community development financial institu-
12 tion by the Secretary of the Treasury (or
13 the Community Development Financial In-
14 stitutions Fund).”; and

15 (4) in paragraph (8)—

16 (A) in subparagraph (A)—

17 (i) in the first sentence—

18 (I) by inserting “of an eligible in-
19 dividual or the dependent of an eligi-
20 ble individual (as such term is used in
21 subparagraph (E)(ii))” after “ex-
22 penses”; and

23 (II) by inserting “, or to a vendor
24 pursuant to an education purchase

1 plan approved by a qualified entity”
2 before the period;

3 (ii) in clause (i)—

4 (I) in subclause (II), by inserting
5 “or for courses described in subclause
6 (III)” after “eligible educational insti-
7 tution”; and

8 (II) by adding at the end the fol-
9 lowing:

10 “(III) PREPARATORY
11 COURSES.—Preparatory courses for
12 an examination required for admission
13 to an eligible educational institution,
14 for successful performance at an eligi-
15 ble educational institution, or for a
16 professional licensing or certification
17 examination.

18 “(IV) ROOM AND BOARD AND
19 TRANSPORTATION.—Room and board
20 and transportation, including com-
21 muting expenses, necessary to enable
22 attendance at courses of instruction at
23 an eligible educational institution or
24 attendance at courses described in
25 subclause (III).”;

1 (iii) by striking clause (ii) and insert-
2 ing the following:

3 “(ii) ELIGIBLE EDUCATIONAL INSTI-
4 TUTION.—The term ‘eligible educational
5 institution’ means—

6 “(I) an institution described in
7 section 101 or 102 of the Higher
8 Education Act of 1965 (20 U.S.C.
9 1001, 1002); or

10 “(II) an area career and tech-
11 nical education school, as defined in
12 section 3(3) of the Carl D. Perkins
13 Career and Technical Education Act
14 of 2006 (20 U.S.C. 2302(3)).”; and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(iii) EDUCATION PURCHASE PLAN.—
18 The term ‘education purchase plan’ means
19 a plan—

20 “(I) for the purchase of items or
21 services described in subclauses (II)
22 through (IV) of clause (i) from enti-
23 ties other than eligible educational in-
24 stitutions;

1 “(II) that includes a description
2 of the items or services to be pur-
3 chased; and

4 “(III) that includes such infor-
5 mation as a qualified entity may re-
6 quest from the eligible individual in-
7 volved regarding the necessity of the
8 items or services to a course of study
9 at an eligible educational institution
10 or a course described in clause
11 (i)(III).”;

12 (B) in subparagraph (B)—

13 (i) by striking clause (i) and inserting
14 the following:

15 “(i) **PRINCIPAL RESIDENCE.**—The
16 term ‘principal residence’ means a main
17 residence the qualified acquisition costs of
18 which do not exceed 120 percent of the
19 median house price in the area, as deter-
20 mined by the Secretary of Housing and
21 Urban Development for purposes of section
22 203(b) of the National Housing Act (12
23 U.S.C. 1709(b)) for a residence occupied
24 by a number of families that corresponds

1 to the number of households occupying the
2 residence involved.”; and

3 (ii) in clause (iii)—

4 (I) by striking subclause (I) and
5 inserting the following:

6 “(I) IN GENERAL.—Subject to
7 subclause (II), the term ‘qualified
8 first-time homebuyer’ means an indi-
9 vidual participating in the project in-
10 volved who—

11 “(aa) has no sole present
12 ownership interest in a principal
13 residence during the 3-year pe-
14 riod ending on the date of acqui-
15 sition of the principal residence
16 to which this subparagraph ap-
17 plies (except for an interest in
18 the principal residence); and

19 “(bb) has no co-ownership
20 interest in a principal residence
21 on the date of acquisition of the
22 principal residence to which this
23 subparagraph applies (except for
24 an interest in the principal resi-
25 dence).”;

1 (II) by redesignating subclause
2 (II) as subclause (III); and
3 (III) by inserting after subclause
4 (I) the following:

5 “(II) EXCEPTION FOR VICTIMS
6 OF DOMESTIC VIOLENCE.—An indi-
7 vidual participating in the project in-
8 volved who is a recent or current vic-
9 tim of domestic violence (as defined in
10 section 40002(a)(8) of the Violence
11 Against Women Act of 1994 (42
12 U.S.C. 13925(a)(8))) shall not be con-
13 sidered to fail to be a qualified first-
14 time homebuyer by reason of having a
15 co-ownership interest in a principal
16 residence with a person who com-
17 mitted domestic violence against the
18 victim.”;

19 (C) by redesignating subparagraphs (C)
20 and (D) as subparagraphs (D) and (E), respec-
21 tively;

22 (D) by inserting after subparagraph (B)
23 the following:

24 “(C) HOME REPLACEMENT, REPAIR, OR
25 IMPROVEMENT.—Qualified replacement costs or

1 qualified repair or improvement costs with re-
2 spect to a principal residence, if paid from an
3 individual development account directly to the
4 persons to whom the amounts are due. In this
5 subparagraph:

6 “(i) PRINCIPAL RESIDENCE.—The
7 term ‘principal residence’ means—

8 “(I) with respect to payment of
9 qualified replacement costs, a main
10 residence the qualified replacement
11 costs of which do not exceed 120 per-
12 cent of the median house price in the
13 area, as determined by the Secretary
14 of Housing and Urban Development
15 for purposes of section 203(b) of the
16 National Housing Act (12 U.S.C.
17 1709(b)) for a residence occupied by a
18 number of families that corresponds
19 to the number of households occu-
20 pying the residence involved; or

21 “(II) with respect to qualified re-
22 pair or improvement costs, a main
23 residence the value of which does not
24 exceed, on the day before the com-
25 mencement of the repairs or improve-

1 ments, 120 percent of the median
2 house price.

3 “(ii) QUALIFIED REPLACEMENT
4 COSTS.—The term ‘qualified replacement
5 costs’ means the costs (including any usual
6 or reasonable settlement, financing, or
7 other closing costs) of replacing—

8 “(I) a manufactured home that
9 was manufactured, assembled, or im-
10 ported for resale before the initial ef-
11 fectiveness of any Federal manufac-
12 tured home construction and safety
13 standards established pursuant to sec-
14 tion 604 of the National Manufac-
15 tured Housing Construction and Safe-
16 ty Standards Act of 1974 (42 U.S.C.
17 5403); or

18 “(II) a residence that fails to
19 meet local building codes or is not le-
20 gally habitable.

21 “(iii) QUALIFIED REPAIR OR IM-
22 PROVEMENT COSTS.—The term ‘qualified
23 repair or improvement costs’ means the
24 costs of making repairs or improvements
25 (including any usual or reasonable financ-

1 ing costs) that will enhance the habitability
2 or long-term value of a residence.”; and

3 (E) by adding at the end the following:

4 “(F) QUALIFIED TUITION PROGRAMS.—

5 Contributions paid from an individual develop-
6 ment account of an eligible individual directly
7 to a qualified tuition program (as defined in
8 section 529(b) of the Internal Revenue Code of
9 1986), for the purpose of covering qualified
10 higher education expenses (as defined in section
11 529(e)(3) of such Code) of a dependent of the
12 individual (as such term is used in subpara-
13 graph (E)(ii) of this paragraph).”.

14 **SEC. 2005. APPLICATIONS.**

15 Section 405 of the Assets for Independence Act (42
16 U.S.C. 604 note) is amended—

17 (1) in subsection (c)(4), by adding at the end
18 the following: “Such funds include funds received
19 under the Community Services Block Grant Act (42
20 U.S.C. 9901 et seq.), the Indian Self-Determination
21 and Education Assistance Act (25 U.S.C. 450b et
22 seq.), the Native American Housing Assistance and
23 Self-Determination Act of 1996 (25 U.S.C. 4101 et
24 seq.), or title I of the Housing and Community De-
25 velopment Act of 1974 (42 U.S.C. 5301 et seq.) (in-

1 including Community Development Block Grant Act
2 funds and Indian Community Development Block
3 Grant Act funds), that are formally committed to
4 the project.”; and

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

6 “(h) APPLICATIONS FOR NEW PROJECTS AND RE-
7 NEWALS OF EXISTING PROJECTS.—For project years be-
8 ginning on or after the date of the enactment of this sub-
9 section, the preceding provisions of this section shall only
10 apply as follows:

11 “(1) ANNOUNCEMENT OF PROCEDURES.—Not
12 later than 180 days after the date of the enactment
13 of this subsection, the Secretary shall publicly an-
14 nounce the procedures by which a qualified entity
15 may submit an application—

16 “(A) to conduct a demonstration project
17 under this title; or

18 “(B) for renewal of authority to conduct a
19 demonstration project under this title.

20 “(2) APPROVAL.—The Secretary shall, on a
21 competitive basis, approve applications submitted
22 pursuant to the procedures announced under para-
23 graph (1) of this subsection, taking into account the
24 assessments required by subsection (c) and giving

1 special consideration to the applications described in
2 paragraph (3) of this subsection.

3 “(3) SPECIAL CONSIDERATION.—The applica-
4 tions described in this paragraph are the following:

5 “(A) Applications submitted by qualified
6 entities proposing to conduct demonstration
7 projects under this title that will target the fol-
8 lowing populations:

9 “(i) Individuals who are or have been
10 in foster care.

11 “(ii) Victims of domestic violence (as
12 defined in section 40002(a)(8) of the Vio-
13 lence Against Women Act of 1994 (42
14 U.S.C. 13925(a)(8))).

15 “(iii) Victims of—

16 “(I) a major disaster declared to
17 exist by the President under section
18 401 of the Robert T. Stafford Dis-
19 aster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5170) or an
21 emergency declared to exist by the
22 President under section 501 of such
23 Act (42 U.S.C. 5191); or

24 “(II) a situation similar to a
25 major disaster or emergency described

1 in subclause (I) declared to exist by
2 the Governor of a State.

3 “(iv) Formerly incarcerated individ-
4 uals.

5 “(v) Individuals who are unemployed
6 or underemployed.

7 “(B) Applications described in subsection
8 (d).

9 “(4) CONTRACTS WITH NONPROFIT ENTI-
10 TIES.—Subsection (f) shall continue to apply.

11 “(5) GRANDFATHERING OF EXISTING STATE-
12 WIDE PROGRAMS.—Subsection (g) shall continue to
13 apply, except that any reference in such subsection
14 to the date of enactment of this Act or to
15 \$1,000,000 shall be deemed to be a reference to the
16 date of the enactment of this subsection or to
17 \$250,000, respectively.”.

18 **SEC. 2006. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.**

19 Section 406(a) of the Assets for Independence Act
20 (42 U.S.C. 604 note) is amended by inserting “(or, in the
21 case of an application approved under section 405(h)(2),
22 not later than 30 days after the date of the approval of
23 the application)” after “the date of enactment of this
24 title”.

1 **SEC. 2007. RESERVE FUND.**

2 Section 407(c) of the Assets for Independence Act
3 (42 U.S.C. 604 note) is amended—

4 (1) in paragraph (1)(D), by inserting “or orga-
5 nizations” after “organization”; and

6 (2) by striking paragraph (3) and inserting the
7 following:

8 “(3) LIMITATION ON USES.—

9 “(A) IN GENERAL.—Of the amount pro-
10 vided to a qualified entity under section
11 406(b)—

12 “(i) not more than 5.5 percent shall
13 be used for the purpose described in sub-
14 paragraph (A) of paragraph (1);

15 “(ii) not less than 80 percent shall be
16 used for the purpose described in subpara-
17 graph (B) of such paragraph; and

18 “(iii) not more than 14.5 percent shall
19 be used for the purposes described in sub-
20 paragraphs (C) and (D) of such para-
21 graph.

22 “(B) JOINT ADMINISTRATION OF
23 PROJECT.—If 2 or more qualified entities are
24 jointly administering a demonstration project,
25 no such entity shall use more than its propor-
26 tional share of the percentage indicated in sub-

1 paragraph (A) of this paragraph for the pur-
2 poses described in subparagraphs (A) through
3 (D) of paragraph (1).”.

4 **SEC. 2008. ELIGIBILITY FOR PARTICIPATION.**

5 Section 408 of the Assets for Independence Act (42
6 U.S.C. 604 note) is amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) INCOME TESTS.—The household meets ei-
11 ther of the following income tests:

12 “(A) ADJUSTED GROSS INCOME TEST.—
13 The adjusted gross income of the household for
14 the last taxable year ending in or with the pre-
15 ceding calendar year does not exceed the great-
16 er of—

17 “(i) 200 percent of the Federal pov-
18 erty line, as defined in section 673(2) of
19 the Community Services Block Grant Act
20 (42 U.S.C. 9902(2)), including any revi-
21 sion required by such section, for a family
22 composed of the number of persons in the
23 household at the end of the taxable year;
24 or

1 “(ii) 80 percent of the median income
2 for the area for the taxable year, as deter-
3 mined by the Secretary of Housing and
4 Urban Development for purposes of section
5 3(b)(2) of the United States Housing Act
6 of 1937 (42 U.S.C. 1437a(b)(2)), taking
7 into account any family-size adjustment by
8 the Secretary under such section that cor-
9 responds to the size of the household at
10 the end of the taxable year.

11 “(B) MODIFIED ADJUSTED GROSS INCOME
12 TEST.—

13 “(i) IN GENERAL.—The modified ad-
14 justed gross income of the household for
15 the last taxable year ending in or with the
16 preceding calendar year does not exceed
17 the amount described in clause (ii) for the
18 individual whose eligibility is being deter-
19 mined under this section.

20 “(ii) AMOUNT DESCRIBED.—The
21 amount described in this clause for an in-
22 dividual is as follows:

23 “(I) MARRIED FILING JOINT-
24 LY.—\$40,000 for an individual de-

1 scribed in section 1(a)(1) of the Inter-
2 nal Revenue Code of 1986.

3 “(II) SURVIVING SPOUSE.—
4 \$40,000 for an individual described in
5 section 1(a)(2) of such Code.

6 “(III) HEAD OF HOUSEHOLD.—
7 \$30,000 for an individual described in
8 section 1(b) of such Code.

9 “(IV) SINGLE OR MARRIED FIL-
10 ING SEPARATELY.—\$20,000 for an in-
11 dividual described in section 1(c) or
12 1(d) of such Code.

13 “(iii) ADJUSTMENT FOR INFLA-
14 TION.—

15 “(I) IN GENERAL.—In the case
16 of a calendar year described in clause
17 (i) that is after 2018, the dollar
18 amounts in clause (ii) shall be the dol-
19 lar amounts determined under this
20 clause (or clause (ii)) for the previous
21 year increased by the annual percent-
22 age increase (if any) in the consumer
23 price index (all items; U.S. city aver-
24 age) as of September of the calendar
25 year described in clause (i).

1 “(II) ROUNDING.—Any dollar
2 amount determined under subclause
3 (I) that is not a multiple of \$100 shall
4 be rounded to the next greatest mul-
5 tiple of \$100.”; and

6 (B) in paragraph (2), by adding at the end
7 the following:

8 “(D) ADJUSTMENT FOR INFLATION.—

9 “(i) IN GENERAL.—In the case of a
10 calendar year described in subparagraph
11 (A) that is after 2018, the dollar amount
12 in such subparagraph shall be the dollar
13 amount determined under this clause (or
14 such subparagraph) for the previous year
15 increased by the annual percentage in-
16 crease (if any) in the consumer price index
17 (all items; U.S. city average) as of Sep-
18 tember of the calendar year described in
19 such subparagraph.

20 “(ii) ROUNDING.—Any dollar amount
21 determined under clause (i) that is not a
22 multiple of \$100 shall be rounded to the
23 next greatest multiple of \$100.”;

24 (2) by redesignating subsection (b) as sub-
25 section (c);

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) CALCULATING INCOME OF HOUSEHOLD.—

4 “(1) ADJUSTED GROSS INCOME.—For purposes
5 of subsection (a)(1)(A), the adjusted gross income of
6 a household for a taxable year is the sum of the ad-
7 justed gross incomes of the individuals who are
8 members of the household at the end of the year.

9 “(2) MODIFIED ADJUSTED GROSS INCOME.—

10 For purposes of subsection (a)(1)(B), the modified
11 adjusted gross income of a household for a taxable
12 year is the sum of the modified adjusted gross in-
13 comes of the individuals who are members of the
14 household at the end of the year.”; and

15 (4) in subsection (c), as so redesignated by
16 paragraph (2) of this subsection—

17 (A) by striking “, including” and all that
18 follows and inserting a period;

19 (B) by striking “The Secretary” and in-
20 serting the following:

21 “(1) IN GENERAL.—The Secretary”; and

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

23 “(2) INDIVIDUALS WHO MOVE BECAUSE OF
24 MAJOR DISASTERS OR EMERGENCIES OR TO FIND
25 EMPLOYMENT.—

1 “(A) IN GENERAL.—The regulations pro-
2 mulgated under paragraph (1) of this sub-
3 section shall establish procedures under which
4 an individual described in subparagraph (B) of
5 this paragraph may transfer from one dem-
6 onstration project under this title to another
7 demonstration project under this title that is
8 being conducted in another community by a
9 qualified entity that agrees to accept the indi-
10 vidual into the project. The regulations shall
11 not permit such a transfer unless the qualified
12 entity has sufficient amounts in its Reserve
13 Fund to make the deposits required by section
14 410 with respect to the individual.

15 “(B) INDIVIDUAL DESCRIBED.—An indi-
16 vidual described in this subparagraph is an in-
17 dividual participating in a demonstration
18 project under this title who moves from the
19 community in which the project is being con-
20 ducted—

21 “(i) because of—

22 “(I) a major disaster declared to
23 exist in the community by the Presi-
24 dent under section 401 of the Robert
25 T. Stafford Disaster Relief and Emer-

1 gency Assistance Act (42 U.S.C.
2 5170) or an emergency declared to
3 exist in the community by the Presi-
4 dent under section 501 of such Act
5 (42 U.S.C. 5191);

6 “(II) a situation similar to a
7 major disaster or emergency described
8 in subclause (I) declared to exist in
9 the community by the Governor of a
10 State; or

11 “(III) a qualifying life event ex-
12 perienced by the individual; or

13 “(ii) in order to secure employment.

14 “(C) QUALIFYING LIFE EVENT DE-
15 FINED.—For purposes of subparagraph
16 (B)(i)(III), the term ‘qualifying life event’—

17 “(i) means an event determined by
18 the Secretary to be similar to an event that
19 would permit the individual to make an
20 election change with respect to a cafeteria
21 plan under section 125 of the Internal
22 Revenue Code of 1986; and

23 “(ii) includes—

24 “(I) a change in the legal marital
25 status of the individual;

1 “(II) a change in the number of
2 dependents of the individual (as such
3 term is used in section 404(8)(E)(ii)
4 of this Act);

5 “(III) the birth or death of a
6 child of the individual;

7 “(IV) the adoption or placement
8 for adoption of a child by the indi-
9 vidual;

10 “(V) a change in the provider of
11 daycare for a child of the individual,
12 or a significant increase in the cost of
13 the daycare; and

14 “(VI) a change in employment
15 status of the individual, the spouse of
16 the individual, or a dependent of the
17 individual (as such term is used in
18 section 404(8)(E)(ii)).

19 “(3) RELOCATION TO COMMUNITY WHERE NO
20 PROJECT IS AVAILABLE.—

21 “(A) IN GENERAL.—An individual de-
22 scribed in subparagraph (B) of this paragraph
23 shall be permitted to withdraw funds from the
24 individual development account of the individual
25 during the 1-year period following the date the

1 individual moves to another community in the
2 same manner that an individual is permitted
3 under section 410(d)(2) to withdraw funds dur-
4 ing the 1-year period following the end of a
5 demonstration project.

6 “(B) INDIVIDUAL DESCRIBED.—An indi-
7 vidual described in this subparagraph is an in-
8 dividual who—

9 “(i) moves to a community where no
10 demonstration project under this title is
11 being conducted; or

12 “(ii) after moving to another commu-
13 nity and making such efforts as the Sec-
14 retary may require to transfer to another
15 demonstration project under this title, is,
16 for any reason other than a violation of the
17 requirements of this title or regulations
18 promulgated by the Secretary under this
19 title, not accepted into another demonstra-
20 tion project under this title.

21 “(C) FUNDS REMAINING IN IDA.—Any
22 funds remaining in an individual development
23 account after the end of the 1-year period de-
24 scribed in subparagraph (A) of this paragraph
25 shall be treated in the same manner as funds

1 remaining in an individual development account
2 after the end of the 1-year period described in
3 section 410(d)(2)(A) are treated under section
4 410(f).

5 “(4) RELOCATION BY OTHER INDIVIDUALS.—
6 The regulations promulgated under paragraph (1)
7 shall prohibit any individual who is unable to con-
8 tinue participating in a demonstration project under
9 this title for any reason, except for an individual de-
10 scribed in paragraph (2)(B) or (3)(B), from being
11 eligible to participate in any other demonstration
12 project conducted under this title.”

13 **SEC. 2009. DEPOSITS BY QUALIFIED ENTITIES.**

14 Section 410 of the Assets for Independence Act (42
15 U.S.C. 604 note) is amended—

16 (1) in subsection (a)(2), by inserting “2 times”
17 after “an amount equal to”;

18 (2) in subsection (b), by striking “\$2,000” and
19 inserting “\$5,000”;

20 (3) in subsection (c), by striking “\$4,000” and
21 inserting “\$10,000”;

22 (4) in subsection (d)—

23 (A) by striking “The Secretary shall” and
24 inserting the following:

25 “(1) IN GENERAL.—The Secretary shall”;

1 (B) in paragraph (1), as amended by sub-
2 paragraph (A) of this paragraph, by adding at
3 the end the following: “The Secretary may
4 waive the application of the preceding sentence
5 in the case of an individual who has partici-
6 pated in another demonstration project under
7 this title (including successful completion after
8 transferring from one project to another project
9 as described in section 408(c)(2)) or an asset-
10 building project similar to the demonstration
11 projects conducted under this title.”; and

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

13 “(2) ACCESS FOR 1 YEAR AFTER END OF
14 PROJECT.—

15 “(A) IN GENERAL.—The Secretary shall
16 ensure that an eligible individual is able to
17 withdraw funds from an individual development
18 account of the individual during the 1-year pe-
19 riod following the end of the demonstration
20 project with respect to which deposits were
21 made into the account (whether the project
22 ends by reason of expiration of the authority
23 under section 406(a) of the qualified entity to
24 conduct the demonstration project, termination
25 of the authority under section 413 without

1 transfer to another qualified entity, or other-
2 wise).

3 “(B) APPROVAL OF WITHDRAWALS.—Dur-
4 ing the period described in subparagraph (A),
5 an eligible individual may make a withdrawal
6 only if the withdrawal is approved in writing—

7 “(i) by a responsible official of the
8 qualified entity; or

9 “(ii) by the Secretary, if the Secretary
10 terminated the authority of the qualified
11 entity to conduct the demonstration project
12 under section 413 or the Secretary deter-
13 mines that the qualified entity is otherwise
14 unable or unwilling to participate in the
15 approval process.”; and

16 (5) by adding at the end the following:

17 “(f) UNUSED FUNDS IN IDA.—If funds remain in
18 an individual development account after the end of the 1-
19 year period described in subsection (d)(2)(A) of this sec-
20 tion, the funds shall be disposed of as considered appro-
21 priate by the Secretary or a nonprofit entity (as such term
22 is used in section 404(7)(A)(i)) designated by the Sec-
23 retary.”.

1 **SEC. 2010. REGULATIONS.**

2 Section 411 of the Assets for Independence Act (42
3 U.S.C. 604 note) is amended—

4 (1) in the heading, by inserting “; **REGULA-**
5 **TIONS**” after “**PROJECTS**”;

6 (2) by striking “A qualified entity” and insert-
7 ing the following:

8 “(a) **LOCAL CONTROL OVER DEMONSTRATION**
9 **PROJECTS.—A qualified entity**”; and

10 (3) by adding at the end the following:

11 “(b) **REGULATIONS.—Subject to subsection (a), not**
12 **later than 180 days after the date of the enactment of**
13 **this subsection, the Secretary shall promulgate such regu-**
14 **lations as the Secretary considers necessary to implement**
15 **this title. The Secretary may provide that any such regula-**
16 **tion takes effect on the date of promulgation, but the Sec-**
17 **retary shall accept and consider public comments for 60**
18 **days after the date of promulgation.”.**

19 **SEC. 2011. ANNUAL PROGRESS REPORTS.**

20 (a) **IN GENERAL.—Section 412(b) of the Assets for**
21 **Independence Act (42 U.S.C. 604 note) is amended by**
22 **striking “subsection (a) to” and all that follows and in-**
23 **serting “subsection (a) to the Secretary.”.**

24 (b) **EFFECTIVE DATE.—The amendment made by**
25 **subsection (a) shall apply to reports submitted on or after**
26 **the date of the enactment of this Act.**

1 **SEC. 2012. SANCTIONS.**

2 (a) IN GENERAL.—Section 413 of the Assets for
3 Independence Act (42 U.S.C. 604 note) is amended—

4 (1) in subsection (b), by striking paragraph (5)
5 and inserting the following:

6 “(5) if, by the end of the 90-day period begin-
7 ning on the date of the termination, the Secretary
8 has not found a qualified entity (or entities) de-
9 scribed in paragraph (3) of this subsection, shall—

10 “(A) make every effort to identify, without
11 conducting a competition (unless the Secretary
12 determines that conducting a competition would
13 be feasible and appropriate), another qualified
14 entity (or entities), in the same or a different
15 community, willing and able to conduct one or
16 more demonstration projects under this title
17 that may differ from the project being termi-
18 nated;

19 “(B) in identifying a qualified entity (or
20 entities) under subparagraph (A) of this para-
21 graph, give priority to qualified entities that—

22 “(i) are participating in demonstra-
23 tion projects conducted under this title;

24 “(ii) have waiting lists for participants
25 in the demonstration projects; and

1 “(iii) can demonstrate the availability
2 of non-Federal funds described in section
3 405(e)(4), in addition to any such funds
4 committed to any demonstration projects
5 being conducted by the qualified entity at
6 the time the Secretary considers identi-
7 fying the entity under such subparagraph
8 (A), to be committed to the demonstration
9 project (or projects) described in such sub-
10 paragraph (A) as matching contributions;
11 and

12 “(C) if the Secretary identifies a qualified
13 entity (or entities) under such subparagraph
14 (A)—

15 “(i) transfer to the entity (or entities)
16 control over the Reserve Fund established
17 pursuant to section 407 with respect to the
18 project being terminated; and

19 “(ii) authorize the entity (or entities)
20 to use the Reserve Fund to conduct a dem-
21 onstration project (or projects) in accord-
22 ance with an application approved under
23 subsection (e) or (h)(2) of section 405 and
24 the requirements of this title.”; and

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

1 “(c) FOCUS ON COMMUNITY OF TERMINATED
2 PROJECT.—In identifying another qualified entity (or en-
3 tities) under paragraph (3) or (5) of subsection (b), the
4 Secretary shall, to the extent practicable, select a qualified
5 entity (or entities) in the community served by the dem-
6 onstration project being terminated.”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendment made by
9 subsection (a) shall apply to terminations occurring
10 on or after the date of the enactment of this Act.

11 (2) DISCRETIONARY APPLICATION TO PREVIOUS
12 TERMINATIONS.—The Secretary of Health and
13 Human Services may apply the amendment to termi-
14 nations occurring within the 1-year period ending on
15 the day before the date of the enactment of this Act.
16 In the case of such an application, any reference in
17 the amendment to the date of the termination is
18 deemed a reference to such date of enactment.

19 **SEC. 2013. EVALUATIONS.**

20 Section 414 of the Assets for Independence Act (42
21 U.S.C. 604 note) is amended—

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) IN GENERAL.—The Secretary may enter into 1
25 or more contracts with 1 or more independent research

1 organizations to evaluate the demonstration projects con-
2 ducted under this title, individually and as a group, includ-
3 ing all qualified entities participating in and sources pro-
4 viding funds for the demonstration projects conducted
5 under this title. Such a contract may also provide for the
6 evaluation of other asset-building programs and policies
7 targeted to low-income individuals.”;

8 (2) in subsection (b)—

9 (A) by striking paragraph (3);

10 (B) in paragraph (4), by striking “, and
11 how such effects vary among different popu-
12 lations or communities”;

13 (C) by striking paragraphs (5) and (6);

14 and

15 (D) by redesignating paragraphs (4) and

16 (7) as paragraphs (3) and (4), respectively; and

17 (3) in subsections (b) and (c), by inserting “(or
18 organizations)” after “research organization” each
19 place it appears.

20 **SEC. 2014. COSTS OF TRAINING QUALIFIED ENTITIES.**

21 The Assets for Independence Act (42 U.S.C. 604
22 note) is amended—

23 (1) by redesignating section 416 as section 417;

24 and

25 (2) by inserting after section 415 the following:

1 **“SEC. 416. COSTS OF TRAINING QUALIFIED ENTITIES.**

2 “If the Secretary determines that a qualified entity
3 conducting a demonstration project under this title should
4 receive training in order to conduct the project in accord-
5 ance with an application approved under subsection (e) or
6 (h)(2) of section 405 or the requirements of this title, or
7 to otherwise successfully conduct the project, the Sec-
8 retary may use funds appropriated under section 418 to
9 cover the necessary costs of the training, including the
10 costs of travel, accommodations, and meals.”.

11 **SEC. 2015. WAIVER AUTHORITY.**

12 The Assets for Independence Act (42 U.S.C. 604
13 note) is amended—

14 (1) by redesignating section 417, as so redesign-
15 nated by section 214(1) of this Act, as section 418;
16 and

17 (2) by inserting after section 416 the following:

18 **“SEC. 417. WAIVER AUTHORITY.**

19 “In order to carry out the purposes of this title, the
20 Secretary may waive any requirement of this title—

21 “(1) relating to—

22 “(A) the definition of a qualified entity;

23 “(B) the approval of a qualified entity to
24 conduct a demonstration project under this title
25 or to receive a grant under this title;

1 “(C) eligibility criteria for individuals to
2 participate in a demonstration project under
3 this title;

4 “(D) amounts or limitations with respect
5 to—

6 “(i) the matching by a qualified entity
7 of amounts deposited by an eligible indi-
8 vidual in the individual development ac-
9 count of the individual;

10 “(ii) the amount of funds that may be
11 granted to a qualified entity by the Sec-
12 retary; or

13 “(iii) uses by a qualified entity of the
14 funds granted to the qualified entity by the
15 Secretary; or

16 “(E) the withdrawal of funds from an indi-
17 vidual development account only for qualified
18 expenses or as an emergency withdrawal; or

19 “(2) the waiver of which is necessary to—

20 “(A) permit the Secretary to enter into an
21 agreement with the Commissioner of Social Se-
22 curity;

23 “(B) allow individuals to be placed on a
24 waiting list to participate in a demonstration
25 project under this title; or

1 “(C) allow demonstration projects under
2 this title to be targeted to populations described
3 in section 405(h)(3)(A) and to successfully re-
4 recruit individuals from the populations for par-
5 ticipation.”.

6 **SEC. 2016. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 418 of the Assets for Independence Act (42
8 U.S.C. 604 note), as so redesignated by section 215(1)
9 of this Act, is amended by inserting after “2003” the fol-
10 lowing: “and \$75,000,000 for each of fiscal years 2018,
11 2019, 2020, 2021, and 2022”.

12 **SEC. 2017. CONFORMING AMENDMENTS.**

13 (a) IN GENERAL.—Section 414(e) of the Assets for
14 Independence Act (42 U.S.C. 604 note) is amended by
15 striking “section 416” and inserting “section 418”.

16 (b) TABLE OF CONTENTS.—The table of contents in
17 section 2 of the Community Opportunities, Accountability,
18 and Training and Educational Services Act of 1998 (Pub-
19 lic Law 105–285) is amended—

20 (1) by striking the item relating to section 411
21 and inserting the following new item:

“Sec. 411. Local control over demonstration projects; regulations.”;

22 and

23 (2) by striking the items relating to sections
24 415 and 416 and inserting the following new items:

“Sec. 415. No reduction in benefits.

“Sec. 416. Costs of training qualified entities.

“Sec. 417. Waiver authority.

“Sec. 418. Authorization of appropriations.”.

1 **SEC. 2018. GENERAL EFFECTIVE DATE.**

2 The amendments made by sections 204 through 209
3 shall apply to project years beginning on or after the date
4 of the enactment of this Act.

5 **SEC. 2019. LOW-INCOME SEWER AND WATER ASSISTANCE**
6 **PILOT PROGRAM.**

7 Title I of the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 124. LOW-INCOME SEWER AND WATER ASSISTANCE**
11 **PILOT PROGRAM.**

12 “(a) ESTABLISHMENT.—The Administrator shall es-
13 tablish a pilot program to award grants to not fewer than
14 10 eligible entities to assist low-income households in
15 maintaining access to sanitation services.

16 “(b) REPORT.—Not later than one year after the
17 date of enactment of this section, the Administrator shall
18 submit to Congress a report on the results of the program
19 established under this section.

20 “(c) DEFINITIONS.—In this section:

21 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means a municipality, or a public entity that
23 owns or operates a public water system, that is af-

1 affected by a consent decree relating to compliance
2 with this Act.

3 “(2) HOUSEHOLD.—The term ‘household’
4 means any individual or group of individuals who
5 are living together as one economic unit.

6 “(3) LOW-INCOME HOUSEHOLD.—

7 “(A) IN GENERAL.—The term ‘low-income
8 household’ means a household—

9 “(i) in which one or more individuals
10 are receiving—

11 “(I) assistance under a State
12 program funded under part A of title
13 IV of the Social Security Act;

14 “(II) supplemental security in-
15 come payments under title XVI of the
16 Social Security Act;

17 “(III) supplemental nutrition as-
18 sistance program benefits under the
19 Food and Nutrition Act of 2008; or

20 “(IV) payments under section
21 1315, 1521, 1541, or 1542 of title 38,
22 United States Code, or under section
23 306 of the Veterans’ and Survivors’
24 Pension Improvement Act of 1978; or

1 “(ii) that has an income determined
2 by the State in which the eligible entity is
3 located to not exceed the greater of—

4 “(I) an amount equal to 150 per-
5 cent of the poverty level for the State;
6 or

7 “(II) an amount equal to 60 per-
8 cent of the State median income.

9 “(B) LOWER INCOME LIMIT.—For pur-
10 poses of this section, a State may adopt an in-
11 come limit that is lower than the limit described
12 in subparagraph (A)(ii), except that the State
13 may not exclude a household from eligibility in
14 a fiscal year solely on the basis of household in-
15 come if the income is less than 110 percent of
16 the poverty level for the State.

17 “(4) PUBLIC WATER SYSTEM.—The term ‘pub-
18 lic water system’ has the meaning given that term
19 in section 1401 of the Safe Drinking Water Act (42
20 U.S.C. 300f).

21 “(5) SANITATION SERVICES.—The term ‘sanita-
22 tion services’ has the meaning given that term in
23 section 113(g).”.

1 **TITLE III—WORKFORCE**
2 **DEVELOPMENT**

3 **SEC. 3001. JOB SKILLS TRAINING FOR OLDER INDIVIDUALS.**

4 (a) **TARGETED PILOT PROGRAM.**—The Secretary of
5 Labor shall establish a pilot program pursuant to section
6 169(b) of the Workforce Investment and Opportunity Act
7 (29 U.S.C. 3224(b)) to provide grants to entities eligible
8 under such section to provide job skills training to and
9 specific for older individuals, particularly in the areas of
10 computer literacy, advanced computer operations, and re-
11 sume writing.

12 (b) **DEFINITION.**—For purposes of the program es-
13 tablished under subsection (a), the term “older individual”
14 means an individual who is older than 45 years of age.

15 **SEC. 3002. EXTENSION OF WORK OPPORTUNITY TAX CRED-**
16 **IT FOR CERTAIN TARGETED GROUPS.**

17 (a) **IN GENERAL.**—Subparagraph (B) of section
18 51(c)(4) of the Internal Revenue Code of 1986 is amended
19 by inserting “(December 31, 2024, in the case of any
20 member of a targeted group described in subparagraph
21 (B), (C), (E), (F), or (G))” before the period at the end.

22 (b) **EFFECTIVE DATE.**—The amendment made by
23 this section shall apply to individuals who begin work for
24 the employer after December 31, 2019.

1 **SEC. 3003. YOUTH AND SUMMER JOBS.**

2 (a) INTERN WAGE CREDIT.—

3 (1) IN GENERAL.—Subpart D of part IV of
4 subchapter A of chapter 1 of the Internal Revenue
5 Code of 1986 is amended by adding at the end the
6 following new section:

7 **“SEC. 45S. INTERN WAGE CREDIT.**

8 “(a) IN GENERAL.—For purposes of section 38, in
9 the case of an eligible small business employer, the intern
10 wage credit for any taxable year is an amount equal to
11 10 percent of the wages paid by the taxpayer during such
12 taxable year to qualified interns for whom an election is
13 in effect under this section.

14 “(b) LIMITATIONS.—

15 “(1) CREDIT.—The credit allowed under sub-
16 section (a) with respect to any taxpayer for any tax-
17 able year shall not exceed an amount equal to the
18 excess (if any) of—

19 “(A) \$3,000, over

20 “(B) the credit allowed under subsection
21 (a) with respect to such taxpayer for all pre-
22 ceding taxable years.

23 “(2) INTERNS.—An election may not be made
24 under this section with respect to more than 5 quali-
25 fied interns for any taxable year.

1 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
2 poses of this section—

3 “(1) ELIGIBLE SMALL EMPLOYER.—The term
4 ‘eligible small employer’ means any person which
5 employed not more than 500 employees during the
6 preceding taxable year. Rules similar to the rules of
7 section 448(c)(3) shall apply.

8 “(2) ELIGIBLE WAGES.—The term ‘eligible
9 wages’ means any remuneration paid by the tax-
10 payer to an individual for services rendered as an
11 employee.

12 “(3) QUALIFIED INTERN.—The term ‘qualified
13 intern’ means any individual who, during the period
14 for which wages are taken into account under sub-
15 section (a), is—

16 “(A) enrolled at an eligible educational in-
17 stitution (as defined in section 25A(f)(2)),

18 “(B) seeking a degree at such institution
19 in a field of study closely related to the work
20 performed for the taxpayer, and

21 “(C) supervised and evaluated by the tax-
22 payer.

23 “(4) CONTROLLED GROUP.—All persons treated
24 as a single employer under subsection (a) or (b) of

1 section 52 shall be treated as a single employer for
2 purposes of this section.

3 “(5) RELATED INDIVIDUALS INELIGIBLE.—
4 Rules similar to the rules of section 51(i)(1) shall
5 apply for purposes of this section.”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Section 38(b) of such Code is amended
8 by striking “plus” at the end of paragraph
9 (35), by striking the period at the end of para-
10 graph (36) and inserting “, plus”, and by add-
11 ing at the end the following new paragraph:

12 “(37) the intern wage credit under section
13 45S(a).”.

14 (B) The table of sections for subpart D of
15 part IV of subchapter A of chapter 1 of such
16 Code is amended by adding at the end the fol-
17 lowing new item:

“Sec. 45S. Intern wage credit.”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply to taxable years begin-
20 ning after the date of the enactment of this Act.

21 **SEC. 3004. YOUTHBUILD PROGRAM.**

22 Section 171 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3226) is amended by adding at the
24 end the following:

1 “(j) CARRY-OVER AUTHORITY.—Any amounts grant-
2 ed to an entity under this section for a fiscal year may,
3 at the discretion of the entity, remain available for expend-
4 iture during the succeeding fiscal year to carry out pro-
5 grams under this section.”.

6 **SEC. 3005. TAX CREDIT FOR PROVIDING PROGRAMS FOR**
7 **STUDENTS THAT PROMOTE ECONOMIC AND**
8 **FINANCIAL LITERACY.**

9 (a) IN GENERAL.—Subpart D of part IV of sub-
10 chapter A of chapter 1 of the Internal Revenue Code of
11 1986 (relating to business-related credits), as amended by
12 this Act, is amended by adding at the end the following
13 new section:

14 **“SEC. 45T. EXCELLENCE IN ECONOMIC EDUCATION.**

15 “(a) GENERAL RULE.—In the case of an eligible for
16 profit organization, for purposes of section 38, the excel-
17 lence in economic education credit determined under this
18 section for a taxable year is 50 percent of the amount paid
19 or incurred during the taxable year to carry out the pur-
20 poses specified in section 5533(b) of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 7267b(b))
22 (as such section was in effect on the day before the date
23 of enactment of the Every Student Succeeds Act) pursu-
24 ant to a qualified program.

1 “(b) LIMITATION ON NUMBER OF CREDIT RECIPI-
2 ENTS.—

3 “(1) IN GENERAL.—The excellence in economic
4 education credit determined under this section for a
5 taxable year may be allowed to not more than 20 for
6 profit organizations in accordance with paragraph
7 (2).

8 “(2) CREDIT AWARD BY SECRETARY.—

9 “(A) IN GENERAL.—The Secretary (in con-
10 sultation with the Secretary of Education) shall
11 determine which for profit organizations are al-
12 lowed the credit under this section for a taxable
13 year in such manner as the Secretary deter-
14 mines appropriate.

15 “(B) MAJORITY OF RECIPIENTS MUST BE
16 MWOSBS, OWNED BY VETERANS, OR MEET
17 ASSET TEST.—In carrying out subparagraph
18 (A), the majority of the taxpayers allowed a
19 credit under paragraph (1) for a taxable year
20 shall be entities that are—

21 “(i) either—

22 “(I) a socially and economically
23 disadvantaged small business concern
24 (as defined in section 8(a)(4)(A) of

1 the Small Business Act (15 U.S.C.
2 637(a)(4)(A)),

3 “(II) a small business concern
4 owned and controlled by women (as
5 defined under section 3(n) of such Act
6 (15 U.S.C. 632(n))), or

7 “(III) a small business concern
8 (as used in section 3 of such Act (15
9 U.S.C. 632)) that is at least 51 per-
10 cent owned by veterans (as defined in
11 section 101(2) of title 38, United
12 States Code), or

13 “(ii) on the first day of the taxable
14 year do not have more than
15 \$60,000,000,000 in assets.

16 “(C) PRIORITY.—In making determina-
17 tions under this paragraph, the Secretary shall
18 give priority to taxpayers that have qualified
19 programs which serve either urban or rural un-
20 derserved areas (determined on the basis of the
21 most recent United States census data avail-
22 able).

23 “(c) LIMITATIONS RELATING TO EXPENDITURES.—

24 “(1) DIRECT ACTIVITY.—Twenty-five percent of
25 the amount allowed as a credit under subsection (a)

1 shall be for amounts paid or incurred for direct ac-
2 tivities as defined in section 5533(b)(1) of the Ele-
3 mentary and Secondary Education Act of 1965 (20
4 U.S.C. 7267b(b)(1))(as in effect on the day before
5 the date of enactment of the Every Student Suc-
6 ceeds Act).

7 “(2) SUBGRANTS.—Seventy-five percent of the
8 amount allowed as a credit under subsection (a)
9 shall be for amounts paid or incurred for subgrants
10 (as defined in section 5533(b)(2) of the Elementary
11 and Secondary Education Act of 1965 (20 U.S.C.
12 7267b(b)(1)), as in effect on the day before the date
13 of enactment of the Every Student Succeeds Act),
14 determined by treating amounts so paid or incurred
15 as funds made available through a grant.

16 “(d) DEFINITIONS AND SPECIAL RULES.—For pur-
17 poses of this section—

18 “(1) QUALIFIED PROGRAM.—The term ‘quali-
19 fied program’ means a program in writing under
20 which an eligible for profit organization awards one
21 or more grants for the purpose of carrying out the
22 objectives of promoting economic and financial lit-
23 eracy, as specified in section 5532 of the Elementary
24 and Secondary Education Act of 1965 (20 U.S.C.
25 7267a), that meet the requirements of section 5533

1 of the Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 7267b), as such sections are in ef-
3 fect on the day before the date of enactment of the
4 Every Student Succeeds Act.

5 “(2) ELIGIBLE FOR PROFIT ORGANIZATION.—
6 The term ‘eligible for profit organization’ means
7 with respect to a taxable year, an organization
8 that—

9 “(A) has a qualified program in effect for
10 the taxable year, and

11 “(B) has been determined by the Secretary
12 under subsection (b)(2) to be an organization to
13 whom the credit is allowed for the taxable year.

14 “(3) DETERMINATION OF ASSETS.—For pur-
15 poses of paragraph (2)(B), in determining assets,
16 the Secretary shall use the same method used by the
17 Board of Governors of the Federal Reserve System
18 to determine a bank holding company’s consolidated
19 assets under section 165 of the Financial Stability
20 Act of 2010 (12 U.S.C. 5365).

21 “(4) ELECTION NOT TO CLAIM CREDIT.—This
22 section shall not apply to a taxpayer for any taxable
23 year if such taxpayer elects to have this section not
24 apply for such taxable year.

1 “(5) COORDINATION WITH OTHER DEDUCTIONS
2 OR CREDITS.—The amount of any deduction or cred-
3 it otherwise allowable under this chapter for any
4 amount taken into account for purposes of sub-
5 section (a) shall be reduced by the credit allowed by
6 this section.

7 “(e) REGULATIONS.—The Secretary shall issue such
8 regulations or other guidance as may be necessary or ap-
9 propriate to carry out this section.”.

10 (b) CREDIT MADE PART OF GENERAL BUSINESS
11 CREDIT.—Subsection (b) of section 38 of such Code, as
12 amended by this Act, is amended by striking “plus” at
13 the end of paragraph (36), by striking the period at the
14 end of paragraph (37) and inserting “, plus”, and by add-
15 ing at the end the following new paragraph:

16 “(38) the excellence in economic education cred-
17 it determined under section 45T(a).”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subpart D of part IV of subchapter A of chapter 1
20 of such Code is amended by adding at the end the fol-
21 lowing new item:

 “Sec. 45T. Excellence in economic education.”.

22 (d) REPORT.—

23 (1) IN GENERAL.—The Secretary of the Treas-
24 ury (or the Secretary’s delegate) shall submit a re-
25 port on—

1 (A) whether the credit for excellence in
2 economic education (as enacted by subsection
3 (a) of this section) has resulted in increased in-
4 vestment in financial literacy programs; and

5 (B) recommendations (if any) for improv-
6 ing such credit to make it more effective.

7 (2) SUBMISSION TO CONGRESS.—Not later than
8 5 years after the date of the enactment of this Act,
9 the Secretary of the Treasury (or the Secretary’s
10 delegate) shall submit the report required by para-
11 graph (1) to the Secretary of Education, the Com-
12 mittee on Education and the Workforce, the Com-
13 mittee on Financial Services, and the Committee on
14 Ways and Means of the House of Representatives
15 and the Committee on Health, Education, Labor,
16 and Pensions, the Committee on Banking, Housing,
17 and Urban Affairs, and the Committee on Finance
18 of the Senate.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 the date of the enactment of this Act.

22 **SEC. 3006. TEACHER RECRUITING.**

23 (a) PURPOSE.—It is the purpose of this section to
24 encourage individuals educated in science, technology, en-
25 gineering, and mathematics to enter and continue in the

1 teaching profession, with the goal of attracting 10,000 of
2 America's brightest students to the teaching profession
3 over the next 5 years.

4 (b) SCHOLARSHIPS.—Title II of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

6 (1) by redesignating part C as part E;

7 (2) by redesignating section 261 as section 281;

8 and

9 (3) by inserting after part B the following new
10 part:

11 **“PART C—STEM TEACHER SCHOLARSHIPS**

12 **“SEC. 261. PROGRAM ESTABLISHED.**

13 “The Secretary shall award scholarships, on a com-
14 petitive basis and in accordance with this part, to students
15 who are enrolled in studies leading to bachelor's degrees,
16 with concurrent certification as kindergarten, elementary,
17 and secondary school teachers, in science, technology, en-
18 gineering, and mathematics, and who have agreed to per-
19 form qualified service.

20 **“SEC. 262. SELECTION OF RECIPIENTS.**

21 “(a) SELECTION CRITERIA.—The Secretary shall de-
22 velop selection criteria that the Secretary will use to award
23 scholarships, and to renew those awards, based on estab-
24 lished measurements of merit available to secondary stu-

1 dents who wish to pursue degrees in science, technology,
2 engineering, and mathematics.

3 “(b) APPLICATIONS.—Any student desiring to receive
4 a scholarship under this part shall submit an application
5 to the Secretary at such time, in such manner, and con-
6 taining such information as the Secretary may require.

7 “(c) DURATION OF SCHOLARSHIPS; RENEWAL.—
8 Scholarships shall be awarded for only one academic year
9 of study at a time, and shall be renewable on an annual
10 basis for the established length of the recipient’s academic
11 program, not to exceed 6 academic years. The Secretary
12 shall condition the renewal of scholarships on measures
13 of academic progress and achievement.

14 **“SEC. 263. QUALIFIED SERVICE REQUIREMENT.**

15 “(a) QUALIFIED SERVICE AGREEMENT.—Any stu-
16 dent who receives a scholarship under this part shall enter
17 into an agreement with the Secretary to complete no less
18 than 5 academic years of qualified service during a 7-year
19 period, to begin no later than 12 months following the
20 completion of a bachelor’s degree in science, technology,
21 engineering, or mathematics.

22 “(b) REQUIREMENT ENFORCED.—The Secretary
23 shall establish such requirements as the Secretary finds
24 necessary to ensure that recipients of scholarships under
25 this subsection who complete bachelor’s degrees in science,

1 technology, engineering, and mathematics, with teacher
2 certification, subsequently perform 5 academic years of
3 qualified service during a 7-year period, or repay the por-
4 tion of the scholarship received for which the recipient did
5 not perform the required qualified service, as determined
6 by the Secretary. The Secretary shall use any such repay-
7 ments to carry out additional activities under this part.

8 “(c) DEFINITION.—For the purpose of this section,
9 the term ‘qualified service’ means full-time employment at
10 a public or private kindergarten, elementary school, or sec-
11 ondary school as a teacher of a course in a science, tech-
12 nology, engineering, or mathematics field.

13 **“SEC. 264. AWARDS.**

14 “(a) SCHOLARSHIP AWARD.—The Secretary shall
15 provide each recipient with a scholarship in the amount
16 of up to \$20,000 to pay for the cost of attendance of the
17 student for each academic year the student is eligible to
18 receive the scholarship. The Secretary shall transfer such
19 funds to the institution of higher education at which the
20 recipient is enrolled.

21 “(b) BONUS AWARD.—

22 “(1) OPTION FOR BONUS AWARD.—Any student
23 who receives a scholarship under this part may elect
24 to enter into a bonus agreement with the Secretary,
25 in accordance with this subsection, for any academic

1 year during which the student receives a scholarship
2 under this part.

3 “(2) BONUS AGREEMENT.—A bonus agreement
4 under paragraph (1) shall provide that—

5 “(A) the student shall perform one aca-
6 demic year of the qualified service agreed to
7 under section 263(a) in a high-need local edu-
8 cational agency, as defined in section 200; and

9 “(B) the Secretary shall provide \$10,000,
10 in addition to the amount the student receives
11 under subsection (a), for each academic year in
12 which the student enters into such bonus agree-
13 ment.

14 “(3) SERVICE REQUIREMENT ENFORCED.—The
15 Secretary shall establish such requirements as the
16 Secretary finds necessary to ensure that recipients
17 of bonuses under this subsection fulfill the qualified
18 service requirement in a high-need local educational
19 agency, as defined in section 200, for a period of
20 time equivalent to the period for which the recipient
21 receives the bonus, or repays the portion of the
22 bonus received for which the recipient did not per-
23 form the required qualified service in a high-need
24 local educational agency, as determined by the Sec-
25 retary. The Secretary shall use any such repayments

1 to carry out additional activities under this sub-
2 section.

3 “(c) **MAXIMUM AWARD.**—The maximum award any
4 student may receive under this section for an academic
5 year shall be the student’s cost of attendance minus any
6 grant aid such student receives from sources other than
7 this section.

8 **“SEC. 265. REGULATIONS.**

9 “The Secretary is authorized to issue such regula-
10 tions as may be necessary to carry out the provisions of
11 this part.”.

12 (c) **INSTITUTIONAL GRANTS FOR INTEGRATED DE-**
13 **GREE PROGRAMS.**—Title II of the Higher Education Act
14 of 1965 (20 U.S.C. 1021 et seq.) is further amended by
15 inserting after part C, as added by subsection (b) of this
16 section, the following new part:

17 **“PART D—INTEGRATED DEGREE PROGRAMS**

18 **“SEC. 271. PROGRAM AUTHORIZED.**

19 “(a) **IN GENERAL.**—The Secretary is authorized to
20 award grants to institutions of higher education, on a
21 competitive basis, in order to pay for the Federal share
22 of the cost of projects to establish, strengthen, and operate
23 4-year undergraduate degree programs through which stu-
24 dents may concurrently—

1 “(1) earn a bachelor’s degree in science, tech-
2 nology, engineering, or mathematics; and

3 “(2) be certified to teach kindergarten, elemen-
4 tary, or secondary school.

5 “(b) GRANT AMOUNT; AWARD PERIOD.—The Sec-
6 retary may award grants to no more than 50 institutions
7 of higher education each fiscal year, and a grant to an
8 institution for a fiscal year shall not exceed \$1,000,000.
9 Grants shall be awarded for only one fiscal year at a time,
10 and shall be renewable on an annual basis for up to 5
11 years.

12 **“SEC. 272. SELECTION OF GRANT RECIPIENTS.**

13 “(a) CRITERIA.—The Secretary shall set criteria to
14 evaluate the applications for grants under this part and
15 the projects proposed to establish, strengthen, and operate
16 4-year integrated undergraduate degree programs.

17 “(b) EQUITABLE DISTRIBUTION OF GRANTS.—To
18 the extent practicable and consistent with the criteria
19 under subsection (a), the Secretary shall make grants
20 under this part in such manner as to achieve an equitable
21 distribution of the grant funds throughout the United
22 States, considering geographic distribution, rural and
23 urban areas, and range and type of institutions.

1 **“SEC. 273. APPLICATION REQUIREMENTS.**

2 “In order to receive a grant under this part, an insti-
3 tution of higher education shall submit an application to
4 the Secretary at such time, in such manner, and con-
5 taining such information as the Secretary may require.
6 Such application shall include the following:

7 “(1) A description of the proposed project.

8 “(2) A demonstration of—

9 “(A) the commitment, including the finan-
10 cial commitment, of the institution for the pro-
11 posed project; and

12 “(B) the active support of the leadership of
13 the institution for the proposed project.

14 “(3) A description of how the proposed project
15 will be continued after Federal funds are no longer
16 awarded under this part for the project.

17 “(4) A plan for the evaluation of the project,
18 which shall include benchmarks to monitor progress
19 toward specific project objectives.

20 **“SEC. 274. MATCHING REQUIREMENT.**

21 “Each institution of higher education receiving a
22 grant under this part shall provide, from non-Federal
23 sources, an amount equal to the amount of the grant (in
24 cash or in-kind) to carry out the project supported by the
25 grant.

1 **“SEC. 275. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$50,000,000 for each of the fiscal years 2018
4 through 2023.”.

5 **SEC. 3007. RECIDIVISM REDUCTION WORKING GROUP.**

6 (a) ESTABLISHMENT.—There is established a work-
7 ing group, which shall consist of representatives of the
8 heads of the Department of Justice, the Department of
9 Labor, the Department of Housing and Urban Develop-
10 ment, and the Department of Education. The working
11 group shall identify and analyze practices to reduce recidi-
12 vism. The Attorney General shall chair the group, which
13 shall meet once each month for the first 3 months after
14 the date of its establishment, and once every 3 months
15 thereafter.

16 (b) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, and 5 years thereafter, the
18 working group established under subsection (a) shall sub-
19 mit to Congress and to the President a report which de-
20 scribes the recommendations of the working group for re-
21 ducing recidivism.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$1,000,000 to the working
24 group for each of fiscal years 2018 through 2022 to carry
25 out this subsection.

1 **SEC. 3008. COMMENDABLE RELEASE PROGRAM.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Attorney General,
4 in consultation with the heads of the appropriate agencies,
5 shall establish a program under which an individual who
6 was convicted of a Federal offense which is classified as
7 a felony, and who has successfully completed his or her
8 sentence, may apply to receive benefits under the pro-
9 grams described in subsection (b). Any individual who has
10 been convicted of a felony for which the maximum sen-
11 tence is ten or more years of imprisonment, any crime of
12 violence (as such term is defined in section 16 of title 18,
13 United States Code), or any crime of reckless driving or
14 of driving while intoxicated or under the influence of alco-
15 hol or of prohibited substances if such crime involves per-
16 sonal injury to another.

17 (b) PROGRAMS DESCRIBED.—The programs de-
18 scribed in this subsection are the following:

19 (1) TANF.—Assistance under a State program
20 funded under part A of title IV of the Social Secu-
21 rity Act.

22 (2) SNAP.—The supplemental nutrition assist-
23 ance program under the Food and Nutrition Act of
24 2008 (7 U.S.C. 2011 et seq.).

25 (3) HOUSING.—Any program of the Depart-
26 ment of Housing and Urban Development or the De-

1 partment of Agriculture providing housing or assist-
2 ance for housing, including any program for dwelling
3 units, rental assistance, grants, loans, subsidies,
4 mortgage insurance, guarantees, or other financial
5 assistance.

6 **SEC. 3009. INCREASE IN WORK OPPORTUNITY TAX CREDIT**
7 **FOR HIRING QUALIFIED EX-FELONS.**

8 (a) IN GENERAL.—Section 51(b)(3) of the Internal
9 Revenue Code of 1986 is amended by inserting “or any
10 individual who is a qualified ex-felon” after “subsection
11 (d)(3)(A)(ii)(I)”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to individuals who begin work
14 for the employer after the date of the enactment of this
15 Act, in taxable years ending after such date.

16 **SEC. 3010. ENTREPRENEURSHIP APPRENTICESHIPS.**

17 The Act of August 16, 1937 (commonly known as
18 the “National Apprenticeship Act”; 50 Stat. 664, chapter
19 663; 29 U.S.C. 50 et seq.), is amended by adding the end
20 the following:

21 **“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated \$90,000 for
23 each of fiscal years 2018, 2019, 2020, and 2021.”.

1 **SEC. 3011. EXPANSION OF ELIGIBLE PROGRAMS.**

2 The Higher Education Act of 1965 (20 U.S.C. 1001
3 et seq.) is amended—

4 (1) in section 481(b), by adding at the end the
5 following:

6 “(5)(A) For purposes of parts D and E, the term
7 ‘eligible program’ includes a program of not less than 250
8 clock hours of instruction, offered during a minimum of
9 5 weeks of instruction that leads an industry-recognized
10 credential.

11 “(B) In this paragraph, the term ‘industry-recognized
12 credential’ means an industry-recognized credential that—

13 “(i) is demonstrated to be of high quality by the
14 institution offering the program in the program par-
15 ticipation agreement under section 487;

16 “(ii) meets the current, as of the date of the de-
17 termination, or projected needs of a local or regional
18 workforce for recruitment, screening, hiring, reten-
19 tion, or advancement purposes—

20 “(I) as determined by the State in which
21 the program is located, in consultation with
22 business entities; or

23 “(II) as demonstrated by the institution of-
24 fering the program leading to the credential;
25 and

1 “(iii) is, where applicable, endorsed by a nation-
2 ally recognized trade association or organization rep-
3 resenting a significant part of the industry or sec-
4 tor.”; and

5 (2) in section 487(a), by adding at the end the
6 following:

7 “(30) In the case of an institution that offers
8 a program of not less than 250 clock hours of in-
9 struction, offered during a minimum of 5 weeks of
10 instruction that leads an industry-recognized creden-
11 tial, as provided under section 481(b)(5), the institu-
12 tion will demonstrate to the Secretary that the in-
13 dustry-recognized credential is of high quality.”.

14 **SEC. 3012. MODEL STANDARDS AND GUIDELINES FOR**
15 **CREDENTIALING ENVIRONMENTAL HEALTH**
16 **WORKERS.**

17 (a) **IN GENERAL.**—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of Health and
19 Human Services, in coordination with appropriate na-
20 tional professional organizations, Federal, State, local,
21 and tribal governmental agencies, and private-sector and
22 nongovernmental entities, shall develop model standards
23 and guidelines for credentialing environmental health
24 workers.

1 (b) PROVISION OF STANDARDS AND TECHNICAL AS-
2 SISTANCE.—The Secretary of Health and Human Services
3 shall provide to State, local, and tribal governments—

4 (1) the model standards and guidelines devel-
5 oped under subsection (a); and

6 (2) technical assistance in credentialing envi-
7 ronmental health workers.

8 **SEC. 3013. ENVIRONMENTAL HEALTH WORKFORCE DEVEL-**
9 **OPMENT PLAN.**

10 (a) IN GENERAL.—To ensure that activities and pro-
11 grams (including education, training, and payment pro-
12 grams) of the Department of Health and Human Services
13 for developing the environmental health workforce meet
14 national needs, the Secretary of Health and Human Serv-
15 ices shall develop a comprehensive and coordinated plan
16 for such activities and programs that—

17 (1) includes performance measures to more
18 clearly determine the extent to which such activities
19 and programs are meeting the Department’s stra-
20 tegic goal of strengthening the environmental health
21 workforce;

22 (2) identifies and communicates to stakeholders
23 any gaps between existing activities and programs
24 and future environmental health workforce needs

1 identified in workforce projections of the Health Re-
2 sources and Services Administration;

3 (3) identifies actions needed to address such
4 identified gaps; and

5 (4) identifies any additional statutory authority
6 that is needed by the Department to implement such
7 identified actions.

8 (b) SUBMISSION TO CONGRESS.—Not later than 2
9 years after the date of enactment of this Act, the Sec-
10 retary of Health and Human Services shall submit to the
11 Committee on Health, Education, Labor, and Pensions of
12 the Senate, and to the Committees on Energy and Com-
13 merce and Education and the Workforce of the House of
14 Representatives, the plan developed under subsection (a).

15 **SEC. 3014. ENVIRONMENTAL HEALTH WORKFORCE DEVEL-**
16 **OPMENT REPORT.**

17 (a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall examine and identify best prac-
20 tices in 6 States (as described in subsection (b)) related
21 to training and credentialing requirements for environ-
22 mental health workers and submit to the Committee on
23 Health, Education, Labor, and Pensions of the Senate and
24 the Committee on Energy and Commerce of the House

1 of Representatives a report that includes information con-
2 cerning—

3 (1) types of environmental health workers em-
4 ployed at State, local, and city health departments
5 and independent environmental health agencies;

6 (2) educational backgrounds of environmental
7 health workers;

8 (3) whether environmental health workers are
9 credentialed or registered, and what type of creden-
10 tial or registration each worker has received;

11 (4) State requirements for continuing education
12 for environmental health workers;

13 (5) whether State, local, and city health depart-
14 ments and independent environmental health agen-
15 cies track continuing education units for their envi-
16 ronmental health workers; and

17 (6) how frequently any exam required to qualify
18 environmental health workers is updated and re-
19 viewed to ensure that the exam is consistent with
20 current law.

21 (b) SELECTION OF STATES.—The report described in
22 subsection (a) shall be based upon the examination of such
23 best practices with respect to 3 States that have
24 credentialing requirements for environmental health work-
25 ers and 3 States that do not have such requirements.

1 **SEC. 3015. PUBLIC SERVICE LOAN FORGIVENESS.**

2 Section 455(m) of the Higher Education Act of 1965
3 (20 U.S.C. 1087e(m)) is amended in paragraph (3)(B)—

4 (1) in clause (i), by striking “or” at the end;

5 (2) in clause (ii), by striking the period at the
6 end and inserting “; or”; and

7 (3) by adding at the end the following:

8 “(iii) a full-time job as an environ-
9 mental health worker (as defined in section
10 7 of the Environmental Health Workforce
11 Act of 2017) who is accredited, certified,
12 or licensed in accordance with applicable
13 law.”.

14 **SEC. 3016. DEFINITIONS.**

15 In this Act, the terms “environmental health worker”
16 and “environmental health workforce” refer to public
17 health workers who investigate and assess hazardous envi-
18 ronmental agents in various environmental settings and
19 develop, promote, and enforce guidelines, policies, and
20 interventions to control such hazardous environmental
21 agents.

22 **SEC. 3017. GRANTS TO PREPARE GIRLS AND UNDERREP-**
23 **RESENTED MINORITIES.**

24 Title IV of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 7101 et seq.) is amended by add-
26 ing at the end the following:

1 **“PART G—PREPARING GIRLS AND UNDERREP-**
2 **RESENTED MINORITIES FOR THE 21ST CEN-**
3 **TURY**

4 **“SEC. 4701. PROGRAM AUTHORITY.**

5 “(a) IN GENERAL.—From funds provided under sec-
6 tion 4702, the Secretary is authorized to provide grants
7 to local educational agencies on behalf of elementary and
8 secondary schools to establish and implement a program
9 to encourage the ongoing development of programs and
10 curriculum for girls and underrepresented minorities in
11 science, mathematics, engineering, and technology and to
12 prepare girls and underrepresented minorities to pursue
13 undergraduate and graduate degrees and careers in
14 science, mathematics, engineering, or technology.

15 “(b) APPLICATION.—

16 “(1) IN GENERAL.—To be eligible to receive a
17 grant, or enter into a contract or cooperative agree-
18 ment, under this part, a local educational agency
19 shall submit an application to the Secretary at such
20 time, in such form, and containing such information
21 as the Secretary may reasonably require.

22 “(2) CONTENTS.—The application shall con-
23 tain, at a minimum, the following:

24 “(A) A program description, including the
25 content of the program and the research and
26 models used to design the program.

1 “(B) A description of the collaboration be-
2 tween elementary and secondary schools to ful-
3 fill goals of the program and how the applicant
4 will ensure that there is a comprehensive plan
5 to improve science, mathematics, engineering,
6 and technology education for girls and under-
7 represented minorities in grades kindergarten
8 through 12.

9 “(C) A description of the process for re-
10 cruitment and selection of participants.

11 “(D) A description of the planned instruc-
12 tional and motivational activities.

13 “(E) A description of any collaboration
14 among local, regional, or national institutions
15 and organizations that will occur in order to
16 fulfill the goals of the program.

17 “(3) PRIORITY.—In selecting among applica-
18 tions, the Secretary shall give priority to applicants
19 that partner or coordinate, to the extent possible,
20 with local, regional, or national institutions and or-
21 ganizations who have extensive experience, expertise
22 and research on increasing the participation of girls
23 or underrepresented minorities in science, mathe-
24 matics, engineering and technology.

1 “(c) USE OF FUNDS.—Funds provided under this
2 section shall be used for the following:

3 “(1) Preparing girls and underrepresented mi-
4 norities with careers in science, mathematics, engi-
5 neering, and technology, and the advantages of pur-
6 suing careers in these areas.

7 “(2) Educating the parents of girls and under-
8 represented minorities about the opportunities and
9 advantages of science, mathematics, engineering,
10 and technology careers.

11 “(3) Enlisting the help of the parents of girls
12 and underrepresented minorities in overcoming the
13 obstacles these groups face and encouraging their
14 child’s continued interest and involvement in science,
15 mathematics, engineering, and technology.

16 “(4) Providing tutoring and mentoring pro-
17 grams in science, mathematics, engineering, and
18 technology.

19 “(5) Establishing partnerships and other oppor-
20 tunities that expose girls and underrepresented mi-
21 norities to role models in the fields of science, math-
22 ematics, engineering and technology.

23 “(6) Enabling female and underrepresented mi-
24 nority students and their teachers to attend events

1 and academic programs in science, mathematics, en-
2 gineering, and technology.

3 “(7) Providing after-school activities designed
4 to encourage interest, and develop skills of girls and
5 underrepresented minorities, in science, mathe-
6 matics, engineering, and technology.

7 “(8) Summer programs designed in order that
8 girls and underrepresented minorities develop an in-
9 terest in, develop skills in, and understand the rel-
10 evance and significance of, science, mathematics, en-
11 gineering, and technology.

12 “(9) Purchasing—

13 “(A) educational instructional materials or
14 software designed to encourage interest of girls
15 and underrepresented minorities in science,
16 mathematics, engineering, and technology; or

17 “(B) equipment, instrumentation, or hard-
18 ware used for teaching and to encourage inter-
19 est of girls and underrepresented minorities in
20 science, mathematics, engineering, and tech-
21 nology.

22 “(10) Field trips to locations, including institu-
23 tions of higher education, to educate and encourage
24 girls’ and underrepresented minorities’ interest in

1 science, mathematics, engineering, and technology
2 and acquaint them with careers in these fields.

3 “(11) Providing academic advice and assistance
4 in high school course selection that encourages girls
5 and underrepresented minorities to take advanced
6 courses in areas of science, technology, engineering,
7 and mathematics.

8 “(12) Paying up to 50 percent of the cost of an
9 internship in science, mathematics, engineering, or
10 technology for female and underrepresented minority
11 students.

12 “(13) Providing professional development for
13 teachers and other school personnel, including—

14 “(A) how to eliminate gender and racial
15 bias in the classroom;

16 “(B) how to be sensitive to gender and ra-
17 cial differences;

18 “(C) how to engage students in the face of
19 gender-based and racial peer pressure and pa-
20 rental expectations;

21 “(D) how to create and maintain a positive
22 environment; and

23 “(E) how to encourage girls and under-
24 served minorities through academic advice and
25 assistance to pursue advanced classes and ca-

1 reers in science, mathematics, engineering, and
2 technology fields.

3 “(d) SUPPLEMENT, NOT SUPPLANT.—The Secretary
4 shall require each local educational agency to use the as-
5 sistance provided under this section only to supplement,
6 and not to supplant, any other assistance or funds made
7 available from non-Federal sources for the activities as-
8 sisted under this section.

9 “(e) EVALUATIONS.—Each local educational agency
10 that receives funds under this section shall provide the
11 Secretary, at the conclusion of every school year during
12 which the funds are received, with an evaluation, in a form
13 prescribed by the Secretary. This evaluation shall in-
14 clude—

15 “(1) a description of the programs and activi-
16 ties conducted by the local educational agency using
17 the funds;

18 “(2) data on curriculum and partnerships devel-
19 oped using the funds;

20 “(3) data on the amount of time spent on sub-
21 jects allowed for under the grant; and

22 “(4) such other information as may be required
23 by the Secretary.

1 **“SEC. 4702. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part \$5,000,000 for fiscal year 2018 and such sums
4 as may be necessary for each of the 4 succeeding fiscal
5 years.”.

6 **SEC. 3018. GAO STUDY.**

7 (a) **STUDY REQUIRED.**—Not later than 6 months
8 after the date of enactment of this Act, and every year
9 thereafter, the Comptroller General of the United States
10 shall conduct a study of Federal agencies to determine
11 which agencies have the greatest impact on women’s par-
12 ticipation in the workforce, and evaluate the impact of
13 these agencies.

14 (b) **SUGGESTED AGENCIES.**—Such agencies shall in-
15 clude, at a minimum—

16 (1) the Department of Labor, specifically the
17 Women’s Bureau at such Department;

18 (2) the Department of Transportation;

19 (3) the Small Business Administration, includ-
20 ing the Office of Women’s Business Ownership; and

21 (4) any apprenticeship program that receives
22 funding from a Federal agency.

23 **SEC. 3019. CONTENTS OF STUDY.**

24 (a) **IN GENERAL.**—The study required by section 2
25 shall review and evaluate the following factors, for those
26 agencies that the Comptroller General has identified as

1 having the greatest impact on women’s participation in the
2 workforce, including the following:

3 (1) POLICIES AND PROCEDURES.—The study
4 shall examine—

5 (A) each agency’s policies and procedures
6 related to improving women’s participation in
7 the workforce, including efforts related to fair
8 compensation, benefits, such as paid leave and
9 workplace supports for pregnancy and families,
10 participation in non-traditional and higher-pay-
11 ing jobs, enforcement of workplace rights, and
12 prevention of sexual and other harassment;

13 (B) each agency’s compliance with its stat-
14 utory and regulatory requirements on these
15 matters;

16 (C) any policy changes in the agency with-
17 in the study period, and the reasoning for such
18 changes; and

19 (D) any procedural changes to the agency’s
20 reporting and participation within the agency.

21 (2) IMPACT.—The study shall also examine—

22 (A) the number of women who received
23 technical assistance, grants, loans, contracts,
24 and other services from the agency in each fis-
25 cal year, and the number of such individuals

1 who received these services in the prior five fis-
2 cal years;

3 (B) the number of organizations who re-
4 ceived such outreach, services, and other en-
5 gagement with the agency;

6 (C) the extent of the agency's outreach
7 and public education efforts for women, includ-
8 ing the publication of reports and statistics,
9 public announcement of enforcement actions,
10 and regional outreach engaging local stake-
11 holders;

12 (3) APPROPRIATIONS AND STAFF.—The study
13 shall consider—

14 (A) any reductions to appropriations and
15 obligations for each agency and the actual and
16 projected impact of these reductions; and

17 (B) any staff reductions in each agency,
18 including attrition, vacancies, and positions
19 eliminated and the impact of these changes.

20 (b) ANALYSIS.—The study shall also include an anal-
21 ysis of the specific barriers to women's participation in
22 the workforce, including an assessment of further opportu-
23 nities to reduce those barriers.

1 **SEC. 3020. REPORT.**

2 A report containing the results of the study and anal-
3 ysis shall be transmitted annually to the Committees on
4 Oversight and Government Reform and Education and the
5 Workforce of the House of Representatives and the Com-
6 mittees on Homeland Security and Governmental Affairs
7 and Health, Education, Labor, and Pensions of the Sen-
8 ate.

9 **SEC. 3021. GRANTS TO UNITS OF GENERAL LOCAL GOVERN-**
10 **MENT.**

11 Subtitle D of title I of the Workforce Innovation and
12 Opportunity Act (29 U.S.C. 3221 et seq.) is amended by
13 adding after section 172 the following:

14 **“SEC. 173. PILOT PROGRAM.**

15 “(a) PROGRAM AUTHORIZED.—Notwithstanding sec-
16 tion 181(e), from the amounts appropriated under sub-
17 section (h), the Secretary shall carry out a 2-year pilot
18 program to award grants, on a competitive basis, to units
19 of general local government or community-based organiza-
20 tions to retain, employ, or train employees providing a
21 public service for a unit of general local government.

22 “(b) UNIT OF GENERAL LOCAL GOVERNMENT DE-
23 FINED.—For purposes of this section, the term ‘unit of
24 general local government’ means any general purpose po-
25 litical subdivision of a State, or the United States Virgin
26 Islands, Guam, American Samoa, the Commonwealth of

1 the Northern Mariana Islands, the freely associated states
2 of the Republic of the Marshall Islands, the Federated
3 States of Micronesia, or the Republic of Palau, that has
4 the power to levy taxes and spend funds, as well as general
5 corporate and police powers.

6 “(c) USES OF FUNDS.—

7 “(1) REQUIRED USES.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), a unit of general local government
10 or community-based organization shall use not
11 less than 50 percent of the grant funds received
12 under this section to—

13 “(i) in the case of a unit, retain em-
14 ployees of such unit who are providing a
15 public service for the unit and who would
16 otherwise be laid off as a consequence of
17 budget cuts; and

18 “(ii) in the case of an organization,
19 retain employees of the organization who
20 are providing a public service for the unit
21 in which the organization is located and
22 who would otherwise be laid off as a con-
23 sequence of budget cuts.

24 “(B) EXCEPTION.—In a case in which 50
25 percent of a grant amount received under this

1 section would exceed the amount needed for a
2 unit or organization to retain the employees de-
3 scribed in subparagraph (A), the unit or organi-
4 zation may use only the amount needed to re-
5 tain such employees for such purpose.

6 “(2) AUTHORIZED USES.—After using grant
7 funds received under this section in accordance with
8 paragraph (1), a unit of general local government or
9 community-based organization may use any remain-
10 ing grant funds provided under this section to—

11 “(A) in the case of a unit of general local
12 government—

13 “(i) employ individuals in new posi-
14 tions providing a public service for the
15 unit; or

16 “(ii) train individuals for new public
17 service positions for the unit; and

18 “(B) in the case of a community-based or-
19 ganization—

20 “(i) employ individuals in new posi-
21 tions that would provide a public service
22 for the unit in which the organization is lo-
23 cated or services in the private sector; or

24 “(ii) train individuals for any such po-
25 sitions.

1 “(d) PRIORITY FOR CERTAIN INDIVIDUALS.—The
2 Secretary shall encourage each unit of general local gov-
3 ernment and each community-based organization receiving
4 a grant under this section to use such grant funds to re-
5 tain, employ, or train—

6 “(1) veterans;

7 “(2) individuals with disabilities;

8 “(3) individuals who are receiving unemploy-
9 ment benefits; or

10 “(4) dislocated workers.

11 “(e) PRIORITY FOR CERTAIN UNITS AND ORGANIZA-
12 TIONS.—

13 “(1) UNITS.—In awarding grants to units of
14 general local government under this section, the Sec-
15 retary shall give priority to units of general local
16 government with high unemployment, foreclosure,
17 and poverty rates as compared to other units of gen-
18 eral local government applying to receive a grant
19 under this section.

20 “(2) ORGANIZATIONS.—In awarding grants to
21 units of general local government under this section,
22 the Secretary shall give priority to community-based
23 organizations located in units of general local gov-
24 ernment with high unemployment, foreclosure, and
25 poverty rates as compared to other units of general

1 local government applying to receive a grant under
2 this section.

3 “(f) APPLICATION.—Each unit of general local gov-
4 ernment or community-based organization desiring to re-
5 ceive a grant under this section shall submit an application
6 to the Secretary at such time, in such manner, and con-
7 taining such information as the Secretary may require.

8 “(g) REPORT.—Not later than 2 years after the first
9 appropriation of funds under subsection (h), the Secretary
10 shall submit to Congress, a report on—

11 “(1) the number and percentage of individuals
12 hired or trained, and the number and percentage of
13 employees of units retained, as a result of a grant
14 under this section; and

15 “(2) best practices in carrying out a grant pro-
16 gram to hire, train, or retain employees of units of
17 general local government.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$1,000,000,000 to carry
20 out this section for fiscal years 2018 and 2019.”.

21 **SEC. 3022. BACK TO BASICS JOB CREATION GRANT PRO-**
22 **GRAM.**

23 Subtitle A of title XX of the Social Security Act (42
24 U.S.C. 1397 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 2010. BACK TO BASICS JOB CREATION GRANT PRO-**
2 **GRAM.**

3 “(a) GRANTS.—

4 “(1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Secretary of Labor and the Secretary
6 of Commerce, shall make grants to eligible entities
7 to assist low-income individuals and individuals who
8 have been unemployed for at least 3 months in de-
9 veloping self-employment opportunities.

10 “(2) TIMING OF GRANT AWARDS.—Not later
11 than 90 days after the date of the enactment of this
12 section, the Secretary shall obligate not less than
13 half of any funds appropriated for grants under this
14 section.

15 “(3) PREFERENCE.—In awarding grants under
16 this section, the Secretary shall give preference to el-
17 igible entities—

18 “(A) that serve communities that have ex-
19 perience high levels of poverty and unemploy-
20 ment and low levels of reemployment, as deter-
21 mined by the Secretary using data reported by
22 the Census Bureau and the Bureau of Labor
23 Statistics;

24 “(B) that demonstrate an ability to admin-
25 ister activities using the grant funds without
26 acquiring new administrative structures or re-

1 sources, such as staffing, technology, evaluation
2 activities, training, research, and programming;
3 and

4 “(C) that have established partnerships
5 with other government agencies, community
6 based organizations, financial institutions, edu-
7 cational institutions, or business organizations.

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity awarded
10 a grant under this section shall use the grant—

11 “(A) to provide education and training for
12 business and financial literacy, certification,
13 small business plan development, entrepreneur-
14 ship, and patent and copyright processes; and

15 “(B) to provide funding for new small
16 businesses that pay employees at a living wage.

17 “(2) LIMITATIONS.—An eligible entity awarded
18 a grant under this section may not use the grant—

19 “(A) to subsidize private or public employ-
20 ment; or

21 “(B) for any activity in violation of Fed-
22 eral, State, or local law.

23 “(3) ADMINISTRATIVE EXPENSES.—An eligible
24 entity awarded a grant under this section may use
25 not more than 10 percent of the grant funds for ad-

1 ministrative expenses, except that none of the funds
2 may be used for salaries.

3 “(4) DEADLINE ON USE OF GRANT FUNDS.—

4 An eligible entity awarded a grant under this section
5 shall expend the grant funds before December 31,
6 2019, except that the Secretary may provide an ex-
7 tension.

8 “(c) NO EFFECT ON MEANS-TESTED BENEFITS.—

9 For purposes of determining eligibility and benefit
10 amounts under any means-tested assistance program, any
11 assistance funded by a grant under this section shall be
12 disregarded.

13 “(d) REPORTING REQUIREMENTS.—The Secretary

14 shall submit a report on the implementation of this section
15 to the Committee on Ways and Means of the House of
16 Representatives and the Committee on Finance of the
17 Senate whenever either committee shall so request.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There

19 are authorized to be appropriated for grants under this
20 section \$5,000,000,000 for fiscal year 2018. The amounts
21 appropriated under this section are authorized to remain
22 available through December 31, 2018.

23 “(f) DEFINITIONS.—For purposes of this section—

24 “(1) the term ‘eligible entity’ means a State, an
25 Indian tribe, or a local government;

1 “(2) the term ‘Indian tribe’ has the meaning
2 given such term by section 4 of the Indian Self-De-
3 termination and Education Assistance Act (25
4 U.S.C. 450b); and

5 “(3) the term ‘means-tested assistance pro-
6 gram’ means a benefit program for which eligibility
7 is based on income.”.

8 **SEC. 3023. GRANTS FOR PROVISION OF TRANSITION AS-**
9 **SISTANCE TO MEMBERS OF THE ARMED**
10 **FORCES RECENTLY SEPARATED FROM AC-**
11 **TIVE DUTY SERVICE.**

12 (a) IN GENERAL.—The Secretary of Veterans Affairs
13 shall make grants to eligible organizations for the provi-
14 sion of transition assistance to members of the Armed
15 Forces who are recently retired, separated, or discharged
16 from the Armed Forces and spouses of such members.

17 (b) USE OF FUNDS.—The recipient of a grant under
18 this section shall use the grant to provide to members of
19 the Armed Forces and spouses described in subsection (a)
20 resume assistance, interview training, job recruitment
21 training, and related services leading directly to careers,
22 as determined by the grant recipient.

23 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
24 grant under this section, an organization shall submit to

1 the Secretary an application containing such information
2 and assurances as the Secretary may require.

3 (d) AMOUNT OF GRANT.—A grant under this section
4 shall be in an amount that does not exceed 50 percent
5 of the amount required by the organization to provide the
6 services described in subsection (b).

7 (e) TERMINATION.—The authority to provide a grant
8 under this section shall terminate on the date that is five
9 years after the date of the enactment of this Act.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$5,000,000 to carry out this
12 section.

13 **SEC. 3024. CREDIT FOR EMPLOYEES PARTICIPATING IN**
14 **QUALIFIED APPRENTICESHIP PROGRAMS.**

15 (a) IN GENERAL.—Subpart D of part IV of sub-
16 chapter A of chapter 1 of the Internal Revenue Code of
17 1986 is amended by adding at the end the following new
18 section:

19 **“SEC. 45U. EMPLOYEES PARTICIPATING IN QUALIFIED AP-**
20 **PRENTICESHIP PROGRAMS.**

21 “(a) IN GENERAL.—For purposes of section 38, the
22 apprenticeship credit determined under this section for the
23 taxable year is an amount equal to the sum of the applica-
24 ble credit amounts (as determined under subsection (b))
25 for each of the apprenticeship employees of the employer

1 that exceeds the applicable apprenticeship level (as deter-
2 mined under subsection (e)) during such taxable year.

3 “(b) APPLICABLE CREDIT AMOUNT.—For purposes
4 of subsection (a), the applicable credit amount for each
5 apprenticeship employee for each taxable year is equal
6 to—

7 “(1) in the case of an apprenticeship employee
8 who has not attained 25 years of age at the close
9 of the taxable year, \$1,500, or

10 “(2) in the case of an apprenticeship employee
11 who has attained 25 years of age at the close of the
12 taxable year, \$1,000.

13 “(c) LIMITATION ON NUMBER OF YEARS WHICH
14 CREDIT MAY BE TAKEN INTO ACCOUNT.—The appren-
15 ticeship credit shall not be allowed for more than 2 taxable
16 years with respect to any apprenticeship employee.

17 “(d) APPRENTICESHIP EMPLOYEE.—For purposes of
18 this section—

19 “(1) IN GENERAL.—The term ‘apprenticeship
20 employee’ means any employee who is—

21 “(A) a party to an apprenticeship agree-
22 ment registered with—

23 “(i) the Office of Apprenticeship of
24 the Employment and Training Administra-
25 tion of the Department of Labor, or

1 “(ii) a recognized State apprenticeship
2 agency, and

3 “(B) employed by the employer in the oc-
4 cupation identified in the apprenticeship agree-
5 ment described in paragraph (1), whether or
6 not the employer is a party to such agreement.

7 “(2) MINIMUM COMPLETION RATE FOR ELIGI-
8 BLE APPRENTICESHIP PROGRAMS.—An employee
9 shall not be treated as an apprenticeship employee
10 unless such apprenticeship agreement is with an ap-
11 prenticeship program that, for the two-year period
12 ending on the date of the apprenticeship begins, has
13 a completion rate of at least 50 percent.

14 “(e) APPLICABLE APPRENTICESHIP LEVEL.—

15 “(1) IN GENERAL.—For purposes of this sec-
16 tion, the applicable apprenticeship level shall be
17 equal to—

18 “(A) in the case of any apprenticeship em-
19 ployees described in subsection (b)(1), the
20 amount equal to 80 percent of the average
21 number of such apprenticeship employees of the
22 employer for the 3 taxable years preceding the
23 taxable year for which the credit is being deter-
24 mined, rounded to the next lower whole num-
25 ber, and

1 “(B) in the case of any apprenticeship em-
2 ployees described in subsection (b)(2), the
3 amount equal to 80 percent of the average
4 number of such apprenticeship employees of the
5 employer for the 3 taxable years preceding the
6 taxable year for which the credit is being deter-
7 mined, rounded to the next lower whole num-
8 ber.

9 “(2) FIRST YEAR OF NEW APPRENTICESHIP
10 PROGRAMS.—In the case of an employer which did
11 not have any apprenticeship employees during any
12 taxable year in the 3 taxable years preceding the
13 taxable year for which the credit is being deter-
14 mined, the applicable apprenticeship level shall be
15 equal to zero.

16 “(f) COORDINATION WITH OTHER CREDITS.—The
17 amount of credit otherwise allowable under sections 45A,
18 51(a), and 1396(a) with respect to any employee shall be
19 reduced by the credit allowed by this section with respect
20 to such employee.

21 “(g) CERTAIN RULES TO APPLY.—Rules similar to
22 the rules of subsections (i)(1) and (k) of section 51 shall
23 apply for purposes of this section.”.

24 (b) CREDIT MADE PART OF GENERAL BUSINESS
25 CREDIT.—Subsection (b) of section 38 of such Code is

1 amended by striking “plus” at the end of paragraph (37),
2 by striking the period at the end of paragraph (38) and
3 inserting “, plus”, and by adding at the end the following
4 new paragraph:

5 “(39) the apprenticeship credit determined
6 under section 45U(a).”.

7 (c) DENIAL OF DOUBLE BENEFIT.—Subsection (a)
8 of section 280C of such Code is amended by inserting
9 “45S(a),” after “45P(a),”.

10 (d) CLERICAL AMENDMENT.—The table of sections
11 for subpart D of part IV of subchapter A of chapter 1
12 of such Code is amended by adding at the end the fol-
13 lowing new item:

 “Sec. 45U. Employees participating in qualified apprenticeship programs.”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to individuals commencing appren-
16 ticeship programs after the date of the enactment of this
17 Act.

18 **SEC. 3025. FINDINGS.**

19 Congress finds the following:

20 (1) The time between the early teens and mid-
21 twenties represents a critical developmental period in
22 which individuals can gain the education and train-
23 ing, entry-level work experiences, work-readiness
24 skills, and social networks needed to smoothly tran-

1 sition into the labor market and build towards fu-
2 ture professional success.

3 (2) Yet, nearly 5 million young people ages 16
4 to 24 are out of school and unemployed, leaving
5 them disconnected from the systems and institutions
6 critical for developing the building blocks of inde-
7 pendence and self-sufficiency.

8 (3) Communities of color experience the highest
9 rates of youth disconnection: 25.4 percent of Native
10 American youth, 18.9 percent of Black youth, and
11 14.3 percent of Latino youth between the ages of 16
12 and 24 were disconnected from school and work in
13 2015.

14 (4) Disconnected youth are also three times
15 more likely than other youth to have a disability,
16 twice as likely to live below the Federal poverty
17 threshold, and significantly more likely to live in ra-
18 cially segregated neighborhoods. Disconnected young
19 women and girls are three times more likely to have
20 a child, and young people involved in the juvenile
21 justice system or aging out of the foster care system
22 are at high risk of disconnection.

23 (5) Disconnection from school and work can
24 have significant consequences for youth, including
25 decreased earning power and fewer future employ-

1 ment opportunities. According to the 2012 report,
2 “The Economic Value of Opportunity Youth”, dis-
3 connected youth will, on average, earn \$392,070 less
4 than the average worker over their lifetimes.

5 (6) Failure to successfully connect young people
6 to employment and educational opportunities also re-
7 sults in a significant loss in productivity for the
8 overall economy, as well as increases in government
9 spending. According to a recent report from Meas-
10 ure of America, in 2013, youth disconnection re-
11 sulted in \$26.8 billion in public expenditures, includ-
12 ing spending on health care, public assistance, and
13 incarceration.

14 (7) Disconnected young people, commonly re-
15 ferred to as “opportunity youth” because of their
16 tremendous potential, can add great social and eco-
17 nomic value to our communities and the economy, if
18 given the appropriate supports and resources. Ac-
19 cording to the Opportunity Index, an annual meas-
20 urement of opportunity in a geographic region, the
21 number of opportunity youth, along with educational
22 attainment and poverty rates, are strongly linked to
23 overall opportunity in communities. When young
24 adults do well, communities do well.

1 (8) Despite their talent and motivation, many
2 opportunity youth lack access to the training, edu-
3 cation, and entry-level jobs that can help them gain
4 the work experience and credentials needed to suc-
5 cessfully transition into the labor market.

6 (9) Lack of access to entry-level jobs can limit
7 a young adult's ability to accrue early work experi-
8 ence and demonstrate productivity and work readi-
9 ness to potential employers. Labor market shifts
10 have also limited opportunities for young people
11 without a high school diploma or with limited post-
12 secondary credentials. According to a 2013 report
13 from the Georgetown University Center on Edu-
14 cation and the Workforce, by the year 2020, an esti-
15 mated 65 percent of all U.S. jobs will require post-
16 secondary education and training.

17 (10) Summer and year-round youth employ-
18 ment programs that connect young people with
19 entry-level jobs give youth the work experience and
20 opportunity for skill development needed to transi-
21 tion into the labor market and prevent points of dis-
22 connection, such as involvement in the criminal and
23 juvenile justice systems.

24 (11) Evidence suggests that summer youth em-
25 ployment programs may help in-school youth remain

1 connected to the education system. A 2014 study of
2 the New York City Summer Youth Employment
3 Program found that after program participation,
4 youth older than 16 increased their school attend-
5 ance by four or five additional days compared to
6 their previous fall semester attendance. This attend-
7 ance increase represented 25 percent of the total
8 days students were permitted to miss school and still
9 continue on to the next grade.

10 (12) Evidence shows that participation in sum-
11 mer youth employment programs also reduces the
12 rate of violent crimes arrests. For example, a 2014
13 study of Chicago's One Summer Plus program
14 shows that the program reduced violent crime ar-
15 rests among at-risk youth by approximately 43 per-
16 cent, with crime reduction benefits lasting over a
17 year after the program had ended. This reduction
18 can have significant impact for young people, given
19 the impact of a criminal record on future employ-
20 ment prospects and wages.

21 (13) Despite its benefits, summer youth em-
22 ployment has declined by more than 40 percent dur-
23 ing the past 12 years, at a loss of more than 3 mil-
24 lion summer jobs for young Americans. A J.P. Mor-
25 gan Chase study of 14 major U.S. cities found that

1 summer youth employment programs were only able
2 to provide opportunities for 46 percent of applicants
3 in 2014.

4 (14) According to research by Measure of
5 America, the overwhelming number of youth discon-
6 nected from school and work come from discon-
7 nected communities marked by high adult unemploy-
8 ment, poverty, and racial segregation, as well as low
9 levels of adult education attainment. These commu-
10 nities often lack the resources and supports needed
11 to prevent and reverse youth disconnection.

12 (15) Many at-risk or opportunity youth, finding
13 that traditional pathways to educational attainment
14 or employment are ill-matched to their individual
15 needs, struggle to remain connected or reconnect to
16 school and work.

17 (16) For some youth, individual barriers—such
18 as unstable housing, lack access to affordable child
19 care or transportation, or involvement in the juvenile
20 or criminal justice system—make it difficult to take
21 advantage of existing employment and education
22 pathways.

23 (17) According the 2016 report, “Supportive
24 Services in Job Training and Education: A Research
25 Review”, studies suggest that education and training

1 programs that offer supportive services, such as
2 child care, transportation, and financial assistance,
3 are associated with improved outcomes.

4 (18) Community-based preventions and inter-
5 ventions can address the distinct problems oppor-
6 tunity youth may face in the local community and
7 provide a connection to the education and training,
8 re-engagement, and supportive services needed to
9 help these young people succeed.

10 (19) Previous Federal grant programs targeting
11 communities with high rates of poverty have been
12 successful in building such communities' capacity to
13 improve labor market participation and education at-
14 tainment rates for young people.

15 **SEC. 3026. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Sec-
17 retary of Labor—

18 (1) \$1,500,000,000 to carry out section 5;

19 (2) \$2,000,000,000 to carry out section 6; and

20 (3) \$2,000,000,000 to provide competitive
21 grants in accordance with section 7.

22 **SEC. 3027. RESERVATION OF FUNDS FOR ADMINISTRATIVE**
23 **AND OTHER PURPOSES.**

24 (a) RESERVATION OF FUNDS.—The Secretary of
25 Labor shall reserve—

1 to each State that meets the requirements of section
2 102 or 103 of such Act (29 U.S.C. 3112, 3113);

3 (2) reserve not more than one-quarter of 1 per-
4 cent of such amounts to provide assistance to the
5 outlying areas; and

6 (3) reserve not more than 1½ percent of such
7 amount to, on a competitive basis, make grants to,
8 or enter into contracts or cooperative agreements
9 with, Indian tribes, tribal organizations, Alaska Na-
10 tive entities, Indian-controlled organizations serving
11 Indians, or Native Hawaiian organizations to carry
12 out the activities described in subsection (d)(2).

13 (b) WITHIN STATE ALLOCATIONS.—

14 (1) IN GENERAL.—The Governor of a State, in
15 accordance with the State plan developed under sec-
16 tion 102 or 103 of the Workforce Innovation and
17 Opportunity Act (29 U.S.C. 3112, 3113), shall allo-
18 cate the amounts that are allotted to the State
19 under subsection (a)(1) to eligible local areas in ac-
20 cordance with section 128(b)(2)(A) of the Workforce
21 Innovation and Opportunity Act (29 U.S.C.
22 3163(b)(2)(A)) for the purpose of developing and ex-
23 panding summer employment programs under this
24 section.

1 (2) SUPPLEMENT NOT SUPPLANT.—Funds
2 made available for summer youth employment pro-
3 grams under this section shall supplement and not
4 supplant other State or local public funds expended
5 for summer youth employment programs or other
6 youth activities funded under section 129 of the
7 Workforce Innovation and Opportunity Act (29
8 U.S.C. 3163).

9 (3) REALLOCATION AMONG LOCAL AREAS.—The
10 Governor may, after consultation with the State
11 board, reallocate to eligible local areas within the
12 State amounts that are made available to local areas
13 from allocations made under this section and that
14 are available for reallocation in accordance with sec-
15 tion 128(c)(2)–(4) of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3163(c)(2)–(4)).

17 (4) LOCAL RESERVATION.—Of the amounts al-
18 located to a local area under paragraph (1), not
19 more than 7 percent of such amounts may be used
20 for the administrative costs, including costs for par-
21 ticipating in regional and national opportunities for
22 in-person peer learning under section 10.

23 (c) LOCAL PLANS.—

24 (1) IN GENERAL.—The local board of the local
25 area shall develop and submit, in partnership with

1 the chief elected official, a 4-year plan. The plan
2 shall be consistent with the local plan submitted by
3 the local board under section 108 of the Workforce
4 Innovation and Opportunity Act (29 U.S.C. 3123),
5 as determined by the Governor.

6 (2) SUBMISSION.—The plan shall be submitted
7 to the Governor at such time and in such manner
8 as the Governor may reasonably require. A local
9 area may develop and submit to the Governor a local
10 plan for programs under this section and a local
11 plan for programs under section 6 in lieu of submit-
12 ting two plans.

13 (3) CONTENTS.—At a minimum, each plan
14 shall include—

15 (A) a description of how the local area will
16 use program funds, in accordance with sub-
17 section (d), to develop or expand summer youth
18 employment programs for each program year;

19 (B) a description of how the local area will
20 recruit eligible youth into the program;

21 (C) the number of individuals expected to
22 participate in the summer employment program
23 each program year;

1 (D) a description of the services, including
2 supportive services, that the summer employ-
3 ment program is expected to provide;

4 (E) reasonable goals for performance ac-
5 countability measures outlined in subsection (i);

6 (F) an assurance that the summer employ-
7 ment program will be aligned with the youth
8 services provided under the Workforce Innova-
9 tion and Opportunity Act (29 U.S.C. 3101 et
10 seq.);

11 (G) an assurance that the local area will
12 adhere to the labor standards outlined in sec-
13 tion 8; and

14 (H) any other information as the Governor
15 may reasonably require.

16 (d) LOCAL USE OF FUNDS.—

17 (1) YOUTH PARTICIPANT ELIGIBILITY.—To be
18 eligible to participate in activities carried out under
19 this section during any program year, an individual
20 shall, at the time the eligibility determination is
21 made, be either an out-of-school youth or an in-
22 school youth.

23 (2) LOCAL ACTIVITIES.—

24 (A) DEVELOPMENT ACTIVITIES.—A local
25 area that has, at the beginning of the program

1 year, no summer youth employment programs
2 or programs that do not have all program ele-
3 ments described in paragraph (3)(B) shall use
4 unreserved allotted funds to—

5 (i) plan, develop, and carry out activi-
6 ties described in paragraph (3)(B);

7 (ii) at the local area’s discretion, de-
8 velop technology infrastructure, including
9 data and management systems, to support
10 program activities;

11 (iii) conduct outreach to youth partici-
12 pants and employers; and

13 (iv) at the local area’s discretion, use
14 not more than 25 percent of allocated pro-
15 gram funds to subsidize not more than 75
16 percent of the wages of each youth partici-
17 pant.

18 (B) EXPANSION ACTIVITIES.—A local area
19 that has, at the beginning of the program year,
20 a summer youth employment program that has
21 all program elements described in paragraph
22 (3)(B) shall use unreserved allotted funds to—

23 (i) increase the number of summer
24 employment opportunities, including un-

1 subsidized or partly subsidized opportuni-
2 ties and opportunities in the private sector;

3 (ii) conduct outreach to youth partici-
4 pants and employers;

5 (iii) use allocated program funds to
6 subsidize not more than 50 percent of the
7 wages of each youth participant; and

8 (iv) at the local area's discretion, en-
9 hance activities described in paragraph
10 (3)(B).

11 (3) LOCAL ELEMENTS.—

12 (A) PROGRAM DESIGN.—Programs funded
13 under this section shall match each youth par-
14 ticipant with an appropriate employer, based on
15 factors including the needs of the employer and
16 the age, skill, and informed aspirations of the
17 youth participant, for a high-quality summer
18 employment opportunity, which may not—

19 (i) be less than 4 weeks; and

20 (ii) pay less than the highest of the
21 Federal, State, or local minimum wage.

22 (B) PROGRAM ELEMENTS.—Program ele-
23 ments include—

1 (i) work-readiness training and edu-
2 cational programs to enhance the summer
3 employment opportunity;

4 (ii) coaching and mentoring services
5 for youth participants to enhance the sum-
6 mer employment opportunity and encour-
7 age program completion;

8 (iii) coaching and mentoring services
9 for employers on how to successfully em-
10 ploy each youth participant in meaningful
11 work;

12 (iv) career and college planning serv-
13 ices;

14 (v) high-quality financial literacy edu-
15 cation, including education on the use of
16 credit and financing higher education, and
17 access to safe and affordable banking ac-
18 counts with consumer protections;

19 (vi) supportive services, or connection
20 to existing supportive services, to enable
21 participation in the program;

22 (vii) integration of services provided
23 by the program with existing year-round
24 employment programs, youth development
25 programs, secondary school programs,

1 youth services provided under the Work-
2 force Innovation and Opportunity Act (29
3 U.S.C. 3101 et seq.), and skills training
4 programs funded by the State or Federal
5 Government;

6 (viii) referral of at least 30 percent of
7 participants from or to providers of youth,
8 adult, vocational rehabilitation services,
9 and adult education and literacy services
10 under the Workforce Innovation and Op-
11 portunity Act (29 U.S.C. 3101 et seq.) or
12 skills training programs funded by the
13 State or Federal Government;

14 (ix) rigorous evaluation of programs
15 using research approaches appropriate to
16 programs in different levels of development
17 and maturity, including random assign-
18 ment or quasi-experimental impact evalua-
19 tions, implementation evaluations, pre-ex-
20 perimental studies, and feasibility studies;
21 and

22 (x) commitment and support from
23 mayors or county executives.

24 (C) PRIORITY.—Priority shall be given to
25 summer employment opportunities—

- 1 (i) in existing or emerging in-demand
2 industry sectors or occupations; or
3 (ii) that meet community needs in the
4 public, private, or nonprofit sector.

5 (4) IN-SCHOOL YOUTH PRIORITY.—For any
6 program year, not less than 75 percent of the unre-
7 served funds allotted to local area under this section
8 shall be used to provide summer employment oppor-
9 tunities for in-school youth.

10 (e) REPORTS.—

11 (1) IN GENERAL.—For each year that a local
12 area receives funds under this section, the local area
13 shall submit to the Secretary of Labor and the Gov-
14 ernor a report with—

15 (A) the number of youth participants in
16 the program, including the number of in-school
17 and out-of-school youth;

18 (B) the number of youth participants who
19 completed the summer employment opportunity;

20 (C) the expenditures made from the
21 amounts allocated under this section, including
22 expenditures made to provide youth participants
23 with supportive services;

24 (D) a description of how the local area has
25 used program funds to develop or expand sum-

1 mer youth employment programs, including a
2 description of program activities and services
3 provided, including supportive services provided
4 and the number of youth participants accessing
5 such services;

6 (E) the source and amount of funding for
7 the wages of each youth participant;

8 (F) information specifying the levels of
9 performance achieved with respect to the pri-
10 mary indicators of performance described in
11 subsection (i) for the program;

12 (G) the average number of hours and
13 weeks worked and the average amount of wages
14 earned by youth participants in the program;

15 (H) the percent of youth participants
16 placed in employment opportunities in the non-
17 profit, public, and private sectors; and

18 (I) any other information that the Sec-
19 retary of Labor determines necessary to mon-
20 itor the effectiveness of the program.

21 (2) DISAGGREGATION.—The information re-
22 quired to be reported pursuant to subparagraphs
23 (A), (B), and (G) of paragraph (1) shall be
24 disaggregated by race, ethnicity, sex, age, and sub-
25 populations described in section 129(a)(1)(B)(iii)(I)–

1 (VI) of the Workforce Innovation and Opportunity
2 Act (29 U.S.C. 3164(a)(1)(B)(iii)(I)–(VI)).

3 (f) PERFORMANCE ACCOUNTABILITY.—Primary indi-
4 cators of performance shall be the performance metrics de-
5 scribed in sections 116(b)(2)(A)(i)(V) and
6 116(b)(2)(A)(ii)(I) of the Workforce Innovation and Op-
7 portunity Act (29 U.S.C. 3141(b)(2)(A)(i)(V),
8 3141(b)(2)(A)(ii)(I)) and a work-readiness indicator es-
9 tablished by the Secretary of Labor.

10 (g) TECHNICAL ASSISTANCE FOR LOCAL AREA FAIL-
11 URE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY
12 MEASURES.—If a local area fails to meet performance ac-
13 countability goals established under local plans for any
14 program year, the Governor, or, upon request by the Gov-
15 ernor, the Secretary of Labor, shall provide technical as-
16 sistance, which may include assistance in the development
17 of a performance improvement plan.

18 **SEC. 3029. YEAR-ROUND EMPLOYMENT FOR OPPORTUNITY**
19 **YOUTH.**

20 (a) IN GENERAL.—Of the amounts available under
21 section 3(1) that are not reserved under section 4, the Sec-
22 retary of Labor shall, for the purpose of carrying out year-
23 round employment programs under this section—

24 (1) make an allotment in accordance with sec-
25 tion 127(b)(1)(C)(ii) of the Workforce Innovation

1 and Opportunity Act (29 U.S.C. 3162(b)(1)(C)(ii))
2 to each State that meets the requirements of section
3 102 or 103 of such Act (29 U.S.C. 3112, 3113); and

4 (2) reserve not more than one-quarter of 1 per-
5 cent of such amounts to provide assistance to the
6 outlying areas.

7 (b) WITHIN STATE ALLOCATIONS.—

8 (1) IN GENERAL.—The Governor of a State, in
9 accordance with the State plan developed under sec-
10 tion 102 or 103 of the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3112, 3113), shall allo-
12 cate the amounts that are allotted to the State
13 under subsection (a)(1) to eligible local areas in ac-
14 cordance with section 128(b)(2)(A) of the Workforce
15 Innovation and Opportunity Act (29 U.S.C.
16 3163(b)(2)(A)) for the purpose of developing and ex-
17 panding year-round employment programs under
18 this section.

19 (2) SUPPLEMENT NOT SUPPLANT.—Funds
20 made available for year-round youth employment
21 programs under this section shall supplement and
22 not supplant other State or local public funds ex-
23 pended for year-round youth employment programs
24 or other youth activities funded under section 129 of

1 the Workforce Innovation and Opportunity Act (29
2 U.S.C. 3163).

3 (3) REALLOCATION AMONG LOCAL AREAS.—The
4 Governor may, after consultation with the State
5 board, reallocate to eligible local areas within the
6 State amounts that are made available to local areas
7 from allocations made under this section and that
8 are available for reallocation in accordance with sec-
9 tion 128(c)(2)–(4) of the Workforce Innovation and
10 Opportunity Act (29 U.S.C. 3163(c)(2)–(4)).

11 (4) LOCAL RESERVATION.—Of the amounts al-
12 located to a local area under paragraph (1), not
13 more than 7 percent of such amounts may be used
14 for the administrative costs, including costs for par-
15 ticipating regional and national opportunities for in-
16 person peer learning under section 10.

17 (c) LOCAL PLANS.—

18 (1) IN GENERAL.—The local board of the local
19 area shall develop and submit, in partnership with
20 the chief elected official, a 4-year plan. The plan
21 shall be consistent with the local plan submitted by
22 the local board under section 108 of the Workforce
23 Innovation and Opportunity Act (29 U.S.C. 3123),
24 as determined by the Governor.

1 (2) SUBMISSION.—The plan shall be submitted
2 to the Governor at such time and in such manner
3 as the Governor may reasonably require. A local
4 area may develop and submit to the Governor a local
5 plan for programs under this section and a local
6 plan for programs under section 5 in lieu of submit-
7 ting two plans.

8 (3) CONTENTS.—At a minimum, each plan
9 shall include—

10 (A) a description of how the local area will
11 use program funds, in accordance with sub-
12 section (d), to develop or expand year-round
13 youth employment programs for each program
14 year;

15 (B) a description of how the local area will
16 recruit eligible youth into the program;

17 (C) the number of individuals expected to
18 participate in the year-round employment pro-
19 gram each program year;

20 (D) a description of the services, including
21 supportive services, that the year-round employ-
22 ment program is expected to provide;

23 (E) reasonable goals for performance ac-
24 countability measures outlined in subsection (i);

1 (F) an assurance that the year-round em-
2 ployment program will be aligned with the
3 youth services provided under the Workforce
4 Innovation and Opportunity Act (29 U.S.C.
5 3101 et seq.);

6 (G) an assurance that the local area will
7 adhere to the labor standards outlined in sec-
8 tion 8; and

9 (H) any other information as the Governor
10 may reasonably require.

11 (d) LOCAL USE OF FUNDS.—

12 (1) YOUTH PARTICIPANT ELIGIBILITY.—To be
13 eligible to participate in activities carried out under
14 this section during any program year, an individual
15 shall, at the time the eligibility determination is
16 made be an out-of-school youth and unemployed in-
17 dividual.

18 (2) LOCAL ACTIVITIES.—

19 (A) DEVELOPMENT ACTIVITIES.—A local
20 area that has, at the beginning of the program
21 year, no year-round youth employment pro-
22 grams or programs that do not have all pro-
23 gram elements described in paragraph (3)(B)
24 shall use unreserved allotted funds to—

1 (i) plan, develop, and carry out activi-
2 ties described in paragraph (3)(B);

3 (ii) at the local area's discretion, de-
4 velop technology infrastructure, including
5 data and management systems, to support
6 program activities;

7 (iii) conduct outreach to youth partici-
8 pants and employers; and

9 (iv) at the local area's discretion, use
10 not more than 30 percent of allocated pro-
11 gram funds to subsidize the wages of each
12 youth participant.

13 (B) EXPANSION ACTIVITIES.—A local area
14 that has at the beginning of the program year,
15 a year-round youth employment program that
16 has all program elements described in para-
17 graph (3)(B) shall use unreserved allotted
18 funds to—

19 (i) increase the number of year-round
20 employment opportunities, including un-
21 subsidized or partly subsidized opportuni-
22 ties and opportunities in the private sector;

23 (ii) conduct outreach to youth partici-
24 pants and employers;

1 (iii) use allocated program funds to
2 subsidize wages of each youth participant;
3 and

4 (iv) at the local area's discretion, en-
5 hance activities described in paragraph
6 (3)(B).

7 (3) LOCAL ELEMENTS.—

8 (A) PROGRAM DESIGN.—

9 (i) IN GENERAL.—Programs funded
10 under this section shall match each youth
11 participant with an appropriate employer,
12 based on factors including the needs of the
13 employer and the age, skill, and informed
14 aspirations of the youth participant, for
15 high-quality year-round employment, which
16 may not—

17 (I) be less than 180 days and
18 more than 1 year;

19 (II) pay less than the highest of
20 the Federal, State, or local minimum
21 wage; and

22 (III) employ the youth partici-
23 pant for less than 20 hours per week.

24 (ii) EMPLOYER SHARE OF WAGES.—
25 Programs funded under this section shall

1 require not less than 25 percent of the
2 wages of each youth participant to be paid
3 by the employer, except this requirement
4 may be waived for not more than 10 per-
5 cent of youth participants with significant
6 barriers to employment.

7 (B) PROGRAM ELEMENTS.—Program ele-
8 ments include—

9 (i) work-readiness training and edu-
10 cational programs to enhance year-round
11 employment;

12 (ii) coaching and mentoring services
13 for youth participants to enhance the year-
14 round employment opportunity and encour-
15 age program completion;

16 (iii) coaching and mentoring services
17 for employers on how to successfully em-
18 ploy each youth participant in meaningful
19 work;

20 (iv) career and college planning serv-
21 ices;

22 (v) high-quality financial literacy edu-
23 cation, including education on the use of
24 credit and financing higher education, and

1 access to safe and affordable banking ac-
2 counts with consumer protections;

3 (vi) supportive services, or connection
4 to existing supportive services, to enable
5 participation in the program;

6 (vii) integration of services provided
7 by the program with existing youth devel-
8 opment programs, secondary school pro-
9 grams, youth services provided under the
10 Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3101 et seq.), and skills train-
12 ing programs funded by the State or Fed-
13 eral Government;

14 (viii) referral of at least 30 percent of
15 participants from or to providers of youth,
16 adult, vocational rehabilitation services,
17 and adult education and literacy services
18 under the Workforce Innovation and Op-
19 portunity Act (29 U.S.C. 3101 et seq.), or
20 skills training programs funded by the
21 State or Federal Government;

22 (ix) rigorous evaluation of programs
23 using research approaches appropriate to
24 programs in different levels of development
25 and maturity, including random assign-

1 ment or quasi-experimental impact evalua-
2 tions, implementation evaluations, pre-ex-
3 perimental studies, and feasibility studies;
4 and

5 (x) commitment and support from
6 mayors or county executives.

7 (C) PRIORITY.—Priority shall be given to
8 year-round employment opportunities—

9 (i) in existing or emerging in-demand
10 industry sectors or occupations; or

11 (ii) that meet community needs in the
12 public, private, or nonprofit sector.

13 (e) REPORTS.—

14 (1) IN GENERAL.—For each year that a local
15 area receives funds under this section, the local area
16 shall submit to the Secretary of Labor and the Gov-
17 ernor a report with—

18 (A) the number of youth participants in
19 the program;

20 (B) the number of youth participants who
21 completed the year-round employment oppor-
22 tunity;

23 (C) the expenditures made from the
24 amounts allocated under this section, including

1 expenditures made to provide youth participants
2 with supportive services;

3 (D) a description of how the local area has
4 used program funds to develop or expand year-
5 round youth employment programs, including a
6 description of program activities and services
7 provided, including supportive services provided
8 and the number of youth participants accessing
9 such services;

10 (E) the source and amount of funding for
11 the wages of each youth participant;

12 (F) information specifying the levels of
13 performance achieved with respect to the pri-
14 mary indicators of performance described in
15 subsection (f) for the program;

16 (G) the average number of hours and
17 weeks worked and the average amount of wages
18 earned by youth participants in the program;

19 (H) the percent of youth participants
20 placed in employment opportunities in the non-
21 profit, public, and private sectors;

22 (I) the number of youth participants who
23 are asked to remain after the end of the year-
24 round employment and the number of youth

1 participants actually retained for not less than
2 90 days; and

3 (J) any other information that the Sec-
4 retary of Labor determines necessary to mon-
5 itor the effectiveness of the program.

6 (2) DISAGGREGATION.—The information re-
7 quired to be reported pursuant to subparagraphs
8 (A), (B), and (G) of paragraph (1) shall be
9 disaggregated by race, ethnicity, sex, age, and sub-
10 populations described in section 129(a)(1)(B)(iii)(I)–
11 (VI) of the Workforce Innovation and Opportunity
12 Act (29 U.S.C. 3164(a)(1)(B)(iii)(I)–(VI)).

13 (f) PERFORMANCE ACCOUNTABILITY.—Primary indi-
14 cators of performance shall be the performance metrics de-
15 scribed in sections 116(b)(2)(A)(i)(III),
16 116(b)(2)(A)(i)(V), and 116(b)(2)(A)(ii)(I)–(II) of the
17 Workforce Innovation and Opportunity Act (29 U.S.C.
18 3141(b)(2)(A)(i)(III), 3141(b)(2)(A)(i)(V),
19 3141(b)(2)(A)(ii)(I)–(II)) and a work-readiness indicator
20 established by the Secretary of Labor.

21 (g) TECHNICAL ASSISTANCE FOR LOCAL AREA FAIL-
22 URE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY
23 MEASURES.—If a local area fails to meet performance ac-
24 countability goals established under local plans for any
25 program year, the Governor, or upon request by the Gov-

1 ernor, the Secretary of Labor, shall provide technical as-
2 sistance, which may include assistance in the development
3 of a performance improvement plan.

4 **SEC. 3030. CONNECTING-FOR-OPPORTUNITIES COMPETITIVE GRANT PROGRAM.**
5

6 (a) IN GENERAL.—Of the amounts available under
7 section 3(3) that are not reserved under section 4, the Sec-
8 retary of Labor shall, in consultation with the Secretary
9 of Education, award grants on a competitive basis to as-
10 sist local community partnerships in improving high school
11 graduation and youth employment rates.

12 (b) LOCAL COMMUNITY PARTNERSHIPS.—

13 (1) MANDATORY PARTNERS.—A local commu-
14 nity partnership shall include at a minimum—

15 (A) one unit of general local government;

16 (B) one local educational agency;

17 (C) one institution of higher education;

18 (D) one local workforce development board;

19 (E) one community-based organization
20 with experience or expertise in working with
21 youth;

22 (F) one public agency serving youth under
23 the jurisdiction of the juvenile justice system or
24 criminal justice system;

1 (G) a State or local child welfare agency;
2 and

3 (H) an agency administering programs
4 under part A of title IV of the Social Security
5 Act (42 U.S.C. 601 et seq.).

6 (2) OPTIONAL PARTNERS.—A local community
7 partnership may also include within the partner-
8 ship—

9 (A) American Job Centers;

10 (B) employers or employer associations;

11 (C) representatives of labor organizations;

12 (D) programs that receive funding under
13 the Juvenile Justice and Delinquency Preven-
14 tion Act (42 U.S.C. 5601 et seq.);

15 (E) public agencies or community-based
16 organizations with expertise in providing coun-
17 seling services, including trauma-informed and
18 gender-responsive counseling;

19 (F) public housing agencies, collaborative
20 applicants, as defined by the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11301 et
22 seq.), or private nonprofit organizations that
23 serve homeless youth and households or foster
24 youth; and

1 (G) other appropriate State and local
2 agencies.

3 (c) APPLICATION.—A local community partnership
4 desiring a grant under this section shall submit to the Sec-
5 retary of Labor an application at such time, in such man-
6 ner, and containing such information as the Secretary may
7 reasonably require. At a minimum, each application shall
8 include a comprehensive plan that—

9 (1) demonstrates sufficient need for the grant
10 in the local population (indicators of need may in-
11 clude high rates of high school dropouts and youth
12 unemployment and a high percentage or number of
13 low-income individuals in the local population);

14 (2) demonstrates the capacity of each local
15 community partnership to carry out the activities de-
16 scribed in subsection (d);

17 (3) is consistent with the local plan submitted
18 by the local board under section 108 of the Work-
19 force Innovation and Opportunity Act (29 U.S.C.
20 3123), the local plan for career and technical edu-
21 cation programs authorized under the Carl D. Per-
22 kins Career and Technical Education Act of 2006
23 (20 U.S.C. 2301 et seq.) (if not part of the Work-
24 force Innovation and Opportunity Act local plan)
25 and the State plan for programs under part A of

1 title IV of the Social Security Act (42 U.S.C. 601
2 et seq.); and

3 (4) includes an assurance that the local commu-
4 nity partnership will adhere to the labor standards
5 outlined in section 8.

6 (d) USE OF FUNDS.—A local community partnership
7 receiving a grant under this section shall use the grant
8 funds—

9 (1) to target individuals not younger than age
10 14 or older than age 24;

11 (2) to make appropriate use of existing edu-
12 cation, child welfare, social services, and workforce
13 development data collection systems to facilitate the
14 local community partnership's ability to target the
15 individuals described in paragraph (1);

16 (3) to develop wide-ranging paths to higher
17 education and employment, including—

18 (A) using not less than 50 percent of the
19 grant funds to help individuals described in
20 paragraph (1) complete their secondary school
21 education through various alternative means,
22 including through high-quality, flexible pro-
23 grams that utilize evidence-based interventions
24 and provide differentiated services (or path-
25 ways) to students returning to education after

1 exiting secondary school without a regular high
2 school diploma or who, based on their grade or
3 age, are significantly off track to accumulate
4 sufficient academic credits to meet high school
5 graduation requirements, as established by the
6 State;

7 (B) creating career pathways focused on
8 paid work-based learning consisting of on-the-
9 job training and classroom instruction that will
10 lead to credential attainment and prioritize con-
11 nections to registered apprenticeship programs
12 and pre-apprenticeship programs;

13 (C) providing career navigators to provide
14 individuals described in paragraph (1) with pre-
15 employment and employment counseling and to
16 assist such individuals in—

17 (i) finding and securing employment
18 or work-based learning opportunities that
19 pay not less than the highest of the Fed-
20 eral, State, or local minimum wage;

21 (ii) identifying and assessing eligibility
22 for training programs and funding for such
23 programs;

24 (iii) completing necessary paperwork;
25 and

1 (iv) identifying additional services, if
2 needed;

3 (D) connecting individuals described in
4 paragraph (1) with providers of youth services,
5 adult services, vocational rehabilitation services,
6 and adult education and literacy services, under
7 the Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3101 et seq.), career planning serv-
9 ices, and federally and State funded programs
10 that provide skills training; and

11 (E) ensuring that such individuals success-
12 fully transition into pre-apprenticeship pro-
13 grams, registered apprenticeship programs, or
14 programs leading to recognized postsecondary
15 credentials in in-demand industry sectors or oc-
16 cupations;

17 (4) to provide a comprehensive system aimed at
18 preventing the individuals described in paragraph
19 (1) from disconnecting from education, training, and
20 employment and aimed at re-engaging any such indi-
21 vidual who has been disconnected by—

22 (A) providing school-based dropout preven-
23 tion and community-based dropout recovery
24 services, including establishing or improving
25 school district early warning systems that—

1 (i) connect such systems to existing
2 data gathering and reporting systems es-
3 tablished under the Workforce Innovation
4 and Opportunity Act (29 U.S.C. 3101 et
5 seq.) for the purpose of identifying the in-
6 dividuals described in paragraph (1); and

7 (ii) engage any such identified indi-
8 vidual using targeted, evidence-based inter-
9 ventions to address the specific needs and
10 issues of the individual, including chronic
11 absenteeism; and

12 (B) providing the individuals described in
13 paragraph (1) with access to re-engagement
14 services for training programs and employment
15 opportunities and using providers of youth serv-
16 ices under the Workforce Innovation and Op-
17 portunity Act (29 U.S.C. 3101 et seq.) to con-
18 duct intake and refer such individuals and their
19 families to the appropriate re-engagement serv-
20 ice; and

21 (5) to provide a comprehensive system of sup-
22 port for the individuals described in paragraph (1),
23 including—

24 (A) connecting such individuals with pro-
25 fessionals who can—

- 1 (i) provide case management and
2 counseling services; and
3 (ii) assist such individuals in—
4 (I) developing achievable short-
5 term goals and long-term goals; and
6 (II) overcoming any social, ad-
7 ministrative, or financial barrier that
8 may hinder the achievement of such
9 goals; and
10 (B) providing or connecting participants
11 with available supportive services.

12 (e) PRIORITY IN AWARDS.—In awarding grants
13 under this section, the Secretary of Labor shall give pri-
14 ority to applications submitted by local community part-
15 nerships that include a comprehensive plan that—

16 (1) serves and targets communities with a high
17 percentage or high numbers of low-income individ-
18 uals and high rates of high school dropouts and
19 youth unemployment; and

20 (2) allows the individuals described in para-
21 graph (1) to earn academic credit through various
22 means, including high-quality career and technical
23 education, dual enrollment programs, or work-based
24 learning.

1 (f) GEOGRAPHIC DISTRIBUTION.—The Secretary
2 shall ensure that consideration is given to geographic dis-
3 tribution (such as urban and rural areas) in the awarding
4 of grants under section.

5 (g) PERFORMANCE ACCOUNTABILITY.—For activities
6 funded under this section, the primary indicators of per-
7 formance shall include—

8 (1) the performance metrics described in sec-
9 tions 116(b)(2)(A)(i)(III)–(V) and
10 116(b)(2)(A)(ii)(I)–(II) of the Workforce Innovation
11 and Opportunity Act (29 U.S.C.
12 3141(b)(2)(A)(i)(III)–(V), 3141 (b)(2)(A)(ii)(I)–
13 (II));

14 (2) the four-year adjusted cohort graduation
15 rate and the extended-year adjusted cohort gradua-
16 tion rate in a State that chooses to use such a grad-
17 uation rate, as defined in section 8101(25) of the
18 Elementary and Secondary Education Act of 1965,
19 as amended; and

20 (3) the rate of attaining a recognized equivalent
21 of a diploma, such as a general equivalency diploma.

22 (h) REPORTS.—For each year that a local community
23 partnership administers a program under this section, the
24 local community partnership shall submit to the Secretary
25 of Labor and, if applicable, the State a report on—

1 (1) the number of youth participants in the pro-
2 gram, including the number of in-school and out-of-
3 school youth, disaggregated by race, ethnicity, sex,
4 age, and subpopulations described in section
5 129(a)(1)(B)(iii)(I)–(VII) of the Workforce Innova-
6 tion and Opportunity Act (29 U.S.C.
7 3164(a)(1)(B)(iii)(I)–(VII));

8 (2) the expenditures made from the amounts al-
9 located under this section, including any expendi-
10 tures made to provide youth participants with sup-
11 portive services;

12 (3) a description of program activities and serv-
13 ices provided, including supportive services provided
14 and the number of youth participants accessing such
15 services;

16 (4) information specifying the levels of perform-
17 ance achieved with respect to the primary indicators
18 of performance described in subsection (f) for the
19 program, disaggregated by race, ethnicity, sex, age,
20 and subpopulations described in section
21 129(a)(1)(B)(iii)(I)–(VII) of the Workforce Innova-
22 tion and Opportunity Act (29 U.S.C.
23 3164(a)(1)(B)(iii)(I)–(VII)); and

1 (5) any other information that the Secretary of
2 Labor determines necessary to monitor the effective-
3 ness of the program.

4 **SEC. 3031. LABOR STANDARDS.**

5 Activities funded under this Act shall be subject to
6 the requirements and restrictions, including the labor
7 standards, described in section 181 of the Workforce In-
8 vestment Act of 1998 (29 U.S.C. 2931) and the non-
9 discrimination provisions of section 188 of such Act (29
10 U.S.C. 2938), in addition to other applicable Federal laws.

11 **SEC. 3032. PRIVACY.**

12 Nothing in this Act—

13 (1) shall be construed to supersede the privacy
14 protections afforded parents and students under sec-
15 tion 444 of the General Education Provisions Act
16 (20 U.S.C. 1232g); or

17 (2) shall be construed to permit the develop-
18 ment of a national database of personally identifi-
19 able information on individuals receiving services
20 under this Act.

21 **SEC. 3033. INNOVATION AND LEARNING.**

22 Using funds reserved under section 4, the Secretary
23 shall—

24 (1) provide technical assistance to ensure pro-
25 viders have sufficient organizational capacity, staff

1 training, and expertise to effectively implement pro-
2 grams, described under this Act;

3 (2) create regional and national opportunities
4 for in-person peer learning; and

5 (3) provide on a competitive basis sub-grants to
6 States and local areas to conduct pilots and dem-
7 onstrations using emerging and evidence-based best
8 practices, and models for youth employment pro-
9 grams and to evaluate such programs using designs
10 that employ the most rigorous analytical and statis-
11 tical methods that are reasonably feasible.

12 **SEC. 3034. EVALUATION AND REPORTS.**

13 (a) EVALUATION.—Not earlier than 1 year or later
14 than 2 years after the end of the award grant period, the
15 Secretary of Labor shall conduct an evaluation of the pro-
16 grams administered under this Act.

17 (b) REPORTS TO CONGRESS.—The Secretary of
18 Labor shall transmit to the Committee on Education and
19 the Workforce of the House of Representatives and the
20 Committee on Health, Education, Labor, and Pensions of
21 the Senate not later than 5 years after the end of the
22 award grant period, a final report on the results of the
23 evaluation conducted under subsection (a).

24 **SEC. 3035. DEFINITIONS.**

25 In this Act:

1 (1) ESEA TERMS.—The terms “extended-year
2 adjusted cohort graduation rate”, “evidence-based”,
3 “four-year adjusted cohort graduation rate”, “local
4 educational agency”, and “secondary school” have
5 the meanings given such terms in section 8101 of
6 the Elementary and Secondary Education Act of
7 1965 (20 U.S.C. 7801).

8 (2) INSTITUTION OF HIGHER EDUCATION.—The
9 term “institution of higher education” has the
10 meaning given such term in section 101 of the High-
11 er Education Act of 1965 (20 U.S.C. 1001).

12 (3) REGISTERED APPRENTICESHIP PROGRAM.—
13 The term “registered apprenticeship program” has
14 the meaning given such term in section 171(b) of
15 the Workforce Innovation and Opportunity Act (29
16 U.S.C. 3226(b)).

17 (4) OTHER WIOA TERMS.—The terms “adminis-
18 trative costs”, “career and technical education”,
19 “career pathway”, “career planning”, “community-
20 based organization”, “Governor”, “in-demand indus-
21 try sector or occupation”, “in-school youth”, “local
22 area”, “local board”, “low-income individual”, “one-
23 stop center”, “on-the-job training”, “outlying area”,
24 “out-of-school youth”, “school dropout”, “State”,
25 “supportive services”, “unemployed individual”, and

1 “unit of general local government” have the mean-
2 ings given such terms in section 3 of the Workforce
3 Innovation and Opportunity Act (29 U.S.C. 3102).

4 **SEC. 3036. MINIMUM WAGE INCREASES.**

5 (a) IN GENERAL.—Section 6(a)(1) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended
7 to read as follows:

8 “(1) except as otherwise provided in this sec-
9 tion, not less than—

10 “(A) \$9.25 an hour, beginning on the ef-
11 fective date under section 7 of the Jobs and
12 Justice Act of 2018;

13 “(B) \$10.10 an hour, beginning 1 year
14 after such effective date;

15 “(C) \$11.00 an hour, beginning 2 years
16 after such effective date;

17 “(D) \$12.00 an hour, beginning 3 years
18 after such effective date;

19 “(E) \$13.00 an hour, beginning 4 years
20 after such effective date;

21 “(F) \$13.50 an hour, beginning 5 years
22 after such effective date;

23 “(G) \$14.25 an hour, beginning 6 years
24 after such effective date;

1 “(H) \$15.00 an hour, beginning 7 years
2 after such effective date; and

3 “(I) beginning on the date that is 8 years
4 after such effective date, and annually there-
5 after, the amount determined by the Secretary
6 under subsection (h);”.

7 (b) DETERMINATION BASED ON INCREASE IN THE
8 MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section
9 6 of the Fair Labor Standards Act of 1938 (29 U.S.C.
10 206) is amended by adding at the end the following:

11 “(h)(1) Not later than each date that is 90 days be-
12 fore a new minimum wage determined under subsection
13 (a)(1)(I) is to take effect, the Secretary shall determine
14 the minimum wage to be in effect under this subsection
15 for each period described in subsection (a)(1)(I). The wage
16 determined under this subsection for a year shall be—

17 “(A) not less than the amount in effect under
18 subsection (a)(1) on the date of such determination;

19 “(B) increased from such amount by the annual
20 percentage increase, if any, in the median hourly
21 wage of all employees as determined by the Bureau
22 of Labor Statistics; and

23 “(C) rounded to the nearest multiple of \$0.05.

24 “(2) In calculating the annual percentage increase in
25 the median hourly wage of all employees for purposes of

1 paragraph (1)(B), the Secretary, through the Bureau of
2 Labor Statistics, shall compile data on the hourly wages
3 of all employees to determine such a median hourly wage
4 and compare such median hourly wage for the most recent
5 year for which data are available with the median hourly
6 wage determined for the preceding year.”.

7 **SEC. 3037. TIPPED EMPLOYEES.**

8 (a) **BASE MINIMUM WAGE FOR TIPPED EMPLOYEES.**—Section 3(m)(1) of the Fair Labor Standards Act
9 EES.—Section 3(m)(1) of the Fair Labor Standards Act
10 of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
11 lows:

12 “(1) the cash wage paid such employee, which
13 for purposes of such determination shall be not less
14 than—

15 “(A) for the 1-year period beginning on
16 the effective date under section 7 of the Jobs
17 and Justice Act of 2018, \$4.15 an hour;

18 “(B) for each succeeding 1-year period
19 until the hourly wage under this paragraph
20 equals the wage in effect under section 6(a)(1)
21 for such period, an hourly wage equal to the
22 amount determined under this paragraph for
23 the preceding year, increased by the lesser of—

24 “(i) \$1.15; or

1 “(ii) the amount necessary for the
2 wage in effect under this paragraph to
3 equal the wage in effect under section
4 6(a)(1) for such period, rounded to the
5 nearest multiple of \$0.05; and

6 “(C) for each succeeding 1-year period
7 after the increase made pursuant to subpara-
8 graph (B)(ii), the minimum wage in effect
9 under section 6(a)(1); and”.

10 (b) TIPS RETAINED BY EMPLOYEES.—Section 3(m)
11 of the Fair Labor Standards Act of 1938 (29 U.S.C.
12 203(m)) is amended—

13 (1) in the second sentence of the matter fol-
14 lowing paragraph (2), by striking “of this sub-
15 section, and all tips received by such employee have
16 been retained by the employee” and inserting “of
17 this subsection. Any employee shall have the right to
18 retain any tips received by such employee”; and

19 (2) by adding at the end the following: “An em-
20 ployer shall inform each employee of the right and
21 exception provided under the preceding sentence.”.

22 (c) SCHEDULED REPEAL OF SEPARATE MINIMUM
23 WAGE FOR TIPPED EMPLOYEES.—

24 (1) TIPPED EMPLOYEES.—Section 3(m) of the
25 Fair Labor Standards Act of 1938 (29 U.S.C.

1 203(m)), as amended by subsections (a) and (b), is
2 further amended by striking the sentence beginning
3 with “In determining the wage an employer is re-
4 quired to pay a tipped employee,” and all that fol-
5 lows through “of this subsection.” and inserting
6 “The wage required to be paid to a tipped employee
7 shall be the wage set forth in section 6(a)(1).”.

8 (2) PUBLICATION OF NOTICE.—Section 6(i) of
9 the Fair Labor Standards Act of 1938 (29 U.S.C.
10 206(i)), as added by section 5, is amended by strik-
11 ing “or in accordance with subparagraph (B) or (C)
12 of section 3(m)(1) (as applicable),”.

13 (3) EFFECTIVE DATE.—The amendments made
14 by paragraphs (1) and (2) shall take effect on the
15 date that is one day after the date on which the
16 hourly wage under section 3(m)(1)(C) of the Fair
17 Labor Standards Act of 1938 (29 U.S.C.
18 203(m)(1)(C)), as amended by subsection (a), takes
19 effect.

20 **SEC. 3038. NEWLY HIRED EMPLOYEES WHO ARE LESS THAN**
21 **20 YEARS OLD.**

22 (a) BASE MINIMUM WAGE FOR NEWLY HIRED EM-
23 PLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section
24 6(g)(1) of the Fair Labor Standards Act of 1938 (29
25 U.S.C. 206(g)(1)) is amended by striking “a wage which

1 is not less than \$4.25 an hour.” and inserting the fol-
2 lowing: “a wage at a rate that is not less than—

3 “(A) for the 1-year period beginning on
4 the effective date under section 7 of the Jobs
5 and Justice Act of 2018, \$5.00 an hour;

6 “(B) for each succeeding 1-year period
7 until the hourly wage under this paragraph
8 equals the wage in effect under section 6(a)(1)
9 for such period, an hourly wage equal to the
10 amount determined under this paragraph for
11 the preceding year, increased by the lesser of—

12 “(i) \$1.05; or

13 “(ii) the amount necessary for the
14 wage in effect under this paragraph to
15 equal the wage in effect under section
16 6(a)(1) for such period, rounded to the
17 nearest multiple of \$0.05; and

18 “(C) for each succeeding 1-year period
19 after the increase made pursuant to subpara-
20 graph (B)(ii), the minimum wage in effect
21 under section 6(a)(1).”.

22 (b) SCHEDULED REPEAL OF SEPARATE MINIMUM
23 WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS
24 THAN 20 YEARS OLD.—

1 (1) IN GENERAL.—Section 6(g)(1) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C.
3 206(g)(1)), as amended by subsection (a), shall be
4 repealed effective on the date provided in paragraph
5 (3).

6 (2) PUBLICATION OF NOTICE.—Section 6(i) of
7 the Fair Labor Standards Act of 1938 (29 U.S.C.
8 206(i)), as amended by section 3(c)(2), is further
9 amended by striking “or subparagraph (B) or (C) of
10 section 6(g)(1) (as applicable),”.

11 (3) EFFECTIVE DATE.—The repeal and amend-
12 ment made by paragraphs (1) and (2), respectively,
13 shall take effect on the date that is one day after the
14 date on which the hourly wage under section
15 6(g)(1)(C) of the Fair Labor Standards Act, as
16 amended by subsection (a), takes effect.

17 **SEC. 3039. PUBLICATION OF NOTICE.**

18 Section 6 of the Fair Labor Standards Act of 1938
19 (29 U.S.C. 206), as amended by the preceding sections,
20 is further amended by adding at the end the following:

21 “(i) Not later than 60 days prior to the effective date
22 of any increase in the required wage determined under
23 subsection (h), or in accordance with subparagraph (B)
24 or (C) of section 3(m)(1) (as applicable), section
25 14(c)(1)(A) (as applicable), or subparagraph (B) or (C)

1 of section 6(g)(1) (as applicable), the Secretary shall pub-
2 lish in the Federal Register and on the website of the De-
3 partment of Labor a notice announcing each increase in
4 such required wage.”.

5 **SEC. 3040. PROMOTING ECONOMIC SELF-SUFFICIENCY FOR**
6 **INDIVIDUALS WITH DISABILITIES.**

7 (a) WAGES.—

8 (1) TRANSITION TO FAIR WAGES FOR INDIVID-
9 UALS WITH DISABILITIES.—Subparagraph (A) of
10 section 14(c)(1) of the Fair Labor Standards Act of
11 1938 (29 U.S.C. 214(c)(1)) is amended to read as
12 follows:

13 “(A) at a rate that equals, or exceeds, the
14 greater of—

15 “(i)(I) \$4.25 an hour, beginning 1
16 year after the date the wage rate specified
17 in section 6(a)(1)(A) takes effect;

18 “(II) \$6.25 an hour, beginning 2
19 years after such date;

20 “(III) \$8.25 an hour, beginning 3
21 years after such date;

22 “(IV) \$10.25 an hour, beginning 4
23 years after such date;

24 “(V) \$12.25 an hour, beginning 5
25 years after such date; and

1 “(VI) the wage rate in effect under
2 section 6(a)(1), on the date that is 6 years
3 after the date the wage specified in section
4 6(a)(1)(A) takes effect; or

5 “(ii) if applicable, the wage rate in ef-
6 fect on the day before the date of enact-
7 ment of the Raise the Wage Act for the
8 employment, under a special certificate
9 issued under this paragraph, of the indi-
10 vidual for whom the wage rate is being de-
11 termined under this subparagraph,”.

12 (2) PROHIBITION ON NEW SPECIAL CERTIFI-
13 CATES; SUNSET.—Section 14(c) of the Fair Labor
14 Standards Act of 1938 (29 U.S.C. 214(c)) (as
15 amended by paragraph (1)) is further amended by
16 adding at the end the following:

17 “(6) PROHIBITION ON NEW SPECIAL CERTIFI-
18 CATES.—Notwithstanding paragraph (1), the Sec-
19 retary shall not issue a special certificate under this
20 subsection to an employer that was not issued a spe-
21 cial certificate under this subsection before the date
22 of enactment of the Raise the Wage Act.

23 “(7) SUNSET.—Beginning on the day after the
24 date on which the wage rate described in paragraph
25 (1)(A)(i)(VI) takes effect, the authority to issue spe-

1 cial certificates under paragraph (1) shall expire,
2 and no special certificates issued under paragraph
3 (1) shall have any legal effect.

4 “(8) TRANSITION ASSISTANCE.—Upon request,
5 the Secretary shall provide—

6 “(A) technical assistance and information
7 to employers issued a special certificate under
8 this subsection for the purposes of—

9 “(i) transitioning the practices of such
10 employers to comply with this subsection,
11 as amended by the Raise the Wage Act;
12 and

13 “(ii) ensuring continuing employment
14 opportunities for individuals with disabili-
15 ties receiving a special minimum wage
16 rate under this subsection; and

17 “(B) information to individuals employed
18 at a special minimum wage rate under this sub-
19 section, which may include referrals to other
20 Federal or State entities with expertise in com-
21 petitive integrated employment.”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall take effect on the date of en-
24 actment of this Act.

25 (b) PUBLICATION OF NOTICE.—

1 (1) AMENDMENT.—Section 6(i) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C. 206(i)), as
3 amended by section 4(b)(2), is further amended by
4 striking “section 14(c)(1)(A) (as applicable),”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall take effect on the day after
7 the date on which the wage rate described in para-
8 graph (1)(A)(i)(VI) of section 14(c) of the Fair
9 Labor Standards Act of 1938 (29 U.S.C. 214(c)), as
10 amended by subsection (a)(1), takes effect.

11 **SEC. 3041. GENERAL EFFECTIVE DATE.**

12 Except as otherwise provided in this Act or the
13 amendments made by this Act, this Act and the amend-
14 ments made by this Act shall take effect on the first day
15 of the third month that begins after the date of enactment
16 of this Act.

17 **SEC. 3042. PROHIBITIONS RELATING TO PROSPECTIVE EM-**
18 **PLOYEES’ SALARY AND BENEFIT HISTORY.**

19 (a) IN GENERAL.—The Fair Labor Standards Act of
20 1938 (29 U.S.C. 201 et seq.) is amended by adding after
21 section 7 the following new section:

22 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**
23 **WAGE, SALARY AND BENEFIT HISTORY.**

24 “It shall be an unlawful practice for an employer to—

1 “(1) screen prospective employees based on
2 their previous wages or salary histories, including
3 benefits or other compensation, including by requir-
4 ing that a prospective employee’s previous wages or
5 salary histories, including benefits or other com-
6 pensation, satisfy minimum or maximum criteria, or
7 request or require as a condition of being inter-
8 viewed, or as a condition of continuing to be consid-
9 ered for an offer of employment or as a condition of
10 employment, that a prospective employee disclose
11 previous wages or salary histories, including benefits
12 or other compensation;

13 “(2) seek the previous wages or salary history,
14 including benefits or other compensation, of any pro-
15 spective employee from any current or former em-
16 ployer of such employee; or

17 “(3) discharge or in any other manner retaliate
18 against any employee or prospective employee be-
19 cause the employee—

20 “(A) opposed any act or practice made un-
21 lawful by this section or made or is about to
22 make a complaint relating to any act or prac-
23 tice made unlawful by this section; or

24 “(B) testified or is about to testify, assist,
25 or participate in any manner in an investigation

1 or proceeding relating to any act or practice
2 made unlawful by this section.”.

3 (b) PENALTIES.—Section 16 of such Act (29 U.S.C.
4 216) is amended by adding at the end the following new
5 subsection:

6 “(f)(1) Any person who violates the provisions of sec-
7 tion 8 shall—

8 “(A) be subject to a civil penalty of \$5,000 for
9 a first offense, increased by an additional \$1,000 for
10 each subsequent offense, not to exceed \$10,000; and

11 “(B) be liable to each employee or prospective
12 employee who was the subject of the violation for
13 special damages not to exceed \$10,000 plus attor-
14 neys’ fees, and shall be subject to such injunctive re-
15 lief as may be appropriate.

16 “(2) An action to recover the liability described in
17 paragraph (1)(B) may be maintained against any em-
18 ployer (including a public agency) in any Federal or State
19 court of competent jurisdiction by any one or more em-
20 ployees or prospective employees for and in behalf of him-
21 self or themselves and other employees similarly situ-
22 ated.”.

1 **SEC. 3043. PRIVATE RIGHT OF ACTION UNDER THE NA-**
2 **TIONAL LABOR RELATIONS ACT.**

3 Section 10 of the National Labor Relations Act (29
4 U.S.C. 160) is amended by adding at the end the fol-
5 lowing:

6 “(n) In addition to filing a charge alleging an unfair
7 labor practice with the Board in accordance with this Act,
8 a person alleging an unfair labor practice by an employer
9 in violation of section 8(a)(3) may, not later than 180 days
10 after the date of such violation, bring a civil action in the
11 appropriate district court of the United States against the
12 employer for such violation. The court may grant any re-
13 lief described in section 706(g) of the Civil Rights Act of
14 1964 (42 U.S.C. 2000e–5) or section 1977A(b) of the Re-
15 vised Statutes of the United States (42 U.S.C. 1981a(b)),
16 and may allow the prevailing party a reasonable attorney’s
17 fee (including expert witness fees) as part of the costs.”.

18 **SEC. 3044. FINDINGS AND PURPOSE.**

19 (a) FINDINGS.—Congress finds that—

20 (1) African-American young men ages 18 to 39
21 are the hardest hit in unemployment, with an unem-
22 ployment rate of 41 percent nationally, and in some
23 States and cities, especially inner cities, higher than
24 50 percent;

25 (2) this extraordinarily high unemployment rate
26 has a terrible rippling impact on the breakdown of

1 the family structure, as men in this age group are
2 in the primary child-producing ages; and

3 (3) an unemployment rate of 40 to 50 percent
4 among African-American young men, many of who
5 are fathers who, without jobs, and are unable to pro-
6 vide for their families, is not only a national crisis
7 but a national tragedy.

8 (b) PURPOSE.—The purpose of this Act is to secure
9 jobs, on-the-job training, and apprenticeships for African-
10 American young men ages 18 to 39 with the labor unions,
11 general contractors, and businesses who will rebuild the
12 Nation’s crumbling infrastructure in cities and commu-
13 nities throughout the Nation.

14 **SEC. 3045. URGING EMPLOYMENT, ON-THE-JOB TRAINING,**
15 **AND APPRENTICESHIPS FOR UNEMPLOYED**
16 **AFRICAN-AMERICAN YOUNG MEN IN RE-**
17 **BUILDING THE NATION’S CRUMBLING INFRA-**
18 **STRUCTURE.**

19 (a) IN GENERAL.—The Secretary of Labor shall
20 strongly and urgently request those labor unions, general
21 contractors, and businesses, who will rebuild the Nation’s
22 crumbling infrastructure, transportation systems, tech-
23 nology and computer networks, and energy distribution
24 systems, to actively recruit, hire, and provide on-the-job
25 training to African-American young men ages 18 to 39

1 through their existing jobs, apprenticeships, and “earn
2 while you learn” programs. The Secretary shall provide
3 assistance to such labor unions, general contractors, and
4 businesses through every means available to help coordi-
5 nate the recruitment of such individuals for such jobs, on-
6 the-job training, and apprenticeships.

7 (b) COORDINATION.—The jobs, on-the-job training,
8 and apprenticeships made available by labor unions, gen-
9 eral contractors, and businesses described in subsection
10 (a) shall be conducted in conjunction with the Secretary
11 of Labor and the labor unions and other associations
12 which have been identified as those primarily involved in
13 the infrastructure rebuilding described in such subsection,
14 including the International Brotherhood of Electrical
15 Workers (IBEW), the United Association of Journeymen
16 and Apprentices of the Plumbing and Pipe Fitting Indus-
17 try of the United States and Canada, the International
18 Association of Bridge, Structural, Ornamental and Rein-
19 forcing Iron Workers Union, the International Brother-
20 hood of Teamsters, the National Electrical Contractors
21 Association, the International Association of Sheet Metal,
22 Air, Rail and Transportation Workers (SMART), the La-
23 borers’ International Union of North America (LIUNA),
24 the International Union of Operating Engineers (IUOE),
25 and the United Steelworkers (USW). Such coordination

1 shall also be done in conjunction with the National Joint
2 Apprenticeship and Training Committee, which allows ap-
3 prentices to earn while they learn.

4 (c) RECRUITMENT.—The labor unions, general con-
5 tractors, and businesses described in subsections (a) and
6 (b) shall recruit African-American young men for the jobs,
7 on-the-job training, and apprenticeships described in sub-
8 section (a) by reaching out and seeking assistance from
9 within the African-American community, churches, the
10 National Urban League, the NAACP, 100 Black Men of
11 America, high school and college job placement offices,
12 media outlets, and other African-American organizations
13 that can offer valuable assistance to the Secretary of
14 Labor, the labor unions, general contractors, and busi-
15 nesses with identifying, locating, and contacting unem-
16 ployed African-American young men who want jobs, on-
17 the-job training, and apprenticeships. These African-
18 American organizations have a long and rich history of
19 working to improve the lives of African-Americans, and
20 can be very helpful in successfully reaching, contacting,
21 and recruiting unemployed African-American young men.

22 **SEC. 3046. SENSE OF CONGRESS.**

23 It is the sense of Congress that this Act—

24 (1) while rebuilding the crumbling infrastruc-
25 ture of this great Nation, will simultaneously help

1 create good paying jobs and job training that will
2 provide African-American young men ages 18 to 39
3 with the technical skills, computer capabilities, and
4 other skills necessary in this high technology-driven
5 job market, thus providing African-American young
6 men with highly developed skills that will make them
7 very competitive and attractive to many employers;
8 and

9 (2) greatly exemplifies and strengthens the high
10 nobility of purpose that is the founding grace of this
11 great Nation.

12 **SEC. 3047. INCREASE IN RESEARCH CREDIT FOR CON-**
13 **TRACTED RESEARCH WITH UNITED STATES**
14 **BUSINESSES.**

15 (a) IN GENERAL.—Section 41 of the Internal Rev-
16 enue Code of 1986 is amended by inserting after sub-
17 section (g) the following new subsection:

18 “(h) SPECIAL RULE FOR CONTRACTED RESEARCH
19 WITH UNITED STATES MANUFACTURING BUSINESS.—

20 “(1) IN GENERAL.—If the taxpayer elects the
21 application of this subsection, subsection (a)(1) shall
22 be applied by substituting ‘25 percent’ for ‘20 per-
23 cent’ with respect to qualified United States re-
24 search expenses.

1 “(2) QUALIFIED UNITED STATES RESEARCH
2 EXPENSES.—For purposes of this subsection, the
3 term ‘qualified United States research expenses’
4 means any amount paid or incurred by the taxpayer
5 to any person (other than an employee of the tax-
6 payer) for qualified research, substantially all of
7 which occurs in the United States.

8 “(3) SEPARATE APPLICATION OF SECTION.—In
9 the case of any election of the application of this
10 subsection, this section shall be applied separately
11 with respect to qualified United States research ex-
12 penses.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to amounts paid or incurred for
15 taxable years beginning after the date of the enactment
16 of this Act.

17 **SEC. 3048. HOMELAND SECURITY CYBERSECURITY WORK-**
18 **FORCE; PERSONNEL AUTHORITIES.**

19 (a) HOMELAND SECURITY CYBERSECURITY WORK-
20 FORCE.—

21 (1) IN GENERAL.—Subtitle C of title II of the
22 Homeland Security Act of 2002 (6 U.S.C. 141 et
23 seq.) is amended by adding at the end the following
24 new section:

1 **“SEC. 230A. CYBERSECURITY OCCUPATION CATEGORIES,**
2 **WORKFORCE ASSESSMENT, AND STRATEGY.**

3 “(a) **SHORT TITLE.**—This section may be cited as the
4 ‘Homeland Security Cybersecurity Boots-on-the-Ground
5 Act’.

6 “(b) **CYBERSECURITY OCCUPATION CATEGORIES.**—

7 “(1) **IN GENERAL.**—Not later than 90 days
8 after the date of the enactment of this section, the
9 Secretary shall develop and issue comprehensive oc-
10 cupation categories for individuals performing activi-
11 ties in furtherance of the cybersecurity mission of
12 the Department.

13 “(2) **APPLICABILITY.**—The Secretary shall en-
14 sure that the comprehensive occupation categories
15 issued under paragraph (1) are used throughout the
16 Department and are made available to other Federal
17 agencies.

18 “(c) **CYBERSECURITY WORKFORCE ASSESSMENT.**—

19 “(1) **IN GENERAL.**—Not later than 180 days
20 after the date of the enactment of this section and
21 annually thereafter, the Secretary shall assess the
22 readiness and capacity of the workforce of the De-
23 partment to meet its cybersecurity mission.

24 “(2) **CONTENTS.**—The assessment required
25 under paragraph (1) shall, at a minimum, include
26 the following:

1 “(A) Information where cybersecurity posi-
2 tions are located within the Department, speci-
3 fied in accordance with the cybersecurity occu-
4 pation categories issued under subsection (b).

5 “(B) Information on which cybersecurity
6 positions are—

7 “(i) performed by—

8 “(I) permanent full time depart-
9 mental employees, together with de-
10 mographic information about such
11 employees’ race, ethnicity, gender, dis-
12 ability status, and veterans status;

13 “(II) individuals employed by
14 independent contractors; and

15 “(III) individuals employed by
16 other Federal agencies, including the
17 National Security Agency; and

18 “(ii) vacant.

19 “(C) The number of individuals hired by
20 the Department pursuant to the authority
21 granted to the Secretary in 2009 to permit the
22 Secretary to fill 1,000 cybersecurity positions
23 across the Department over a three year period,
24 and information on what challenges, if any,

1 were encountered with respect to the implemen-
2 tation of such authority.

3 “(D) Information on vacancies within the
4 Department’s cybersecurity supervisory work-
5 force, from first line supervisory positions
6 through senior departmental cybersecurity posi-
7 tions.

8 “(E) Information on the percentage of in-
9 dividuals within each cybersecurity occupation
10 category who received essential training to per-
11 form their jobs, and in cases in which such
12 training is not received, information on what
13 challenges, if any, were encountered with re-
14 spect to the provision of such training.

15 “(F) Information on recruiting costs in-
16 curred with respect to efforts to fill cybersecu-
17 rity positions across the Department in a man-
18 ner that allows for tracking of overall recruiting
19 and identifying areas for better coordination
20 and leveraging of resources within the Depart-
21 ment.

22 “(d) WORKFORCE STRATEGY.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this section, the
25 Secretary shall develop, maintain, and, as necessary,

1 update, a comprehensive workforce strategy that en-
2 hances the readiness, capacity, training, recruitment,
3 and retention of the cybersecurity workforce of the
4 Department.

5 “(2) CONTENTS.—The comprehensive work-
6 force strategy developed under paragraph (1) shall
7 include—

8 “(A) a multiphased recruitment plan, in-
9 cluding relating to experienced professionals,
10 members of disadvantaged or underserved com-
11 munities, the unemployed, and veterans;

12 “(B) a 5-year implementation plan;

13 “(C) a 10-year projection of the Depart-
14 ment’s cybersecurity workforce needs; and

15 “(D) obstacles impeding the hiring and de-
16 velopment of a cybersecurity workforce at the
17 Department.

18 “(e) INFORMATION SECURITY TRAINING.—Not later
19 than 270 days after the date of the enactment of this sec-
20 tion, the Secretary shall establish and maintain a process
21 to verify on an ongoing basis that individuals employed
22 by independent contractors who serve in cybersecurity po-
23 sitions at the Department receive initial and recurrent in-
24 formation security training comprised of general security
25 awareness training necessary to perform their job func-

1 tions, and role-based security training that is commensu-
2 rate with assigned responsibilities. The Secretary shall
3 maintain documentation to ensure that training provided
4 to an individual under this subsection meets or exceeds
5 requirements for such individual’s job function.

6 “(f) UPDATES.—The Secretary shall submit to the
7 appropriate congressional committees annual updates re-
8 garding the cybersecurity workforce assessment required
9 under subsection (c), information on the progress of car-
10 rying out the comprehensive workforce strategy developed
11 under subsection (d), and information on the status of the
12 implementation of the information security training re-
13 quired under subsection (e).

14 “(g) GAO STUDY.—The Secretary shall provide the
15 Comptroller General of the United States with information
16 on the cybersecurity workforce assessment required under
17 subsection (c) and progress on carrying out the com-
18 prehensive workforce strategy developed under subsection
19 (d). The Comptroller General shall submit to the Sec-
20 retary and the appropriate congressional committees a
21 study on such assessment and strategy.

22 “(h) CYBERSECURITY FELLOWSHIP PROGRAM.—Not
23 later than 120 days after the date of the enactment of
24 this section, the Secretary shall submit to the appropriate
25 congressional committees a report on the feasibility of es-

1 tablishing a Cybersecurity Fellowship Program to offer a
2 tuition payment plan for undergraduate and doctoral can-
3 didates who agree to work for the Department for an
4 agreed-upon period of time.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents in section 1(b) of the Homeland Security Act
7 of 2002 is amended by inserting after the item relat-
8 ing to section 230 the following new item:

“Sec. 230A. Cybersecurity occupation categories, workforce assessment, and
strategy.”.

9 (b) PERSONNEL AUTHORITIES.—

10 (1) IN GENERAL.—Subtitle C of title II of the
11 Homeland Security Act of 2002, as amended by sub-
12 section (a)(1) of this section, is further amended by
13 adding at the end the following new section:

14 **“SEC. 230B. PERSONNEL AUTHORITIES.**

15 “(a) IN GENERAL.—

16 “(1) PERSONNEL AUTHORITIES.—The Sec-
17 retary may exercise with respect to qualified employ-
18 ees of the Department the same authority that the
19 Secretary of Defense has with respect to civilian in-
20 telligence personnel and the scholarship program
21 under sections 1601, 1602, 1603, and 2200a of title
22 10, United States Code, to establish as positions in
23 the excepted service, appoint individuals to such po-
24 sitions, fix pay, and pay a retention bonus to any

1 employee appointed under this section if the Sec-
2 retary determines that such is needed to retain es-
3 sential personnel. Before announcing the payment of
4 a bonus under this paragraph, the Secretary shall
5 submit to the Committee on Homeland Security of
6 the House of Representatives and the Committee on
7 Homeland Security and Governmental Affairs of the
8 Senate a written explanation of such determination.
9 Such authority shall be exercised—

10 “(A) to the same extent and subject to the
11 same conditions and limitations that the Sec-
12 retary of Defense may exercise such authority
13 with respect to civilian intelligence personnel of
14 the Department of Defense; and

15 “(B) in a manner consistent with the merit
16 system principles set forth in section 2301 of
17 title 5, United States Code.

18 “(2) CIVIL SERVICE PROTECTIONS.—Sections
19 1221 and 2302, and chapter 75 of title 5, United
20 States Code, shall apply to the positions established
21 pursuant to the authorities provided under para-
22 graph (1).

23 “(3) PLAN FOR EXECUTION OF AUTHORI-
24 TIES.—Not later than 120 days after the date of the
25 enactment of this section, the Secretary shall submit

1 to the Committee on Homeland Security of the
2 House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate a report that contains a plan for the use of
5 the authorities provided under this subsection.

6 “(b) ANNUAL REPORT.—Not later than one year
7 after the date of the enactment of this section and annu-
8 ally thereafter for four years, the Secretary shall submit
9 to the Committee on Homeland Security of the House of
10 Representatives and the Committee on Homeland Security
11 and Governmental Affairs of the Senate a detailed report
12 (including appropriate metrics on actions occurring during
13 the reporting period) that discusses the processes used by
14 the Secretary in implementing this section and accepting
15 applications, assessing candidates, ensuring adherence to
16 veterans’ preference, and selecting applicants for vacancies
17 to be filled by a qualified employee.

18 “(c) DEFINITION OF QUALIFIED EMPLOYEE.—In
19 this section, the term ‘qualified employee’ means an em-
20 ployee who performs functions relating to the security of
21 Federal civilian information systems, critical infrastruc-
22 ture information systems, or networks of either of such
23 systems.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents in section 1(b) of such Act is amended by in-

1 serting after the item relating to section 230A (as
2 added by subsection (a)(2) of this section) the fol-
3 lowing new item:

“Sec. 230B. Personnel authorities.”.

4 (c) **CLARIFICATION REGARDING AUTHORIZATION OF**
5 **APPROPRIATIONS.**—No additional amounts are authorized
6 to be appropriated by reason of this section or the amend-
7 ments made by this section.

8 **SEC. 3049. PROTECTING SOCIAL SECURITY, RAILROAD RE-**
9 **TIREMENT, AND BLACK LUNG BENEFITS**
10 **FROM ADMINISTRATIVE OFFSET.**

11 (a) **PROHIBITION ON ADMINISTRATIVE OFFSET AU-**
12 **THORITY.**—

13 (1) **ASSIGNMENT UNDER SOCIAL SECURITY**
14 **ACT.**—Section 207 of the Social Security Act (42
15 U.S.C. 407) is amended by adding at the end the
16 following new subsection:

17 “(d) Subparagraphs (A), (C), and (D) of section
18 3716(c)(3) of title 31, United States Code, as such sub-
19 paragraphs were in effect on the date before the date of
20 enactment of the Jobs and Justice Act of 2018, shall be
21 null and void and of no effect.”.

22 (2) **CONFORMING AMENDMENTS.**—

23 (A) Section 14(a) of the Railroad Retire-
24 ment Act of 1974 (45 U.S.C. 231m(a)) is
25 amended by adding at the end the following: “.

1 The provisions of section 207(d) of the Social
2 Security Act shall apply with respect to this
3 title to the same extent as they apply in the
4 case of title II of such Act.”.

5 (B) Section 2(e) of the Railroad Unem-
6 ployment Insurance Act (45 U.S.C. 352(e)) is
7 amended by adding at the end the following:
8 “The provisions of section 207(d) of the Social
9 Security Act shall apply with respect to this
10 title to the same extent as they apply in the
11 case of title II of such Act.”.

12 (b) REPEAL OF ADMINISTRATIVE OFFSET AUTHOR-
13 ITY.—

14 (1) IN GENERAL.—Paragraph (3) of section
15 3716(c) of title 31, United States Code, is amend-
16 ed—

17 (A) by striking “(3)(A)(i) Notwith-
18 standing” and all that follows through “any
19 overpayment under such program).”;

20 (B) by striking subparagraphs (C) and
21 (D); and

22 (C) by redesignating subparagraph (B) as
23 paragraph (3).

1 (2) CONFORMING AMENDMENT.—Paragraph (5)
2 of such section is amended by striking “the Commis-
3 sioner of Social Security and”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to any collection by administrative
6 offset occurring on or after the date of enactment of this
7 Act of a claim arising before, on, or after the date of en-
8 actment of this Act.

9 **SEC. 3050. EXPANSION OF AUTHORITY FOR NONCOMPETI-**
10 **TIVE APPOINTMENTS OF MILITARY SPOUSES**
11 **BY FEDERAL AGENCIES.**

12 (a) EXPANSION TO INCLUDE ALL SPOUSES OF MEM-
13 BERS OF THE ARMED FORCES ON ACTIVE DUTY.—Sec-
14 tion 3330d of title 5, United States Code, is amended—

15 (1) in subsection (a)—

16 (A) by striking paragraphs (3), (4), and
17 (5); and

18 (B) by redesignating paragraph (6) as
19 paragraph (3);

20 (2) by striking subsections (b) and (c) and in-
21 serting the following new subsection (b):

22 “(b) APPOINTMENT AUTHORITY.—The head of an
23 agency may appoint noncompetitively—

24 “(1) a spouse of a member of the Armed Forces
25 on active duty; or

1 “(2) a spouse of a disabled or deceased member
2 of the Armed Forces.”;

3 (3) by redesignating subsection (d) as sub-
4 section (c); and

5 (4) in subsection (c), as so redesignated, by
6 striking “subsection (a)(6)” in paragraph (1) and
7 inserting “subsection (a)(3)”.

8 (b) **HEADING AMENDMENT.**—The heading of such
9 section is amended to read as follows:

10 **“§ 3330d. Appointment of military spouses”.**

11 (c) **CLERICAL AMENDMENT.**—The table of sections
12 at the beginning of chapter 33 of such title is amended
13 by striking the item relating to section 3330d and insert-
14 ing the following new item:

“3330d. Appointment of military spouses.”.

15 **SEC. 3051. REPORT ON MECHANISMS TO INCREASE PAR-**
16 **TICIPATION IN DEPARTMENT OF DEFENSE**
17 **CONTRACTS OF FIRMS WITH PROGRAMS TO**
18 **EMPLOY MILITARY SPOUSES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to Congress a report that sets forth various mechanisms
22 to be used by the Department of Defense to increase the
23 participation in Department contracts of businesses that
24 implement and maintain programs to employ military
25 spouses. For each mechanism set forth, the report shall

1 include a recommendation for the legislative or adminis-
2 trative action necessary to implement such mechanism.

3 **SEC. 3052. IMPROVEMENT OF EDUCATION AND CAREER OP-**
4 **PORTUNITIES PROGRAMS FOR MILITARY**
5 **SPOUSES.**

6 (a) OUTREACH ON AVAILABILITY OF MYCAA PRO-
7 GRAM.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall take appropriate actions to ensure that military
10 spouses who are eligible for participation in the My
11 Career Advancement Account (MyCAA) program of
12 the Department of Defense are, to extent prac-
13 ticable, made aware of the program and their eligi-
14 bility for the program.

15 (2) DIGITAL ADVERTISEMENT.—The actions
16 taken by the Secretary pursuant to paragraph (1)
17 shall include a state-of-the-art digital advertising
18 campaign on the My Career Advancement Account
19 program designed to target military spouses.

20 (3) DOD REPORT.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary shall submit to Congress a report setting
23 forth the following:

24 (A) An assessment of the extent to which
25 military spouses who are eligible for the My Ca-

1 reer Advancement Account program are aware
2 of the program and their eligibility for the pro-
3 gram.

4 (B) A description of the levels of participa-
5 tion in the My Career Advancement Account
6 program among military spouses who are eligi-
7 ble to participate in the program.

8 (4) COMPTROLLER GENERAL REPORT.—Not
9 later than 180 days after the submittal of the report
10 required by paragraph (3), the Comptroller General
11 of the United States shall submit to Congress a re-
12 port setting forth the following:

13 (A) An assessment of the report under
14 paragraph (3).

15 (B) Such recommendations as the Comp-
16 troller General considers appropriate regarding
17 the following:

18 (i) Mechanisms to increase awareness
19 of the My Career Advancement Account
20 program among military spouses who are
21 eligible to participate in the program.

22 (ii) Mechanisms to increase participa-
23 tion in the My Career Advancement Ac-
24 count program among military spouses

1 who are eligible to participate in the pro-
2 gram.

3 (b) TRAINING FOR INSTALLATION CAREER COUN-
4 SELORS ON MYCAA PROGRAM.—The Secretaries of the
5 military departments shall take appropriate actions to en-
6 sure that career counselors at military installations receive
7 appropriate training and current information on eligibility
8 for and use of benefits under the My Career Advancement
9 Account program, including financial assistance to cover
10 costs associated with professional recertification, port-
11 ability of occupational licenses, professional credential
12 exams, and other mechanisms in connection with the port-
13 ability of professional licenses.

14 (c) REPORT ON EXPANSION OF SECO PROGRAM.—
15 The Secretary of Defense shall submit to Congress a re-
16 port setting forth a proposal for the expansion of special-
17 ized coaching modules within the Spouse Education and
18 Career Opportunities (SECO) Program of the Department
19 of Defense.

20 **SEC. 3053. MILITARY FAMILY CHILDCARE MATTERS.**

21 (a) ASSESSMENT OF USE OF SUBSIDIZED, OFF-IN-
22 STALLATION CHILDCARE SERVICES.—Subsection (a) of
23 section 575 of the National Defense Authorization Act for
24 Fiscal Year 2018 (Public Law 115–91) is amended by
25 adding at the end the following new paragraph:

1 “(5) Modifying the rate of use of subsidized,
2 off-installation childcare services by military families
3 in light of the full implementation of MilitaryChild-
4 Care.com, including whether the availability of off-
5 installation childcare services for military families
6 could be increased by altering policies of the Armed
7 Forces on capping the amount of subsidies for mili-
8 tary families for such services based on the cost of
9 living for families and the average cost of civilian
10 childcare services.”.

11 (b) PROVISIONAL OR INTERIM CLEARANCES TO PRO-
12 VIDE CHILDCARE SERVICES.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall implement a policy to permit the issuance of
15 clearances on a provisional or interim basis for the
16 provision of childcare services at military childcare
17 centers.

18 (2) ELEMENTS.—The policy required by this
19 subsection shall provide for the following:

20 (A) Any clearance issued under the policy
21 shall be temporary and contingent upon the sat-
22 isfaction of such requirements for the issuance
23 of a clearance on a permanent basis as the Sec-
24 retary considers appropriate.

1 (B) Any individual issued a clearance on a
2 provisional or interim basis under the policy
3 shall be subject to such supervision in the provi-
4 sion of childcare services using such clearance
5 as the Secretary considers appropriate.

6 (3) CLEARANCE DEFINED.—In this subsection,
7 the term “clearance”, with respect to an individual
8 and the provision of childcare services, means the
9 formal approval of the individual, after appropriate
10 vetting and other review, to provide childcare serv-
11 ices to children at a military childcare center of the
12 Department of Defense.

13 **SEC. 3054. EXPANSION OF PERIOD OF AVAILABILITY OF**
14 **MILITARY ONESOURCE PROGRAM FOR RE-**
15 **TIRED AND DISCHARGED MEMBERS OF THE**
16 **ARMED FORCES AND THEIR IMMEDIATE FAM-**
17 **ILIES.**

18 (a) IN GENERAL.—Under regulations prescribed by
19 the Secretary of Defense, the period of eligibility for the
20 Military OneSource program of the Department of De-
21 fense of an eligible individual retired, discharged, or other-
22 wise released from the Armed Forces, and for the eligible
23 immediate family members of such an individual, shall be
24 the one-year period beginning on the date the retirement,
25 discharge, or release, as applicable, of such individual.

1 (b) OUTREACH.—The Secretary shall undertake a
2 marketing and advertising campaign designed to inform
3 military families and families of veterans of the Armed
4 Forces of the wide range of benefits available through the
5 Military OneSource program. The campaign shall include
6 well-researched and targeted marketing and advertising
7 collateral issued at the following:

8 (1) Offices at military installations that issue
9 identification cards.

10 (2) Locations at which activities under the
11 Transition Assistance Program (TAP) are being car-
12 ried out.

13 **SEC. 3055. TRANSITION ASSISTANCE FOR MILITARY**
14 **SPOUSES.**

15 (a) TRANSITION ASSISTANCE.—

16 (1) IN GENERAL.—Subchapter I of chapter 88
17 of title 10, United States Code, is amended by in-
18 serting after section 1784a the following new sec-
19 tion:

20 **“§ 1784b. Employment assistance, job training assist-**
21 **ance, and other transitional assistance**
22 **for military spouses: Department of**
23 **Labor**

24 “(a) IN GENERAL.—In carrying out the program of
25 assistance and services required by section 1144 of this

1 title, the Secretary of Labor, in conjunction with the Sec-
2 retary of Defense, the Secretary of Homeland Security,
3 and the Secretary of Veterans Affairs, shall also maintain
4 a program of counseling, assistance, help, and related in-
5 formation and services for spouses of members of the
6 armed forces covered by that section in order to assist
7 such spouses during the transition of such members to ci-
8 vilian life.

9 “(b) ELEMENTS.—The counseling, assistance, help,
10 and information and services available under the program
11 under this section shall be the following:

12 “(1) Such counseling, assistance, help, and in-
13 formation and services as are available to members
14 under section 1144 of this title and are suitable to
15 assist spouses during the transition of members as
16 described in subsection (a).

17 “(2) Such other counseling, assistance, help,
18 and information and services to assist spouses dur-
19 ing such transition as the Secretaries consider ap-
20 propriate for purposes of the program.

21 “(c) PARTICIPATION.—A spouse is eligible to partici-
22 pate in the program under this section during any period
23 in which the spouse’s member is eligible to participate in
24 the program of assistance and services required by section
25 1144 of this title.

1 “(d) USE OF PERSONNEL AND ORGANIZATIONS.—In
2 carrying out the program under this section, the Secre-
3 taries may use any of the authorities, personnel, organiza-
4 tions, and other resources available for the program of as-
5 sistance and services required by section 1144 of this title
6 that the Secretaries consider appropriate for the effective
7 operation of the program under this section.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of subchapter I of chapter 88
10 of such title is amended by inserting after the item
11 relating to section 1784a the following new item:

“1784b. Employment assistance, job training assistance, and other transitional assistance for military spouses: Department of Labor.”.

12 (3) EFFECTIVE DATE AND COMMENCEMENT OF
13 PROGRAM.—The amendments made by this sub-
14 section shall take effect on the date of the enactment
15 of this Act. The Secretary of Labor shall commence
16 the program required by section 1784b of title 10,
17 United States Code (as added by such amendments),
18 by such date, not later than one year after the date
19 of the enactment of this Act, as the Secretary con-
20 siders practicable.

21 (b) PARTICIPATION OF SPOUSES IN TAP FOR MEM-
22 BERS.—Section 1144 of title 10, United States Code, is
23 amended—

1 (1) in subsection (a)(1), by striking “and the
2 spouses of such members”;

3 (2) in subsection (c), by inserting “OF MEM-
4 BERS” after “PARTICIPATION”;

5 (3) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively; and

7 (4) by inserting after subsection (c) the fol-
8 lowing new subsection (d):

9 “(d) PARTICIPATION OF SPOUSES.—The Secretaries
10 shall permit the spouses of members participating in the
11 program carried out under this section to participate in
12 the receipt by such members of assistance and services
13 provided under the program to the extent that the partici-
14 pation of such spouses in receipt of such assistance and
15 services will assist such members and spouses in maxi-
16 mizing the benefits of the program carried out under this
17 section.”.

18 **SEC. 3056. PUBLIC-PRIVATE PARTNERSHIPS ON HEALTH,**
19 **SAFETY, WELFARE, AND MORALE OF MILI-**
20 **TARY FAMILIES.**

21 (a) PLAN FOR INITIATIVE REQUIRED.—The Sec-
22 retary of Defense shall, acting through the Office of Com-
23 munity Relations of the Department of Defense, submit
24 to Congress a report setting forth a proposal for one or
25 more initiatives between the military departments and ap-

1 appropriate non-Federal entities for public-private partner-
2 ships designed to support and enhance the health, safety,
3 welfare, and morale of military families. The initiatives
4 shall be designed to provide the military departments flexi-
5 bility in the commitment of resources to the partnerships
6 according to the unique requirements of the military de-
7 partments and the Armed Forces.

8 (b) INITIATIVE ELEMENTS.—In identifying appro-
9 priate elements for the initiatives described in subsection
10 (a), the Secretary shall take into account the results of
11 the following:

12 (1) Two current studies by the Office of the
13 Secretary of Defense on the health, safety, welfare,
14 and morale of military families.

15 (2) The public-private partnership initiative of
16 the Department of Veterans Affairs on the health,
17 safety, welfare, and morale of families of veterans.

18 **SEC. 3057. SMALL BUSINESS ACTIVITIES OF MILITARY**
19 **SPOUSES ON MILITARY INSTALLATIONS.**

20 (a) ASSESSMENT OF SMALL BUSINESS ACTIVITY.—
21 The Secretary of Defense shall submit to Congress a re-
22 port setting forth an assessment of the feasibility and ad-
23 visability of encouraging entrepreneurship among military
24 spouses by permitting military spouses to engage in small
25 business activities on military installations and in partner-

1 ship with commissaries, exchange stores, and other mo-
2 rale, welfare, and recreation facilities of the Armed
3 Forces.

4 (b) ELEMENTS.—The assessment shall—

5 (1) take into account the usage by military
6 spouses of installation facilities, utilities, and other
7 resources in the conduct of small business activities
8 on military installations and such other matters in
9 connection with the conduct of such business activi-
10 ties by military spouses as the Secretary considers
11 appropriate; and

12 (2) seek to identify mechanisms to ensure that
13 costs and fees associated with the usage by military
14 spouses of such facilities, utilities, and other re-
15 sources in connection with such business activities
16 does not meaningfully curtail or eliminate the oppor-
17 tunity for military spouses to profit reasonably from
18 such business activities.

19 **SEC. 3058. REPORT ON ASSESSMENT OF FREQUENCY OF**
20 **PERMANENT CHANGES OF STATION OF MEM-**
21 **BERS OF THE ARMED FORCES ON EMPLOY-**
22 **MENT AMONG MILITARY SPOUSES.**

23 (a) IN GENERAL.—The Secretary of Defense shall
24 submit to Congress a report setting forth an assessment
25 of the effects of the frequency of permanent changes of

1 station (PCS) of members of the Armed Forces on sta-
2 bility of employment among military spouses.

3 (b) ELEMENTS.—The report under subsection (a)
4 shall include the following:

5 (1) An assessment of the effects of the fre-
6 quency of permanent changes of station of members
7 of the Armed Forces on stability of employment
8 among military spouses, including the contribution
9 of frequent permanent changes of station to unem-
10 ployment or underemployment among military
11 spouses.

12 (2) An assessment of the effects of unemploy-
13 ment and underemployment among military spouses
14 on force readiness.

15 (3) Such recommendations as the Secretary
16 considers appropriate regarding legislative or admin-
17 istration action to achieve force readiness and sta-
18 bilization through the minimization of the impacts of
19 frequent permanent changes on stability of employ-
20 ment among military spouses.

21 **TITLE IV—HEALTH**

22 **SEC. 4001. STUDY ON THE UNINSURED.**

23 (a) IN GENERAL.—The Secretary of Health and
24 Human Services (in this section referred to as the “Sec-
25 retary”) shall—

1 (1) conduct a study, in accordance with the
2 standards under section 3101 of the Public Health
3 Service Act (42 U.S.C. 300kk), on the demographic
4 characteristics of the population of individuals who
5 do not have health insurance coverage;

6 (2) include in such study an analysis of the
7 usage by such population of emergency room and ur-
8 gent care facilities; and

9 (3) predict, based on such study, the demo-
10 graphic characteristics of the population of individ-
11 uals who would remain without health insurance cov-
12 erage after the end of open enrollment or any special
13 enrollment period.

14 (b) REPORTING REQUIREMENTS.—

15 (1) IN GENERAL.—Not later than 12 months
16 after the date of the enactment of this Act, the Sec-
17 retary shall submit to the Congress the results of
18 the study under subsection (a) and the prediction
19 made under subsection (a)(3).

20 (2) REPORTING OF DEMOGRAPHIC CHARACTER-
21 ISTICS.—The Secretary shall report the demographic
22 characteristics under paragraphs (1), (2), and (3) of
23 subsection (a) on the basis of racial and ethnic
24 group, and shall stratify the reporting on each racial
25 and ethnic group by other demographic characteris-

1 tics that can impact access to health insurance cov-
2 erage, such as sexual orientation, gender identity,
3 primary language, disability status, sex, socio-
4 economic status, age group, and citizenship and im-
5 migration status.

6 **SEC. 4002. VOLUNTEER DENTAL PROJECTS AND ACTION**
7 **FOR DENTAL HEALTH PROGRAM.**

8 Section 317M of the Public Health Service Act (42
9 U.S.C. 247b-14) is amended—

10 (1) by redesignating subsections (e) and (f) as
11 (g) and (h), respectively;

12 (2) by inserting after subsection (d), the fol-
13 lowing:

14 “(e) GRANTS TO SUPPORT VOLUNTEER DENTAL
15 PROJECTS.—

16 “(1) IN GENERAL.—The Secretary, acting
17 through the Director of the Centers for Disease
18 Control and Prevention, may award grants to or
19 enter into contracts with eligible entities to obtain
20 portable or mobile dental equipment, and pay for ap-
21 propriate operational costs, for the provision of free
22 dental services to underserved populations that are
23 delivered in a manner consistent with State licensing
24 laws.

1 “(2) ELIGIBLE ENTITY.—In this subsection, the
2 term ‘eligible entity’ includes a State or local dental
3 association, a State oral health program, a dental
4 education, dental hygiene education, or postdoctoral
5 dental education program accredited by the Commis-
6 sion on Dental Accreditation, and a community-
7 based organization that partners with an academic
8 institution, that—

9 “(A) is exempt from tax under section
10 501(c) of the Internal Revenue Code of 1986;
11 and

12 “(B) offers a free dental services program
13 for underserved populations.

14 “(f) ACTION FOR DENTAL HEALTH PROGRAM.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Director of the Centers for Disease
17 Control and Prevention, may award grants to or
18 enter into contracts with eligible entities to collabo-
19 rate with State, county, or local public officials and
20 other stakeholders to develop and implement initia-
21 tives to accomplish any of the following goals:

22 “(A) To improve oral health education and
23 dental disease prevention, including community-
24 wide prevention programs, use of dental

1 sealants and fluoride varnish, and increasing
2 oral health literacy.

3 “(B) To make the health care delivery sys-
4 tem providing dental services more accessible
5 and efficient through the development and ex-
6 pansion of outreach programs that will facili-
7 tate the establishment of dental homes for chil-
8 dren and adults, including the aged, blind, and
9 disabled populations.

10 “(C) To reduce geographic, language, cul-
11 tural, and similar barriers in the provision of
12 dental services.

13 “(D) To help reduce the use of emergency
14 departments by those who seek dental services
15 more appropriately delivered in a dental pri-
16 mary care setting.

17 “(E) To facilitate the provision of dental
18 care to nursing home residents who are dis-
19 proportionately affected by lack of care.

20 “(2) ELIGIBLE ENTITY.—In this subsection, the
21 term ‘eligible entity’ includes a State or local dental
22 association, a State oral health program, or a dental
23 education, dental hygiene, or postdoctoral dental
24 education program accredited by the Commission on
25 Dental Accreditation, and a community-based orga-

1 nization that partners with an academic institution,
2 that—

3 “(A) is exempt from tax under section
4 501(c) of the Internal Revenue Code of 1986;
5 and

6 “(B) partners with public and private
7 stakeholders to facilitate the provision of dental
8 services for underserved populations.”; and

9 (3) in subsection (h), as redesignated by para-
10 graph (1), by striking “fiscal years 2001 through
11 2005” and inserting “fiscal years 2016 through
12 2020”.

13 **SEC. 4003. CRITICAL ACCESS HOSPITAL IMPROVEMENTS.**

14 (a) **ELIMINATION OF ISOLATION TEST FOR COST-**
15 **BASED AMBULANCE REIMBURSEMENT.—**

16 (1) **IN GENERAL.—**Section 1834(l)(8) of the
17 Social Security Act (42 U.S.C. 1395m(l)(8)) is
18 amended—

19 (A) in subparagraph (B)—

20 (i) by striking “owned and”; and

21 (ii) by inserting “(including when
22 such services are provided by the entity
23 under an arrangement with the hospital)”
24 after “hospital”; and

1 (B) by striking the comma at the end of
2 subparagraph (B) and all that follows and in-
3 serting a period.

4 (2) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply to services furnished
6 on or after January 1, 2019.

7 (b) PROVISION OF A MORE FLEXIBLE ALTERNATIVE
8 TO THE CAH DESIGNATION 25 INPATIENT BED LIMIT
9 REQUIREMENT.—

10 (1) IN GENERAL.—Section 1820(c)(2) of the
11 Social Security Act (42 U.S.C. 1395i–4(c)(2)) is
12 amended—

13 (A) in subparagraph (B)(iii), by striking
14 “provides not more than” and inserting “sub-
15 ject to subparagraph (F), provides not more
16 than”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(F) ALTERNATIVE TO 25 INPATIENT BED
20 LIMIT REQUIREMENT.—

21 “(i) IN GENERAL.—A State may elect
22 to treat a facility, with respect to the des-
23 ignation of the facility for a cost-reporting
24 period, as satisfying the requirement of
25 subparagraph (B)(iii) relating to a max-

1 imum number of acute care inpatient beds
2 if the facility elects, in accordance with a
3 method specified by the Secretary and be-
4 fore the beginning of the cost reporting pe-
5 riod, to meet the requirement under clause
6 (ii).

7 “(ii) ALTERNATE REQUIREMENT.—
8 The requirement under this clause, with
9 respect to a facility and a cost-reporting
10 period, is that the total number of inpa-
11 tient bed days described in subparagraph
12 (B)(iii) during such period will not exceed
13 7,300. For purposes of this subparagraph,
14 an individual who is an inpatient in a bed
15 in the facility for a single day shall be
16 counted as one inpatient bed day.

17 “(iii) WITHDRAWAL OF ELECTION.—
18 The option described in clause (i) shall not
19 apply to a facility for a cost-reporting pe-
20 riod if the facility (for any two consecutive
21 cost-reporting periods during the previous
22 5 cost-reporting periods) was treated under
23 such option and had a total number of in-
24 patient bed days for each of such two cost-

1 reporting periods that exceeded the num-
2 ber specified in such clause.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply to cost-reporting peri-
5 ods beginning on or after the date of the enactment
6 of this Act.

7 **SEC. 4004. COMMUNITY HEALTH CENTER COLLABORATIVE**
8 **ACCESS EXPANSION.**

9 Section 330 of the Public Health Service Act (42
10 U.S.C. 254b) is amended by adding at the end the fol-
11 lowing:

12 “(s) MISCELLANEOUS PROVISIONS.—

13 “(1) RULE OF CONSTRUCTION WITH RESPECT
14 TO RURAL HEALTH CLINICS.—Nothing in this sec-
15 tion shall be construed to prevent a community
16 health center from contracting with a federally cer-
17 tified rural health clinic (as defined by section
18 1861(aa)(2) of the Social Security Act) for the deliv-
19 ery of primary health care and other mental, dental,
20 and physical health services that are available at the
21 rural health clinic to individuals who would other-
22 wise be eligible for free or reduced cost care if that
23 individual were able to obtain that care at the com-
24 munity health center. Such services may be limited
25 in scope to those primary health care and other

1 mental, dental, and physical health services available
2 in that rural health clinic.

3 “(2) ENABLING SERVICES.—To the extent pos-
4 sible, enabling services such as transportation and
5 translation assistance shall be provided by rural
6 health clinics described in paragraph (1).

7 “(3) ASSURANCES.—In order for a rural health
8 clinic to receive funds under this section through a
9 contract with a community health center for the de-
10 livery of primary health care and other services de-
11 scribed in paragraph (1), such rural health clinic
12 shall establish policies to ensure—

13 “(A) nondiscrimination based upon the
14 ability of a patient to pay;

15 “(B) the establishment of a sliding fee
16 scale for low-income patients; and

17 “(C) any such services should be subject to
18 full reimbursement according to the Prospective
19 Payment System scale.”.

20 **SEC. 4005. IMPROVING OPPORTUNITY DIAPER DISTRIBUTION DEMONSTRATION PROJECT.**
21

22 Part P of title III of the Public Health Service Act
23 (42 U.S.C. 280g et seq.) is amended by adding at the end
24 the following:

1 **“SEC. 399V-7. DIAPER DISTRIBUTION DEMONSTRATION**
2 **PROJECT.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Administration for Children and Families, shall make
5 grants to eligible entities to conduct demonstration
6 projects that implement and evaluate strategies to help
7 families with eligible children to address the diapering
8 needs of such children.

9 “(b) USE OF FUNDS.—Amounts provided through a
10 grant under this section shall be used to—

11 “(1) fund diaper distribution demonstration
12 projects that will reduce the substantial cost of dia-
13 pers and diapering supplies by making diapers and
14 diapering supplies available to low-income families;

15 “(2) evaluate the effects of such demonstration
16 projects on mitigating health risks, including diaper
17 dermatitis, urinary tract infections, and increased
18 rates of parental and child depression and anxiety,
19 that can arise when low-income families do not have
20 an adequate supply of diapers for infants and tod-
21 dlers; and

22 “(3) integrate the diaper distribution dem-
23 onstration projects with other assistance programs
24 serving families with eligible children.

25 “(c) APPLICATION.—An entity desiring a grant under
26 this section shall submit to the Secretary an application

1 that includes such information as the Secretary may re-
2 quire to ensure a likelihood of success in achieving the
3 purposes of the grant listed in subsection (b).

4 “(d) ELIGIBLE ENTITIES.—To be eligible to receive
5 a grant under this section, an entity shall be—

6 “(1) a State or local governmental entity;

7 “(2) an Indian tribe or tribal organization (as
8 defined in section 4 of the Indian Self-Determination
9 and Education Assistance Act); or

10 “(3) a nonprofit organization as described in
11 section 501(c)(3) of the Internal Revenue Code of
12 1986 and exempt from taxation under section
13 501(a) of such Code.

14 “(e) NO EFFECT ON OTHER PROGRAMS.—Any as-
15 sistance or benefits provided to a family pursuant to a
16 grant under this section shall be disregarded for purposes
17 of determining the family’s eligibility for, or amount of,
18 benefits under—

19 “(1) any other Federal need-based program; or

20 “(2) in the case of a grant under this section
21 to a State, any State-funded, need-based program
22 that is financed in whole or in part with Federal
23 funds.

24 “(f) REPORTS.—As a condition of receiving a grant
25 under this section for a fiscal year, an entity shall submit

1 to the Secretary, not later than 6 months after the end
2 of the fiscal year, a report that specifies—

3 “(1) the number of children and the number of
4 families receiving assistance under the diaper dis-
5 tribution demonstration projects funded through
6 such grant for each month of the fiscal year;

7 “(2) the number of diapers, and the number of
8 each type of diapering supply distributed through
9 such projects for each month of the fiscal year;

10 “(3) the method or methods the entity uses to
11 distribute diapers and diapering supplies through
12 such projects; and

13 “(4) such other information as the Secretary
14 may require.

15 “(g) EVALUATION.—The Secretary, in consultation
16 with each entity that receives a grant under this section,
17 shall—

18 “(1) not later than September 30, 2019—

19 “(A) complete an evaluation of the effec-
20 tiveness of the diaper distribution demonstra-
21 tion projects carried out pursuant to this sec-
22 tion;

23 “(B) submit to the relevant congressional
24 committees a report on the results of such eval-
25 uation; and

1 “(C) publish the results of the evaluation
2 on the Internet Web site of the Department of
3 Health and Human Services; and

4 “(2)(A) not later than September 30, 2022, up-
5 date the evaluation described in paragraph (1)(A);
6 and

7 “(B) not later than 90 days after completion of
8 the updated evaluation under subparagraph (B)—

9 “(i) submit to the relevant congressional
10 committees a report describing the results of
11 such evaluation; and

12 “(ii) update the Web site described in
13 paragraph (1)(C) to include the results of such
14 evaluation.

15 “(h) DEFINITIONS.—In this section:

16 “(1) The term ‘diaper’ means an absorbent gar-
17 ment that is washable or disposable that is worn by
18 a child who is not toilet-trained.

19 “(2) The term ‘diapering supplies’ means items,
20 including diaper wipes and diaper cream, necessary
21 to ensure that a child using a diaper is properly
22 cleaned and protected from diaper rash.

23 “(3) The term ‘eligible child’ means a child
24 who—

25 “(A) is not toilet-trained;

1 “(B) has not attained 4 years of age, un-
2 less the entity determines that the child has a
3 substantial physical or mental impairment that
4 requires the child to wear diapers; and

5 “(C) is a member of a family whose income
6 is not more than 130 percent of the poverty line
7 (as defined by the Office of Management and
8 Budget, and revised annually in accordance
9 with section 673(2) of the Omnibus Budget
10 Reconciliation Act of 1981) applicable to a fam-
11 ily of the size involved.

12 “(4) The term ‘toilet-trained’ means able and
13 willing to use a toilet consistently such that diapers
14 are not necessary on a daily basis.

15 “(i) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—To carry out this section,
17 there is authorized to be appropriated for each of
18 fiscal years 2018 through 2022, \$25,000,000.

19 “(2) AVAILABILITY OF FUNDS.—Funds pro-
20 vided to an entity under this section for a fiscal year
21 may be expended only in the fiscal year or the suc-
22 ceeding fiscal year.”.

23 **SEC. 4006. FINDINGS.**

24 Congress finds the following:

1 (1) Environmental injustice exists whenever
2 governmental action or inaction causes environ-
3 mental risks or harms to fall unfairly and dispro-
4 portionately upon a particular group or community.

5 (2) Racial minority, low-income, rural, indige-
6 nous, and other often-marginalized communities are
7 especially likely to face environmental injustice.

8 (3) Limited resources and lack of political
9 power ensure that marginalized communities host
10 pollution-producing or potentially toxic facilities, in-
11 cluding power plants, pipelines, industrial sites, gar-
12 bage transfer stations, incinerators, landfills, and
13 sewage treatment plants, at disproportionate rates.

14 (4) Marginalized communities suffer from sys-
15 temic governmental failures to adequately invest in
16 the kind of infrastructure and services that reduce
17 the risk of environmental accidents or disasters, and
18 that facilitate swift, effective responses to such oc-
19 currences.

20 (5) The presence of pollution-producing sites
21 can compromise public health, safety, property val-
22 ues, and quality of life even if no accident or dis-
23 aster occurs.

24 (6) Air and water quality are often especially
25 poor in marginalized communities, and governmental

1 permitting and investment decisions directly con-
2 tribute to this inequity.

3 (7) Scientific evidence increasingly links poor
4 environmental quality with disabilities and chronic
5 illnesses, including cancer, asthma, neurobehavioral
6 disorders, learning disabilities, and abnormal hor-
7 mone functioning.

8 (8) Environmental justice exists when public
9 policies successfully prevent or correct unfair dis-
10 parities in environmental quality, and resultant dis-
11 parities in public health and quality of life.

12 (9) Environmental justice is possible only if vul-
13 nerable groups and marginalized communities can
14 express their needs and concerns, and only then if
15 policymakers listen.

16 (10) The environmental justice movement seeks
17 to address the unjust social, economic, and political
18 marginalization of minority, low-income, rural, and
19 indigenous communities.

20 (11) Environmental justice advocates seek
21 healthy home, work, and recreational environments
22 for all human beings, and healthy habitats for non-
23 human life.

24 (12) Community health depends in part upon
25 factors like adequate transit options, walkable neigh-

1 borhoods, and other public goods that marginalized
2 communities are often denied.

3 (13) Environmental justice requires responsible
4 and balanced use of land and resources, in a way
5 that does not unfairly burden marginalized commu-
6 nities.

7 (14) Environmental justice can only be achieved
8 and sustained in the context of a greener economy.

9 (15) “Greening” the economy requires concrete
10 governmental actions, including investments in clean
11 technologies; in sustainable, low-carbon transpor-
12 tation and energy production systems; and in work-
13 force training initiatives that prepare citizens for
14 well-paying jobs in new or evolving industries.

15 (16) Environmental justice requires fair proc-
16 esses and a good-faith approach to public policy, in-
17 cluding regulatory decision making.

18 (17) In the 1990s, in response to the environ-
19 mental justice movement, Federal agencies were di-
20 rected to incorporate environmental justice goals
21 into their programs and activities.

22 (18) Vulnerable populations and marginalized
23 communities continue urgently to need fairer envi-
24 ronmental policies, and more inclusive and equitable
25 processes.

1 (19) All Americans would be better served by a
2 policymaking process that did not unfairly prioritize
3 the comfort and health of some groups or commu-
4 nities at the expense of others.

5 (20) Clean air, clean water, resource conserva-
6 tion, and other policy goals that spurred lawmakers
7 to enact existing environmental and public health
8 protections are vitally important.

9 (21) The need for adequate environmental and
10 public health protections is inextricably linked with
11 the need for a more sustainable economy and
12 greener, more livable communities.

13 (22) Environmental and public health policies
14 should adequately and equally protect all Americans,
15 and that equal protection is possible only in a con-
16 text of environmental justice.

17 (23) Environmental justice advocates are com-
18 mendable for their continuing struggle to achieve
19 fairer, healthier, more sustainable policies and out-
20 comes.

21 (24) There is a prevalence of environmental in-
22 justices that directly affect the health and well-being
23 of individuals and communities across the country,
24 especially racial minority, rural, indigenous, and low-
25 income communities.

1 (25) Congress should commit to ameliorating
2 existing environmental injustices, and to preventing
3 future injustices, by supporting greater objectivity,
4 transparency, and outreach in policymaking at all
5 levels of government; by supporting improved two-
6 way communication between policymakers and those
7 affected by their decisions; and by supporting proc-
8 esses that ensure policymakers give due consider-
9 ation not just to the effects of their decisions, but
10 to how those effects are distributed and by whom
11 they are borne.

12 **SEC. 4007. FINDINGS.**

13 Congress finds the following:

14 (1) Endometrial cancer is cancer of the lining
15 of the uterus (or endometrium) and is the most com-
16 mon form of uterine cancer.

17 (2) Endometrial cancer is the fourth most com-
18 mon cancer diagnosed in women, after breast, lung,
19 and colon cancer.

20 (3) Endometrial cancer mainly affects post-
21 menopausal women, with most women diagnosed be-
22 tween age 55 and 64.

23 (4) Women with polycystic ovary syndrome
24 (PCOS) have an increased risk of developing
25 endometrial cancer.

1 (5) Unlike most other types of cancer, the inci-
2 dence of endometrial cancer, particularly aggressive
3 subtypes of such cancer, has been increasing in the
4 United States among all women, particularly among
5 African-American and Asian women, with a 2.5 an-
6 nual percent change for both groups.

7 (6) In comparison to non-Hispanic White
8 women, African-American women have significantly
9 higher incidence rates of aggressive endometrial can-
10 cers.

11 (7) Such incidence rates for Hispanic and Asian
12 women are equal to or lower than such incidence
13 rates for non-Hispanic White women.

14 (8) Although non-Hispanic White women are
15 more likely to be diagnosed with endometrial cancer
16 in comparison to African-American women, the rate
17 of mortality is higher for African-American women.

18 (9) Currently, the cause of such disparity is un-
19 known. Researchers have studied the disparity in re-
20 lation to the time between diagnosis and treatment
21 of endometrial cancer, including socioeconomic fac-
22 tors.

1 **SEC. 4008. EXPANDING RESEARCH AND EDUCATION WITH**
2 **RESPECT TO ENDOMETRIAL CANCER.**

3 (a) NATIONAL INSTITUTES OF HEALTH.—Part B of
4 title IV of the Public Health Service Act (42 U.S.C. 284
5 et seq.) is amended by adding at the end the following
6 new section:

7 **“SEC. 409K. ENDOMETRIAL CANCER.**

8 “(a) IN GENERAL.—The Director of NIH shall—

9 “(1) expand, intensify, and coordinate programs
10 to conduct and support research with respect to
11 endometrial cancer; and

12 “(2) communicate to medical professionals and
13 researchers, including through the endometrial can-
14 cer public education program established under sec-
15 tion 399V–7, the disparity in the diagnosis of
16 endometrial cancer between African-American
17 women and non-Hispanic White women and any new
18 research relating to endometrial cancer.

19 “(b) COORDINATION WITH OTHER INSTITUTES.—
20 The Director of NIH shall coordinate activities carried out
21 by the Director pursuant to subsection (a) with similar
22 activities carried out by—

23 “(1) the Director of the Eunice Kennedy Shriv-
24 er National Institute of Child Health and Human
25 Development;

1 “(2) the Director of the National Institute on
2 Minority Health and Health Disparities; and

3 “(3) the Director of the Office of Research on
4 Women’s Health.

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—For
6 purposes of carrying out this section, there is authorized
7 to be appropriated \$500,000 for each of fiscal years 2019
8 through 2021.”.

9 (b) CENTERS FOR DISEASE CONTROL AND PREVEN-
10 TION.—Part P of title III of the Public Health Service
11 Act (42 U.S.C. 280g et seq.) is amended by adding at
12 the end the following new section:

13 **“SEC. 399V-7. ENDOMETRIAL CANCER PUBLIC EDUCATION**
14 **PROGRAM.**

15 “(a) IN GENERAL.—The Secretary, acting through
16 the Director of the Centers for Disease Control and Pre-
17 vention, shall develop and disseminate to the public infor-
18 mational materials on endometrial cancer, including the
19 incidence rate of such cancer, the risk factors for devel-
20 oping such cancer, the increased risk for ethnic minority
21 women to develop such cancer, and the range of available
22 treatments for such cancer. Any informational material
23 developed pursuant to the previous sentence may be trans-
24 mitted to a nonprofit organization; institution of higher

1 education; Federal, State, or local agency; or media entity
2 for purposes of disseminating such material to the public.

3 “(b) CONSULTATION.—In developing and dissemi-
4 nating informational materials under subsection (a), the
5 Director of the Centers for Disease Control and Preven-
6 tion shall consult with the Administrator of the Health
7 Resources and Services Administration.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—For
9 purposes of carrying out this section, there is authorized
10 to be appropriated such sums as may be necessary for
11 each of fiscal years 2019 through 2021.”.

12 **TITLE V—SMALL BUSINESS**

13 **SEC. 5001. DIRECT LOANS TO SMALL BUSINESS CONCERNS.**

14 (a) IN GENERAL.—From amounts appropriated pur-
15 suant to subsection (e), the Administrator of the Small
16 Business Administration shall establish a program to
17 make direct loans to small business concerns (as defined
18 under section 3 of the Small Business Act (15 U.S.C.
19 632)).

20 (b) AMOUNT.—Loans made under this section shall
21 be in an amount not greater than the lesser of—

- 22 (1) 5 percent of the annual revenue of the small
23 business concern requesting the loan; or
- 24 (2) \$250,000.

1 (c) INTEREST RATE.—The interest rate on a loan
2 made under this section shall be equal to the discount win-
3 dow primary credit interest rate most recently published
4 on the Federal Reserve Statistical Release on selected in-
5 terest rates (daily or weekly), commonly referred to as the
6 H.15 release.

7 (d) REPORT.—The Administrator of the Small Busi-
8 ness Administration shall submit a report to Congress on
9 the implementation and results of the program established
10 under this section.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$25,000,000 for each
13 of fiscal years 2018 to 2022.

14 **SEC. 5002. PILOT PROGRAM TO FUND LOCAL INCUBATORS.**

15 (a) ESTABLISHMENT.—The Secretary of Commerce
16 shall establish a competitive program to make grants to
17 States and political subdivisions of States to partner with
18 local incubators in order to provide start-ups with work-
19 space and other resources for use in developing their busi-
20 nesses.

21 (b) ELIGIBILITY.—The Secretary may only award a
22 grant under this section to a State or political subdivision
23 of a State that submits an application at such time, in
24 such form, and with such information and assurances as
25 the Secretary may require, including an identification of

1 one or more incubators with which the State or political
2 subdivision will partner in implementing the grant.

3 (c) LIMITATIONS.—

4 (1) ONE GRANT PER STATE OR POLITICAL SUB-
5 DIVISION.—A State or political subdivision of a
6 State may not receive more than one grant under
7 this section. For purposes of the preceding sentence,
8 a grant received by a State shall not be considered
9 to be received by a political subdivision of the State,
10 and a grant received by a political subdivision of a
11 State shall not be considered to be received by the
12 State.

13 (2) AMOUNT OF GRANT.—A grant awarded
14 under this section may not exceed \$500,000.

15 (d) USE OF FUNDS.—

16 (1) IN GENERAL.—A State or political subdivi-
17 sion of a State that receives a grant under this sec-
18 tion shall use grant funds to partner with one or
19 more incubators located within the territory of such
20 State or political subdivision in order to provide
21 start-ups with workspace and other resources for use
22 in developing their businesses. The partnership may
23 take such form as the Secretary considers appro-
24 priate, including one or more subgrants from the

1 State or political subdivision to the incubator or in-
2 cubators.

3 (2) SPECIFIC EXPENSES INCLUDED.—Grant
4 funds may be used for any expense incurred in order
5 to provide start-ups with workspace and other re-
6 sources for use in developing their businesses, in-
7 cluding—

8 (A) purchase or rental of land;

9 (B) modification of buildings;

10 (C) charges for utility services or broad-
11 band service;

12 (D) fees of consultants for the provision of
13 technical or professional assistance;

14 (E) costs of promoting the incubator or in-
15 cubators; and

16 (F) any other such expense that the Sec-
17 retary considers appropriate.

18 (e) MATCHING REQUIREMENT.—A State or political
19 subdivision of a State may not partner with an incubator
20 (or group of incubators) in implementing a grant under
21 this section unless the incubator (or group of incubators)
22 agrees that, with respect to the expenses to be incurred
23 in carrying out activities within the scope of the partner-
24 ship, the incubator (or group of incubators) will make
25 available from private funds contributions in an amount

1 equal to not less than 50 percent of the amount made
2 available by the State or political subdivision from grant
3 funds under this section.

4 (f) REPORT TO CONGRESS.—Not later than 180 days
5 after the end of fiscal year 2021, the Secretary shall sub-
6 mit to Congress a report on the results achieved by the
7 grant program established under this section. Such report
8 shall include recommendations of the Secretary with re-
9 spect to extending, expanding, or improving the program.

10 (g) DEFINITIONS.—In this section:

11 (1) INCUBATOR.—The term “incubator” means
12 a private-sector entity that—

13 (A) provides start-ups with workspace and
14 other resources (such as utilities, broadband
15 service, and technical or professional assistance)
16 for use in developing their businesses; and

17 (B) may charge start-ups a reasonable fee
18 for such resources.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Commerce.

21 (3) START-UP.—The term “start-up” means
22 any business entity (including an individual oper-
23 ating an unincorporated business) that, as of the
24 time the entity receives resources from an incu-
25 bator—

1 (A) has been in operation for not more
2 than 5 years;

3 (B) has not more than 5 employees; and

4 (C) for the most recently completed fiscal
5 year of the entity (if any) and any preceding
6 fiscal year, has annual gross revenues of less
7 than \$150,000.

8 (4) STATE.—The term “State” means each of
9 the several States, the District of Columbia, each
10 commonwealth, territory, or possession of the United
11 States, and each federally recognized Indian tribe.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary to carry
14 out this section \$5,000,000, of which not more than 5 per-
15 cent shall be available for the costs of administering the
16 grant program established under this section, for each of
17 the fiscal years 2018 through 2022.

18 **SEC. 5003. FUNDING FOR ORGANIZATIONS THAT SUPPORT**
19 **STARTUP BUSINESSES.**

20 (a) FINDINGS.—Congress finds that—

21 (1) startups face common challenges as they
22 seek to transform their ideas into successful, high-
23 growth businesses;

24 (2) incubators and accelerators are new models
25 of growth that drive innovation by connecting entre-

1 preneurial individuals and teams to create viable
2 business ventures and social initiatives;

3 (3) startups have contributed greatly to the
4 United States economy, with research showing that
5 between 1982 and 2011, businesses 5 years or
6 younger were responsible for nearly every net new
7 job created;

8 (4) incubators and accelerators support prom-
9 ising startups through partnerships, mentoring, and
10 resources connecting them with seasoned entre-
11 preneurs;

12 (5) the goal of an incubator or an accelerator
13 is to help create and grow young businesses by pro-
14 viding them with necessary financial, technical, and
15 industry support and financial and technical serv-
16 ices; and

17 (6) startups offer unique opportunities for
18 growth and development for women, minority, and
19 veterans to become successful entrepreneurs and
20 leaders in new and developed fields.

21 (b) FUNDING FOR ORGANIZATIONS THAT SUPPORT
22 STARTUP BUSINESSES.—The Small Business Act (15
23 U.S.C. 631 et seq.) is amended—

24 (1) by redesignating section 47 (15 U.S.C. 631
25 note) as section 48; and

1 (2) by inserting after section 46 the following:

2 **“SEC. 47. FUNDING FOR ORGANIZATIONS THAT SUPPORT**
3 **STARTUP BUSINESSES.**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘accelerator’ means an organiza-
6 tion that—

7 “(A) frequently provides, but is not exclu-
8 sively designed to provide, seed investment in
9 exchange for a small amount of equity;

10 “(B) works with a startup for a predeter-
11 mined amount of time;

12 “(C) provides mentorship and instruction
13 to scale businesses; or

14 “(D) offers startup capital or the oppor-
15 tunity to raise capital from outside investors;

16 “(2) the term ‘eligible entity’ means an organi-
17 zation—

18 “(A) that is located in the United States;

19 “(B) the primary purpose of which is to
20 support new small business concerns; and

21 “(C) that is often classified as an accel-
22 erator;

23 “(3) the term ‘new small business concern’
24 means a small business concern that has been in op-
25 eration for not more than 5 years;

1 “(4) the term ‘small business concern owned
2 and controlled by socially and economically disadvan-
3 tagged individuals’ has the meaning given the term in
4 section 8(d)(3)(C); and

5 “(5) the term ‘State’ means any State of the
6 United States, the District of Columbia, the Com-
7 monwealth of Puerto Rico, and any territory or pos-
8 session of the United States.

9 “(b) FUNDING.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this section, the Adminis-
12 trator shall develop and begin implementing a pro-
13 gram to award cash prizes or grants of not more
14 than \$50,000 to eligible entities to support new
15 small business concerns.

16 “(2) USE OF FUNDS.—A prize or grant under
17 this section—

18 “(A) may be used for construction costs,
19 space acquisition, and programmatic purposes;
20 and

21 “(B) may not be used to provide capital or
22 professional services to new small business con-
23 cerns directly or through the subaward of
24 funds.

1 “(3) DISBURSAL OF FUNDS.—In disbursing
2 funds under this section, the Administrator may use
3 incremental or scheduled payments.

4 “(c) APPLICATION.—

5 “(1) IN GENERAL.—An eligible entity desiring a
6 prize or grant under this section shall demonstrate
7 that the eligible entity will use the prize or grant to
8 provide assistance to not less than 10 new small
9 business concerns per year.

10 “(2) REQUIREMENTS.—In soliciting applica-
11 tions and awarding prizes or grants to eligible enti-
12 ties under this section, the Administrator shall em-
13 ploy a streamlined and inclusive approach that—

14 “(A) widely publicizes funding opportuni-
15 ties to a broad audience;

16 “(B) utilizes an easily accessible submis-
17 sion process or platform;

18 “(C) does not mandate the use of forms,
19 detailed budgets, supporting documentation, or
20 written submissions or impose other burden-
21 some requirements;

22 “(D) focuses on solution-based approaches
23 and results-based outcomes;

24 “(E) encourages innovation; and

1 “(F) allows proposals or pitches to be pre-
2 sented using various formats or media.

3 “(d) CRITERIA.—The Administrator shall establish
4 criteria for a prize or grant under this section that shall
5 give priority to eligible entities that are providing or plan
6 to provide to new small business concerns—

7 “(1) office, manufacturing, or warehouse space,
8 including appropriate operations infrastructure;

9 “(2) access to capital either directly from the
10 eligible entity (using amounts other than the
11 amounts provided under the prize or grant) or
12 through guidance and contacts for acquiring capital
13 from outside investors;

14 “(3) access to professional services either di-
15 rectly from the eligible entity (using amounts other
16 than the amounts provided under the prize or grant)
17 or through guidance and contacts for acquiring pro-
18 fessional services, including accounting and legal
19 services; or

20 “(4) a formal structured mentorship or develop-
21 mental program that assists new small business con-
22 cerns with building business skills and competencies.

23 “(e) CONSIDERATIONS IN CHOOSING RECIPIENTS.—
24 In determining whether to award a prize or grant under

1 this section to an eligible entity, the Administrator shall
2 take into account—

3 “(1) for eligible entities that have in operation
4 a program to support new small business concerns,
5 the record of the eligible entity in assisting new
6 small business concerns, including, for each of the 3
7 full years before the date on which the eligible entity
8 applies for a prize or grant under this section—

9 “(A) the retention rate of new small busi-
10 ness concerns in the program of the eligible en-
11 tity;

12 “(B) the average period of participation by
13 new small business concerns in the program of
14 the eligible entity;

15 “(C) the total, average, and median capital
16 raised by new small business concerns partici-
17 pating in the program of the eligible entity; and

18 “(D) the total, average, and median num-
19 ber of employees of new small business concerns
20 participating in the program of the eligible enti-
21 ty;

22 “(2) for all eligible entities—

23 “(A) the number of new small business
24 concerns assisted or anticipated to be assisted
25 by the eligible entity;

1 “(B) the number of new small business
2 concerns applying or anticipated to apply for
3 assistance from the eligible entity;

4 “(C) whether the program of the eligible
5 entity provides or would provide assistance to
6 individuals in gender, racial, or ethnic groups
7 underrepresented by existing programs to assist
8 new small business concerns; and

9 “(D) other metrics determined appropriate
10 by the Administrator;

11 “(3) the need in the geographic area to be
12 served by the program to be carried out using the
13 prize or grant for additional assistance for new small
14 business concerns, if the area has sufficient popu-
15 lation density, as determined by the Administrator;

16 “(4) the level of experience of the entrepre-
17 neurial leadership of the eligible entity;

18 “(5) the ability of the eligible entity to use and
19 leverage local strengths, including human resources,
20 infrastructure, and educational institutions; and

21 “(6) the desire to promote diversity in entrepre-
22 neurship by ensuring that not less than 50 percent
23 of prizes or grants shall be awarded annually to—

24 “(A) accelerators located in geographically
25 underserved areas; or

1 “(B) accelerators serving—
2 “(i) Native Americans;
3 “(ii) small business concerns owned
4 and controlled by socially and economically
5 disadvantaged individuals;
6 “(iii) individuals participating in the
7 Transition Assistance Program of the De-
8 partment of Defense;
9 “(iv) individuals who—
10 “(I) served on active duty in any
11 branch of the Armed Forces, includ-
12 ing the National Guard and Reserves;
13 and
14 “(II) were discharged or released
15 from such service under conditions
16 other than dishonorable;
17 “(v) individuals with disabilities;
18 “(vi) women; and
19 “(vii) formerly incarcerated individ-
20 uals.

21 “(f) MATCHING NONPUBLIC FUNDING REQUIRE-
22 MENT.—

23 “(1) IN GENERAL.—An eligible entity receiving
24 a prize or grant under this section shall obtain funds

1 from a private individual or entity (including a for-
2 profit or nonprofit entity) that are—

3 “(A) for the same purposes as a prize or
4 grant may be made under this section;

5 “(B) used to carry out the program of the
6 eligible entity carried out using the prize or
7 grant under this section; and

8 “(C) in an amount that is not to be less
9 than 50 percent of the amount of the prize or
10 grant under this section.

11 “(2) FORM OF NON-FEDERAL SHARE.—Not
12 more than 25 percent of the funds obtained under
13 paragraph (1) may be in the form of in-kind con-
14 tributions.

15 “(g) CONSEQUENCES OF FAILURE TO ABIDE BY
16 TERMS AND CONDITIONS OF PRIZE OR GRANT REQUIRE-
17 MENTS OF THIS SECTION.—The Administrator shall no-
18 tify each eligible entity receiving a prize or grant under
19 this section that failure to abide by the terms and condi-
20 tions of the prize or grant or the requirements of this sec-
21 tion may, in the discretion of the Administrator and in
22 addition to any other civil or criminal consequences, result
23 in the Administrator withholding payments or ordering
24 the eligible entity to return the prize or grant funds.

1 “(h) ANNUAL PROGRESS REPORTING BY RECIPIENTS
2 OF PRIZE OR GRANT.—Each eligible entity receiving a
3 prize or grant under this section shall submit to the Ad-
4 ministrator an annual report on the progress of the pro-
5 gram carried out using the amounts received under the
6 prize or grant, including—

7 “(1) the number of new small business concerns
8 participating in the program during each of the pre-
9 vious 3 years;

10 “(2) the number of new small business concerns
11 applying to participate in the program during each
12 of the previous 3 years;

13 “(3) the retention rate of new small business
14 concerns in the program;

15 “(4) the average period of participation in the
16 program by new small business concerns;

17 “(5) the total, average, and median capital
18 raised by new small business concerns participating
19 in the program;

20 “(6) the total, average, and median number of
21 employees of new small business concerns partici-
22 pating in the program;

23 “(7) the number of new small business concerns
24 owned and controlled by—

25 “(A) Native Americans;

1 “(B) socially and economically disadvan-
2 taged individuals;

3 “(C) individuals participating in the Tran-
4 sition Assistance Program of the Department of
5 Defense;

6 “(D) individuals who—

7 “(i) served on active duty in any
8 branch of the Armed Forces, including the
9 National Guard and Reserves; and

10 “(ii) were discharged or released from
11 such service under conditions other than
12 dishonorable;

13 “(E) women; and

14 “(F) formerly incarcerated individuals; and

15 “(8) other metrics determined appropriate by
16 the Administrator.

17 “(i) REPORT TO CONGRESS.—The Administrator
18 shall submit to Congress an annual report on the program
19 under this section, which shall include an assessment of
20 the effectiveness of the program, including an assessment
21 based on the metrics listed in subsection (h).

22 “(j) COORDINATION WITH OTHER SMALL BUSINESS
23 ADMINISTRATION PROGRAMS.—The Administrator shall
24 take appropriate action to encourage eligible entities re-
25 ceiving a prize or grant under this section to use and in-

1 corporate other programs of the Administration, such as
2 small business development centers, small business invest-
3 ment companies, loans under section 7(a), and assistance
4 under title V of the Small Business Investment Act of
5 1958 (15 U.S.C. 695 et seq.).

6 “(k) COORDINATION WITH THE DEPARTMENT OF
7 VETERANS AFFAIRS.—In consultation with the Secretary
8 of Veteran Affairs, the Administrator shall make available
9 outreach materials regarding the opportunities for vet-
10 erans within the program under this section for distribu-
11 tion and display at local facilities of the Department of
12 Veterans Affairs.

13 “(l) LISTING ON WEBSITE.—The Administrator shall
14 include a list of eligible entities receiving a prize or grant
15 under this section on the website of the Administration.

16 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$6,000,000 for each of the first 5 fiscal years beginning
19 after the date of enactment of this section.”.

20 **SEC. 5004. EXPANDING BROADCAST OWNERSHIP OPPORTU-**
21 **NITIES.**

22 (a) FCC REPORTS TO CONGRESS.—

23 (1) BIENNIAL REPORT CONTAINING REC-
24 OMMENDATIONS FOR INCREASING NUMBER OF
25 MINORITY- AND WOMEN-OWNED BROADCAST STA-

1 TIONS.—Not later than 180 days after the date of
2 the enactment of this Act, and not less frequently
3 than every 2 years thereafter, the Commission shall
4 submit to Congress a report containing rec-
5 ommendations for how to increase the total number
6 of broadcast stations that are owned or controlled by
7 members of minority groups or women, or by both
8 members of minority groups and women.

9 (2) BIENNIAL REPORT ON NUMBER OF
10 MINORITY- AND WOMEN-OWNED BROADCAST STA-
11 TIONS.—Not later than 180 days after the date of
12 the enactment of this Act, and not less frequently
13 than every 2 years thereafter, the Commission shall
14 submit to Congress a report that states the total
15 number of broadcast stations that are owned or con-
16 trolled by members of minority groups or women, or
17 by both members of minority groups and women,
18 based on data reported to the Commission on Form
19 323.

20 (b) TAX CERTIFICATE PROGRAM FOR BROADCAST
21 STATION TRANSACTIONS FURTHERING OWNERSHIP BY
22 SOCIALLY AND ECONOMICALLY DISADVANTAGED INDI-
23 VIDUALS.—

24 (1) REQUIREMENTS FOR ISSUANCE OF CERTIFI-
25 CATE BY FCC.—

1 (A) IN GENERAL.—Part I of title III of the
2 Communications Act of 1934 (47 U.S.C. 301 et
3 seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 344. TAX CERTIFICATE PROGRAM FOR BROADCAST**
6 **STATION TRANSACTIONS FURTHERING OWN-**
7 **ERSHIP BY SOCIALLY AND ECONOMICALLY**
8 **DISADVANTAGED INDIVIDUALS.**

9 “(a) ISSUANCE OF CERTIFICATE BY COMMISSION.—
10 Upon application by a person who engages in a sale of
11 an interest in a broadcast station described in subsection
12 (b), subject to the rules adopted by the Commission under
13 subsection (c), the Commission shall issue to such person
14 a certificate stating that such sale meets the requirements
15 of this section.

16 “(b) SALES DESCRIBED.—The sales described in this
17 subsection are the following:

18 “(1) SALE RESULTING IN OWNERSHIP BY SO-
19 CIALLY AND ECONOMICALLY DISADVANTAGED INDI-
20 VIDUALS.—A sale—

21 “(A) of an interest in a broadcast station
22 that, before such sale, is not owned by socially
23 and economically disadvantaged individuals; and

1 “(B) that results in the station being
2 owned by socially and economically disadvan-
3 taged individuals.

4 “(2) SALE BY INVESTOR IN STATION OWNED BY
5 SOCIALLY AND ECONOMICALLY DISADVANTAGED IN-
6 DIVIDUALS.—In the case of a person who has con-
7 tributed capital in exchange for an interest in a
8 broadcast station that is owned by socially and eco-
9 nomically disadvantaged individuals, a sale by such
10 person of some or all of such interest.

11 “(c) RULES.—The Commission shall adopt rules for
12 the issuance of a certificate under subsection (a) that pro-
13 vide for the following:

14 “(1) LIMIT ON VALUE OF SALE.—A limit on the
15 value of an interest the sale of which qualifies for
16 the issuance of such a certificate.

17 “(2) MINIMUM HOLDING PERIOD.—In the case
18 of a sale described in subsection (b)(1), a minimum
19 period following the sale during which the broadcast
20 station must remain owned by socially and economi-
21 cally disadvantaged individuals.

22 “(3) CUMULATIVE LIMIT ON NUMBER OR
23 VALUE OF SALES.—A limit on the total number of
24 sales or the total value of sales, or both, for which

1 a person may be issued certificates under subsection
2 (a).

3 “(4) PARTICIPATION IN STATION MANAGEMENT
4 BY SOCIALLY AND ECONOMICALLY DISADVANTAGED
5 INDIVIDUALS.—Requirements for participation by
6 socially and economically disadvantaged individuals
7 in the management of the broadcast station.

8 “(d) ANNUAL REPORT TO CONGRESS.—The Commis-
9 sion shall submit to Congress an annual report describing
10 the sales for which certificates have been issued under sub-
11 section (a) during the period covered by the report.

12 “(e) DEFINITIONS.—In this section:

13 “(1) OWNED BY SOCIALLY AND ECONOMICALLY
14 DISADVANTAGED INDIVIDUALS.—The term ‘owned
15 by socially and economically disadvantaged individ-
16 uals’ means, with respect to a broadcast station,
17 that—

18 “(A) such station is at least 51 percent
19 owned by one or more socially and economically
20 disadvantaged individuals, or, in the case of any
21 publicly owned broadcast station, at least 51
22 percent of the stock of such station is owned by
23 one or more socially and economically disadvan-
24 taged individuals; and

1 “(B) the management and daily business
2 operations of such station are controlled by one
3 or more of such individuals.

4 “(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ‘socially and economically disadvantaged individual’ means an individual who is socially and economically disadvantaged. The Commission shall presume that socially and economically disadvantaged individuals include—

11 “(A) Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities; and

14 “(B) women.

15 “(3) SOCIALLY DISADVANTAGED INDIVIDUAL.—
16 The term ‘socially disadvantaged individual’ means
17 an individual who has been subjected to racial or
18 ethnic prejudice or cultural bias because of the identity of the individual as a member of a group without regard to the individual qualities of the individual.

22 “(4) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The term ‘economically disadvantaged individual’ means a socially disadvantaged individual whose ability to compete in the free enterprise sys-

1 tem has been impaired due to diminished capital and
2 credit opportunities as compared to others in the
3 same business area who are not socially disadvan-
4 taged. In determining the degree of diminished cred-
5 it and capital opportunities, the Commission shall
6 consider, but not be limited to, the assets and net
7 worth of such socially disadvantaged individual.”.

8 (B) DEADLINE FOR ADOPTION OF
9 RULES.—The Commission shall adopt rules to
10 implement section 344 of the Communications
11 Act of 1934, as added by subparagraph (A),
12 not later than 1 year after the date of the en-
13 actment of this Act.

14 (C) REPORT TO CONGRESS ON PROGRAM
15 EXPANSION.—Not later than 6 years after the
16 date of the enactment of this Act, the Commis-
17 sion shall submit to Congress a report regard-
18 ing whether Congress should expand section
19 344 of the Communications Act of 1934, as
20 added by subparagraph (A), beyond broadcast
21 stations to cover other entities regulated by the
22 Commission.

23 (D) REPORT TO CONGRESS ON NEXUS BE-
24 TWEEN DIVERSITY OF OWNERSHIP AND DIVER-
25 SITY OF VIEWPOINT.—Not later than 6 years

1 after the date of the enactment of this Act, and
2 not less frequently than every 5 years thereafter
3 until the amendments made by this section
4 cease to apply in accordance with paragraph
5 (4), the Commission shall submit to Congress a
6 report, including supporting data, on whether
7 there is a nexus between diversity of ownership
8 or control of broadcast stations (including own-
9 ership or control by members of minority
10 groups or women, or by both members of mi-
11 nority groups and women) and diversity of the
12 viewpoints expressed in the matter broadcast by
13 broadcast stations.

14 (2) NONRECOGNITION OF GAIN OR LOSS FOR
15 TAX PURPOSES.—

16 (A) IN GENERAL.—Subchapter O of chap-
17 ter 1 of the Internal Revenue Code of 1986 is
18 amended by inserting after part IV the fol-
19 lowing new part:

1 **“PART V—SALE OF INTEREST IN CERTAIN**
2 **BROADCAST STATIONS.**

3 **“SEC. 1071. NONRECOGNITION OF GAIN OR LOSS FROM**
4 **SALE OF INTEREST IN CERTAIN BROADCAST**
5 **STATIONS.**

6 “(a) NONRECOGNITION OF GAIN OR LOSS.—If a sale
7 of an interest in a broadcast station, within the meaning
8 of section 344 of the Communications Act of 1934, is cer-
9 tified by the Federal Communications Commission under
10 such section, such sale shall, if the taxpayer so elects, be
11 treated as an involuntary conversion of such property
12 within the meaning of section 1033. For purposes of such
13 section as made applicable by the provisions of this sec-
14 tion, stock of a corporation operating a broadcast station
15 shall be treated as property similar or related in service
16 or use to the property so converted. The part of the gain,
17 if any, on such sale to which section 1033 is not applied
18 shall nevertheless not be recognized, if the taxpayer so
19 elects, to the extent that it is applied to reduce the basis
20 for determining gain or loss on any such sale, of a char-
21 acter subject to the allowance for depreciation under sec-
22 tion 167, remaining in the hands of the taxpayer imme-
23 diately after the sale, or acquired in the same taxable year.
24 The manner and amount of such reduction shall be deter-
25 mined under regulations prescribed by the Secretary. Any
26 election made by the taxpayer under this section shall be

1 made by a statement to that effect in his return for the
2 taxable year in which the sale takes place, and such elec-
3 tion shall be binding for the taxable year and all subse-
4 quent taxable years.

5 “(b) MINIMUM HOLDING PERIOD; CONTINUED MAN-
6 AGEMENT.—If—

7 “(1) there is nonrecognition of gain or loss to
8 a taxpayer under this section with respect to a sale
9 of property (determined without regard to this para-
10 graph), and

11 “(2) the taxpayer ceases to fulfill any require-
12 ments of the rules adopted by the Federal Commu-
13 nications Commission under paragraph (2) or (4) of
14 section 344(c) of the Communications Act of 1934
15 (as such rules are in effect on the date of such sale),
16 there shall be no nonrecognition of gain or loss under this
17 section to the taxpayer with respect to such sale, except
18 that any gain or loss recognized by the taxpayer by reason
19 of this subsection shall be taken into account as of the
20 date on which the taxpayer so ceases to fulfill such re-
21 quirements.

22 “(c) BASIS.—For basis of property acquired on a sale
23 treated as an involuntary conversion under subsection (a),
24 see section 1033(b).”.

1 (B) CLERICAL AMENDMENT.—The table of
2 parts for subchapter O of chapter 1 of the In-
3 ternal Revenue Code of 1986 is amended by in-
4 serting after the item related to part IV the fol-
5 lowing new part:

“PART V—SALE OF INTEREST IN CERTAIN BROADCAST STATIONS

“Section 1071. Nonrecognition of gain or loss from sale of interest in certain
broadcast stations.”.

6 (3) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply with respect to sales
8 of interests in broadcast stations after the date that
9 is 1 year after the date of the enactment of this Act.

10 (4) SUNSET.—The amendments made by this
11 subsection shall not apply with respect to sales of in-
12 terests in broadcast stations after the date that is
13 16 years after the date of the enactment of this Act.

14 (c) INCUBATOR PILOT PROGRAM.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the
17 Commission shall establish a program under which
18 the Commission may grant a waiver of paragraph
19 (a) or (b) of section 73.3555 of title 47, Code of
20 Federal Regulations, to a licensee of a broadcast
21 station to enable the licensee to acquire an interest
22 that would otherwise be prohibited by such para-

1 graph in a broadcast station that is owned by so-
2 cially and economically disadvantaged individuals.

3 (2) REPORT TO CONGRESS.—The Commission
4 shall submit to Congress a report on the effective-
5 ness of the program established under paragraph (1)
6 not later than the date that is 4 years after the date
7 on which the Commission establishes the program
8 under such paragraph.

9 (3) SUNSET.—The Commission may not grant
10 a waiver under paragraph (1) after the date that is
11 5 years after the date on which the Commission es-
12 tablishes the program under such paragraph.

13 (d) DEFINITIONS.—In this section:

14 (1) BROADCAST STATION.—The term “broad-
15 cast station” has the meaning given such term in
16 section 3 of the Communications Act of 1934 (47
17 U.S.C. 153).

18 (2) COMMISSION.—The term “Commission”
19 means the Federal Communications Commission.

20 (3) OWNED BY SOCIALLY AND ECONOMICALLY
21 DISADVANTAGED INDIVIDUALS.—The term “owned
22 by socially and economically disadvantaged individ-
23 uals” has the meaning given such term in section
24 344 of the Communications Act of 1934, as added
25 by subsection (b).

1 **SEC. 5005. PERMANENT INCREASE OF LIMITATION ON DE-**
2 **DUCTION FOR START-UP AND ORGANIZA-**
3 **TIONAL EXPENDITURES.**

4 (a) **START-UP EXPENDITURES.**—

5 (1) **IN GENERAL.**—Section 195(b)(1)(A)(ii) of
6 the Internal Revenue Code of 1986 is amended—

7 (A) by striking “\$5,000” and inserting
8 “\$15,000”, and

9 (B) by striking “\$50,000” and inserting
10 “\$150,000”.

11 (2) **CONFORMING AMENDMENT.**—Section
12 195(b) of such Code is amended by striking para-
13 graph (3).

14 (b) **ORGANIZATIONAL EXPENDITURES.**—Section
15 248(a)(1)(B) of such Code is amended—

16 (1) by striking “\$5,000” and inserting
17 “\$10,000”, and

18 (2) by striking “\$50,000” and inserting
19 “\$60,000”.

20 (c) **EFFECTIVE DATE.**—The amendments made by
21 this section shall apply to amounts paid or incurred with
22 respect to—

23 (1) in the case of the amendments made by
24 subsection (a), trades or businesses beginning in tax-
25 able years beginning after December 31, 2016, and

1 (2) in the case of the amendments made by
2 subsection (b), corporations the business of which
3 begins in taxable years beginning after such date.

4 **SEC. 5006. VETERAN SMALL BUSINESS START-UP CREDIT.**

5 (a) IN GENERAL.—Subpart D of part IV of sub-
6 chapter A of chapter 1 of the Internal Revenue Code of
7 1986 is amended by adding at the end the following new
8 section:

9 **“SEC. 45V. VETERAN SMALL BUSINESS START-UP CREDIT.**

10 “(a) IN GENERAL.—For purposes of section 38, in
11 the case of an applicable veteran-owned business which
12 elects the application of this section, the veteran small
13 business start-up credit determined under this section for
14 any taxable year is an amount equal to 15 percent of so
15 much of the qualified start-up expenditures of the tax-
16 payer as does not exceed \$80,000.

17 “(b) APPLICABLE VETERAN-OWNED SMALL BUSI-
18 NESS.—For purposes of this section—

19 “(1) IN GENERAL.—The term ‘applicable vet-
20 eran-owned small business’ means a small business
21 owned and controlled by one or more veterans or
22 spouses of veterans and the principal place of busi-
23 ness of which is in an underserved community.

24 “(2) OWNERSHIP AND CONTROL.—The term
25 ‘owned and controlled’ means—

1 “(A) management and operation of the
2 daily business, and—

3 “(B)(i) in the case of a sole proprietorship,
4 sole ownership,

5 “(ii) in the case of a corporation, owner-
6 ship (by vote or value) of not less than 51 per-
7 cent of the stock in such corporation, or

8 “(iii) in the case of a partnership or joint
9 venture, ownership of not less than 51 percent
10 of the profits interests or capital interests in
11 such partnership or joint venture.

12 “(3) SMALL BUSINESS.—The term ‘small busi-
13 ness’ means, with respect to any taxable year, any
14 person engaged in a trade or business in the United
15 States if—

16 “(A) the gross receipts of such person for
17 the preceding taxable year did not exceed
18 \$5,000,000, or

19 “(B) in the case of a person to which sub-
20 paragraph (A) does not apply, such person em-
21 ployed not more than 100 full-time employees
22 during the preceding taxable year.

23 For purposes of subparagraph (B), an employee
24 shall be considered full-time if such employee is em-

1 employed at least 30 hours per week for 20 or more
2 calendar weeks in the taxable year.

3 “(4) UNDERSERVED COMMUNITY.—The term
4 ‘underserved community’ means any area located
5 within—

6 “(A) a HUBZone (as defined in section
7 3(p) of the Small Business Act (15 U.S.C.
8 632(p))),

9 “(B) an empowerment zone, or enterprise
10 community, designated under section 1391 (and
11 without regard to whether or not such designa-
12 tion remains in effect),

13 “(C) an area of low income or moderate in-
14 come (as recognized by the Federal Financial
15 Institutions Examination Council), or

16 “(D) a county with persistent poverty (as
17 classified by the Economic Research Service of
18 the Department of Agriculture).

19 “(5) VETERAN OR SPOUSE OF VETERAN.—The
20 term ‘veteran or spouse of a veteran’ has the mean-
21 ing given such term by section 7(a)(31)(G)(iii) of
22 the Small Business Act (15 U.S.C.
23 636(a)(31)(G)(iii)).

24 “(c) QUALIFIED START-UP EXPENDITURES.—For
25 purposes of this section—

1 “(1) IN GENERAL.—The term ‘qualified start-
2 up expenditures’ means—

3 “(A) any start-up expenditures (as defined
4 in section 195(c)), or

5 “(B) any amounts paid or incurred during
6 the taxable year for the purchase or lease of
7 real property, or the purchase of personal prop-
8 erty, placed in service during the taxable year
9 and used in the active conduct of a trade or
10 business.

11 “(d) SPECIAL RULES.—For purposes of this sec-
12 tion—

13 “(1) YEAR OF ELECTION.—The taxpayer may
14 elect the application of this section only for the first
15 2 taxable years for which ordinary and necessary ex-
16 penses paid or incurred in carrying on such trade or
17 business are allowable as a deduction by the tax-
18 payer under section 162.

19 “(2) CONTROLLED GROUPS AND COMMON CON-
20 TROL.—All persons treated as a single employer
21 under subsections (a) and (b) of section 52 shall be
22 treated as 1 person.

23 “(3) NO DOUBLE BENEFIT.—If a credit is de-
24 termined under this section with respect to any
25 property, the basis of such property shall be reduced

1 by the amount of the credit attributable to such
2 property.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for subpart D of part IV of subchapter A of chapter 1
5 of such Code is amended by adding at the end the fol-
6 lowing new item:

“Sec. 45V. Veteran small business start-up credit.”.

7 (c) MADE PART OF GENERAL BUSINESS CREDIT.—
8 Section 38(b) of such Code is amended by striking “plus”
9 at the end of paragraph (38), by striking the period at
10 the end of paragraph (39) and inserting “, plus”, and by
11 adding at the end the following new paragraph:

12 “(40) the veteran small business start-up credit
13 determined under section 45V.”.

14 (d) REPORT BY TREASURY INSPECTOR GENERAL
15 FOR TAX ADMINISTRATION.—Every fourth year after the
16 date of the enactment of this Act, the Treasury Inspector
17 General for Tax Administration shall include in one of the
18 semiannual reports under section 5 of the Inspector Gen-
19 eral Act of 1978 with respect to such year, an evaluation
20 of the program under section 45V of the Internal Revenue
21 Code of 1986 (as added by this section), including an eval-
22 uation of the success of, and accountability with respect
23 to, such program.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **SEC. 5007. INSPECTOR GENERAL REPORT ON PARTICIPA-**
5 **TION IN FAA PROGRAMS BY DISADVANTAGED**
6 **SMALL BUSINESS CONCERNS.**

7 Section 140 of the FAA Modernization and Reform
8 Act of 2012 is amended—

9 (1) in subsection (c)—

10 (A) in paragraph (1) by striking “each of
11 fiscal years 2013 through 2018” and inserting
12 “fiscal year 2018 and periodically thereafter”;
13 and

14 (B) in paragraph (3)(A) by striking “a
15 list” and inserting “with respect to the large
16 and medium hub airports in the United States
17 that participate in the airport disadvantaged
18 business enterprise program referenced in sub-
19 section (a), a list”; and

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

21 “(d) ASSESSMENT OF EFFORTS.—The Inspector
22 General shall assess the efforts of the Federal Aviation
23 Administration with respect to implementing rec-
24 ommendations suggested in reports submitted under sub-
25 section (c) and shall include in each semiannual report of

1 the Inspector General that is submitted to Congress a de-
2 scription of the results of such assessment.”.

3 **SEC. 5008. MINORITY AND DISADVANTAGED BUSINESS PAR-**
4 **TICIPATION.**

5 Section 47113 of title 49, United States Code, is
6 amended—

7 (1) in subsection (c)—

8 (A) by striking “The Secretary shall” and
9 inserting the following:

10 “(1) IN GENERAL.—The Secretary shall”; and

11 (B) by adding at the end the following:

12 “(2) CONSISTENCY OF INFORMATION.—The
13 Secretary shall develop and maintain a training pro-
14 gram—

15 “(A) for employees of the Federal Aviation
16 Administration who provide guidance and train-
17 ing to entities that certify whether a small busi-
18 ness concern qualifies under this section (and
19 for employees of the other modal administra-
20 tions of the Department of Transportation who
21 provide similar services); and

22 “(B) that ensures Federal officials provide
23 consistent communications with respect to cer-
24 tification requirements.

1 “(3) LISTS OF CERTIFYING AUTHORITIES.—The
2 Secretary shall ensure that each State maintains an
3 accurate list of the certifying authorities in such
4 State for purposes of this section and that the list
5 is—

6 “(A) updated at least twice each year; and

7 “(B) made available to the public.”;

8 (2) in subsection (e) by adding at the end the
9 following:

10 “(4) REPORTING.—The Secretary shall deter-
11 mine, for each fiscal year, the number of individuals
12 who received training under this subsection and shall
13 make such number available to the public on an ap-
14 propriate website operated by the Secretary. If the
15 Secretary determines, with respect to a fiscal year,
16 that fewer individuals received training under this
17 subsection than in the previous fiscal year, the Sec-
18 retary shall submit to Congress, and make available
19 to the public on an appropriate website operated by
20 the Secretary, a report describing the reasons for
21 the decrease.

22 “(5) ASSESSMENT.—Not later than 2 years
23 after the date of enactment of this paragraph, and
24 every 2 years thereafter, the Secretary shall assess
25 the training program, including by soliciting feed-

1 back from stakeholders, and update the training pro-
2 gram as appropriate.”; and

3 (3) by adding at the end the following:

4 “(f) TREND ASSESSMENT.—

5 “(1) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this subsection, and
7 at least every 2 years thereafter, the Secretary shall
8 study, using information reported by airports, trends
9 in the participation of small business concerns re-
10 ferred to in subsection (b).

11 “(2) CONTENTS.—The study under paragraph
12 (1) shall include—

13 “(A) an analysis of whether the participa-
14 tion of small business concerns referred to in
15 subsection (b) at reporting airports increased or
16 decreased during the period studied, including
17 for such concerns that were first time partici-
18 pants;

19 “(B) an analysis of the factors relating to
20 any significant increases or decreases in partici-
21 pation compared to prior years; and

22 “(C) development of a plan to respond to
23 the results of the study, including development
24 of recommendations for sharing best practices
25 for maintaining or boosting participation.

1 “(3) REPORTING.—For each study completed
2 under paragraph (1), the Secretary shall submit to
3 Congress, and make available to the program con-
4 tact at each airport that participates in the airport
5 disadvantaged business enterprise program, a report
6 describing the results of the study.”.

7 **SEC. 5009. PASSENGER FACILITY CHARGES.**

8 Section 40117(c) of title 49, United States Code, is
9 amended by adding at the end the following:

10 “(5) With respect to an application under this sub-
11 section that relates to an airport that participates in the
12 airport disadvantaged business enterprise program ref-
13 erenced in section 140(a) of the FAA Modernization and
14 Reform Act of 2012 (49 U.S.C. 47113 note), the applica-
15 tion shall include a detailed description of good faith ef-
16 forts at the airport to contract with disadvantaged busi-
17 ness enterprises in relation to any project that is a subject
18 of the application and to ensure that all small businesses,
19 including those owned by veterans, fairly compete for work
20 funded with passenger facility charges.”.

21 **SEC. 5010. ANNUAL TRACKING OF CERTAIN NEW FIRMS AT**
22 **AIRPORTS WITH A DISADVANTAGED BUSI-**
23 **NESS ENTERPRISE PROGRAM.**

24 (a) TRACKING REQUIRED.—Beginning in fiscal year
25 2018, and each fiscal year thereafter, the Administrator

1 of the Federal Aviation Administration shall require each
2 covered airport to report to the Administrator on the num-
3 ber of new disadvantaged business enterprises that were
4 awarded a contract or concession during the previous fis-
5 cal year at the airport.

6 (b) TRAINING.—The Administrator shall provide
7 training to airports, on an ongoing basis, with respect to
8 compliance with subsection (a).

9 (c) REPORTING.—During the first fiscal year begin-
10 ning after the date of enactment of this Act and every
11 fiscal year thereafter, the Administrator shall update
12 dbE-Connect (or any successor online reporting system)
13 to include information on the number of new disadvan-
14 taged business enterprises that were awarded a contract
15 or concession during the previous fiscal year at a covered
16 airport.

17 (d) COVERED AIRPORT DEFINED.—In this section,
18 the term “covered airport” means a large or medium hub
19 airport that participates in the airport disadvantaged busi-
20 ness enterprise program referenced in section 140(a) of
21 the FAA Modernization and Reform Act of 2012 (49
22 U.S.C. 47113 note).

23 **SEC. 5011. AUDITS.**

24 The inspector general of the Department of Trans-
25 portation shall conduct periodic audits regarding the accu-

1 racy of the data on disadvantaged business enterprises
2 contained in the Federal Aviation Administration’s report-
3 ing database related to such enterprises or any similar or
4 successor online reporting database developed by the Ad-
5 ministration.

6 **SEC. 5012. PROMPT PAYMENTS.**

7 (a) REPORTING OF COMPLAINTS.—Not later than 30
8 days after the date of enactment of this Act, the Adminis-
9 trator of the Federal Aviation Administration shall ensure
10 that each airport that participates in the Program tracks,
11 and reports to the Administrator, the number of covered
12 complaints made in relation to activities at that airport.

13 (b) IMPROVING COMPLIANCE.—

14 (1) IN GENERAL.—The Administrator shall
15 take actions to assess and improve compliance with
16 prompt payment requirements under part 26 of title
17 49, Code of Federal Regulations.

18 (2) CONTENTS OF ASSESSMENT.—In carrying
19 out paragraph (1), the Administrator shall assess—

20 (A) whether requirements relating to the
21 inclusion of prompt payment language in con-
22 tracts are being satisfied;

23 (B) whether and how airports are enfore-
24 ing prompt payment requirements;

1 (C) the processes by which covered com-
2 plaints are received and resolved by airports;

3 (D) whether improvements need to be
4 made to—

5 (i) better track covered complaints re-
6 ceived by airports; and

7 (ii) assist the resolution of covered
8 complaints in a timely manner;

9 (E) the effectiveness of alternative dispute
10 resolution mechanisms with respect to resolving
11 covered complaints;

12 (F) best practices that ensure prompt pay-
13 ment requirements are satisfied;

14 (G) the Federal Aviation Administration
15 resources, including staff, that are dedicated to
16 helping resolve covered complaints; and

17 (H) how the Federal Aviation Administra-
18 tion can enhance efforts to resolve covered com-
19 plaints, including by using timelines and pro-
20 viding additional staffing and other resources.

21 (3) REPORTING.—The Administrator shall
22 make available to the public on an appropriate
23 website operated by the Administrator a report de-
24 scribing the results of the assessment completed

1 under this subsection, including a plan to respond to
2 such results.

3 (c) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) COVERED COMPLAINT.—The term “covered
6 complaint” means a complaint relating to an alleged
7 failure to satisfy a prompt payment requirement
8 under part 26 of title 49, Code of Federal Regula-
9 tions.

10 (2) PROGRAM.—The term “Program” means
11 the airport disadvantaged business enterprise pro-
12 gram referenced in section 140(a) of the FAA Mod-
13 ernization and Reform Act of 2012 (49 U.S.C.
14 47113 note).

15 **SEC. 5013. EXPANSION OF CREDIT FOR EXPENDITURES TO**
16 **PROVIDE ACCESS TO DISABLED INDIVID-**
17 **UALS.**

18 (a) INCREASE IN DOLLAR LIMITATION.—

19 (1) IN GENERAL.—Section 44(a) of the Internal
20 Revenue Code of 1986 is amended by striking
21 “\$10,250” and inserting “\$20,500”.

22 (2) INFLATION ADJUSTMENT.—Section 44 of
23 such Code is amended by redesignating subsection
24 (e) as subsection (f) and by inserting after sub-
25 section (d) the following new subsection:

1 “(e) INFLATION ADJUSTMENT.—

2 “(1) IN GENERAL.—In the case of any taxable
3 year beginning after 2018, the \$20,500 amount in
4 subsection (a) shall be increased by an amount equal
5 to—

6 “(A) such dollar amount, multiplied by

7 “(B) the cost of living adjustment deter-
8 mined under section 1(f)(3) for the calendar
9 year in which the taxable year begins deter-
10 mined by substituting ‘calendar year 2017’ for
11 ‘calendar year 2016’ in subparagraph (A)(ii)
12 thereof.

13 “(2) ROUNDING.—Any amount determined
14 under paragraph (1) which is not a multiple of \$50
15 shall be rounded to the next lowest multiple of
16 \$50.”.

17 (b) INCREASE IN GROSS RECEIPTS LIMITATION.—
18 Section 44(b)(1)(A) of such Code is amended by striking
19 “\$1,000,000” and inserting “\$2,500,000”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2017.

1 **SEC. 5014. REPORTING REQUIREMENTS FOR CERTAIN**
2 **SMALL BUSINESS CONCERNS.**

3 Section 15(h)(2)(E) of the Small Business Act (15
4 U.S.C. 644(h)(2)(E)) is amended—

5 (1) in clause (i)—

6 (A) in subclause (III), by striking “and” at
7 the end; and

8 (B) by adding at the end the following new
9 subclauses:

10 “(V) that were purchased by an-
11 other entity after the initial contract
12 was awarded and as a result of the
13 purchase, would no longer be deemed
14 to be small business concerns for pur-
15 poses of the initial contract; and

16 “(VI) that were awarded using a
17 procurement method that restricted
18 competition to small business concerns
19 owned and controlled by service-dis-
20 abled veterans, qualified HUBZone
21 small business concerns, small busi-
22 ness concerns owned and controlled by
23 socially and economically disadvan-
24 taged individuals, small business con-
25 cerns owned and controlled by women,
26 or a subset of any such concerns;”;

1 (2) in clause (ii)—

2 (A) in subclause (IV), by striking “and” at
3 the end; and

4 (B) by adding at the end the following new
5 subclauses:

6 “(VI) that were purchased by an-
7 other entity after the initial contract
8 was awarded and as a result of the
9 purchase, would no longer be deemed
10 to be small business concerns owned
11 and controlled by service-disabled vet-
12 erans for purposes of the initial con-
13 tract; and

14 “(VII) that were awarded using a
15 procurement method that restricted
16 competition to qualified HUBZone
17 small business concerns, small busi-
18 ness concerns owned and controlled by
19 socially and economically disadvan-
20 taged individuals, small business con-
21 cerns owned and controlled by women,
22 or a subset of any such concerns;”;

23 (3) in clause (iii)—

24 (A) in subclause (V), by striking “and” at
25 the end; and

1 (B) by adding at the end the following new
2 subclauses:

3 “(VII) that were purchased by
4 another entity after the initial con-
5 tract was awarded and as a result of
6 the purchase, would no longer be
7 deemed to be qualified HUBZone
8 small business concerns for purposes
9 of the initial contract; and

10 “(VIII) that were awarded using
11 a procurement method that restricted
12 competition to small business concerns
13 owned and controlled by service-dis-
14 abled veterans, small business con-
15 cerns owned and controlled by socially
16 and economically disadvantaged indi-
17 viduals, small business concerns
18 owned and controlled by women, or a
19 subset of any such concerns;”;

20 (4) in clause (iv)—

21 (A) in subclause (V), by striking “and” at
22 the end; and

23 (B) by adding at the end the following new
24 subclauses:

1 “(VII) that were purchased by
2 another entity after the initial con-
3 tract was awarded and as a result of
4 the purchase, would no longer be
5 deemed to be small business concerns
6 owned and controlled by socially and
7 economically disadvantaged individ-
8 uals for purposes of the initial con-
9 tract; and

10 “(VIII) that were awarded using
11 a procurement method that restricted
12 competition to small business concerns
13 owned and controlled by service-dis-
14 abled veterans, qualified HUBZone
15 small business concerns, small busi-
16 ness concerns owned and controlled by
17 women, or a subset of any such con-
18 cerns;”;

19 (5) in clause (v)—

20 (A) in subclause (IV), by striking “and” at
21 the end;

22 (B) in subclause (V), by inserting “and” at
23 the end; and

24 (C) by adding at the end the following new
25 subclause:

1 “(VI) that were purchased by an-
2 other entity after the initial contract
3 was awarded and as a result of the
4 purchase, would no longer be deemed
5 to be small business concerns owned
6 by an Indian tribe other than an Alas-
7 ka Native Corporation for purposes of
8 the initial contract;”;

9 (6) in clause (vi)—

10 (A) in subclause (IV), by striking “and” at
11 the end;

12 (B) in subclause (V), by inserting “and” at
13 the end; and

14 (C) by adding at the end the following new
15 subclause:

16 “(VI) that were purchased by an-
17 other entity after the initial contract
18 was awarded and as a result of the
19 purchase, would no longer be deemed
20 to be small business concerns owned
21 by a Native Hawaiian Organization
22 for purposes of the initial contract;”;

23 (7) in clause (vii)—

24 (A) in subclause (IV), by striking “and” at
25 the end;

1 (B) in subclause (V), by striking “and” at
2 the end; and

3 (C) by adding at the end the following new
4 subclause:

5 “(VI) that were purchased by an-
6 other entity after the initial contract
7 was awarded and as a result of the
8 purchase, would no longer be deemed
9 to be small business concerns owned
10 by an Alaska Native Corporation for
11 purposes of the initial contract; and”;
12 and

13 (8) in clause (viii)—

14 (A) in subclause (VII), by striking “and”
15 at the end;

16 (B) in subclause (VIII), by striking “and”
17 at the end; and

18 (C) by adding at the end the following new
19 subclauses:

20 “(IX) that were purchased by an-
21 other entity after the initial contract
22 was awarded and as a result of the
23 purchase, would no longer be deemed
24 to be small business concerns owned

1 and controlled by women for purposes
2 of the initial contract; and

3 “(X) that were awarded using a
4 procurement method that restricted
5 competition to small business concerns
6 owned and controlled by service-dis-
7 abled veterans, qualified HUBZone
8 small business concerns, small busi-
9 ness concerns owned and controlled by
10 socially and economically disadvan-
11 taged individuals, or a subset of any
12 such concerns; and”.

13 **TITLE VI—ECONOMIC** 14 **DEVELOPMENT**

15 **SEC. 6001. ECONOMIC GROWTH, RETENTION, AND RECRUIT-** 16 **MENT OF COMMERCIAL INVESTMENT IN ECO-** 17 **NOMICALLY UNDERSERVED COMMUNITIES.**

18 The Small Business Investment Act of 1958 (15
19 U.S.C. 661 et seq.) is amended by adding at the end the
20 following new title:

1 **“TITLE** **VIII—ECONOMIC**
2 **GROWTH, RETENTION, AND**
3 **RECRUITMENT OF COMMER-**
4 **CIAL INVESTMENT IN ECO-**
5 **NOMICALLY UNDERSERVED**
6 **COMMUNITIES**

7 **“SEC. 811. PURPOSE.**

8 “The purpose of this title is to assist with the eco-
9 nomic growth of economically underserved communities
10 that have potential for strong Class 1 commercial invest-
11 ment, but that continue to have a difficult time recruiting
12 Class 1 commercial investment.

13 **“SEC. 812. GRANT PROGRAM.**

14 “(a) **AUTHORIZATION.**—From amounts appropriated
15 under section 814, the Administrator shall make grants
16 on a competitive basis to an eligible community for—

17 “(1) the creation of a grant program or revolv-
18 ing loan fund program (or both) that helps develop
19 financing packages for Class 1 commercial invest-
20 ment in the community;

21 “(2) lowering real estate property tax rates in
22 the community;

23 “(3) conducting community-wide market anal-
24 ysis to help recruit and retain Class 1 commercial
25 investment;

1 “(4) creating employment training programs for
2 Class 1 business customer service, sales, and mana-
3 gerial positions in the community;

4 “(5) retail marketing strategies to solicit new
5 Class 1 commercial investment starts in the commu-
6 nity;

7 “(6) program allowances for activities to pro-
8 mote Class 1 commercial investment in the commu-
9 nity, such as the publication of marketing materials,
10 development of economic development web pages,
11 and educational outreach activities with retail trade
12 associations; and

13 “(7) hiring business recruitment specialists to
14 operate in the community.

15 “(b) ELIGIBILITY.—The Administrator may only
16 make a grant under subsection (a) to a community whose
17 demographics include—

18 “(1) a median per capita income no higher than
19 \$35,000; and

20 “(2) an identified lack of Class 1 commercial
21 investment.

22 “(c) APPLICATION.—A community seeking a grant
23 under subsection (a) shall submit an application at such
24 time, in such form, and containing such information and

1 assurances as the Administrator may require, except that
2 the application shall include—

3 “(1) a description of how the community,
4 through the activities the community proposes to
5 carry out with the grant funds will recruit, retain
6 and grow its economy through Class 1 commercial
7 investment; and

8 “(2) a description of the difficulty the commu-
9 nity has faced recruiting, retaining and growing its
10 economy through Class 1 commercial investment.

11 “(d) MATCHING FUNDS.—

12 “(1) IN GENERAL.—The Administrator may not
13 make a grant to a community under subsection (a)
14 unless the community agrees that, with respect to
15 the costs to be incurred by the community in car-
16 rying out the activities for which the grant is award-
17 ed, the community will make available non-Federal
18 contributions in an amount equal to not less than 10
19 percent of the Federal funds provided under the
20 grant.

21 “(2) SATISFYING MATCHING REQUIREMENTS.—
22 The non-Federal contributions required under para-
23 graph (1) may be—

24 “(A) in cash or in-kind, including services,
25 fairly evaluated; and

1 “(B) from—
2 “(i) any private source;
3 “(ii) State or local governmental enti-
4 ty; or
5 “(iii) nonprofit source.

6 “(3) WAIVER.—The Administrator may waive
7 or reduce the non-Federal contribution required by
8 paragraph (1) if the community involved dem-
9 onstrates that the community cannot meet the con-
10 tribution requirement due to financial hardship.

11 “(e) LIMITATIONS.—Amounts appropriated pursuant
12 to the authorization of appropriations in section 814 for
13 a fiscal year shall be allocated as follows:

14 “(1) No more than 5 percent of such funds
15 shall go to administrative costs;

16 “(2) 70 percent of such funds shall go toward
17 activities described in paragraphs (1) through (4) of
18 subsection (a), after taking into account administra-
19 tive costs under subparagraph (A); and

20 “(3) 30 percent of such funds shall go toward
21 activities described in paragraphs (5) through (7) of
22 subsection (a), after taking into account administra-
23 tive costs under subparagraph (A).

24 **“SEC. 813. DEFINITIONS.**

25 “In this title:

1 “(1) COMMUNITY.—The term ‘community’
2 means a governance structure that includes county,
3 parish, city, village, township, district or borough.

4 “(2) CLASS 1 COMMERCIAL INVESTMENT.—The
5 term ‘Class 1 commercial investment’ means retail
6 grocery chains, food service retailers, restaurants
7 and franchises, retail stores, cafes, shopping malls,
8 and other shops.

9 “(3) ECONOMICALLY UNDERSERVED COMMU-
10 NITY.—The term ‘economically underserved commu-
11 nity’ means an area suffering from low income and
12 resultant low purchasing power, limiting its ability
13 to generate sufficient goods and services to be used
14 in exchange with other areas to meet current con-
15 sumption needs.

16 **“SEC. 814. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There is authorized to be appropriated to the Ad-
18 ministrator to make grants under section 812(a)
19 \$40,000,000 for each of fiscal years 2019 through 2025.’”.

20 **SEC. 6002. MINORITY BANK DEPOSIT PROGRAM.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) On March 5, 1969, pursuant to Executive
23 Order 11458, the Minority Bank Deposit Program
24 was established as a national program supporting
25 minority-owned business enterprise. It was expanded

1 in 1971 under Executive Order 11625 and in 1979
2 under Executive Order 12138. The Competitive
3 Equality Banking Act of 1987 (Public Law 100–86)
4 and the Financial Institutions Reform, Recovery and
5 Enforcement Act of 1989 (Public Law 101–73) in-
6 clude provisions supporting the intent of the Minor-
7 ity Bank Deposit Program.

8 (2) Under the leadership of President Jimmy
9 Carter, on April 8, 1977, a memorandum for all
10 heads of Federal agencies and departments was
11 signed. This document promoted the use of minor-
12 ity-owned business enterprises by placing deposits in
13 minority banks. The agency assigned to head this
14 program was the Department of the Treasury.

15 (3) The Fiscal Assistant Secretary of the De-
16 partment of the Treasury is responsible for certi-
17 fying financial institutions that are eligible for par-
18 ticipation in the Minority Bank Deposit Program.

19 (4) Although the program continues today, the
20 overwhelming majority of financial institutions cer-
21 tified under the Minority Bank Deposit Program do
22 not have existing relationships with the Federal
23 agencies which suggests the need for reforms to in-
24 crease utilization of eligible institutions.

1 (b) EXPANSION OF USE OF MINORITY BANKS,
2 WOMEN'S BANKS, AND LOW-INCOME CREDIT UNIONS.—

3 (1) IN GENERAL.—Section 1204 of the Finan-
4 cial Institutions Reform, Recovery, and Enforcement
5 Act of 1989 (12 U.S.C. 1811 note) is amended to
6 read as follows:

7 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS, WOM-
8 EN'S BANKS, AND LOW-INCOME CREDIT
9 UNIONS.**

10 “(a) MINORITY BANK DEPOSIT PROGRAM.—

11 “(1) ESTABLISHMENT.—There is established a
12 program to be known as the ‘Minority Bank Deposit
13 Program’ to expand the use of minority banks, wom-
14 en’s banks, and low-income credit unions.

15 “(2) ADMINISTRATION.—The Secretary of the
16 Treasury, acting through the Fiscal Service, shall—

17 “(A) on application by a depository institu-
18 tion or credit union, certify whether such depos-
19 itory institution or credit union is a minority
20 bank, women’s bank, or low-income credit
21 union;

22 “(B) maintain and publish a list of all de-
23 pository institutions and credit unions that have
24 been certified pursuant to subparagraph (A);
25 and

1 “(C) periodically distribute the list de-
2 scribed in subparagraph (B) to—

3 “(i) all Federal departments and
4 agencies;

5 “(ii) interested State and local govern-
6 ments; and

7 “(iii) interested private sector compa-
8 nies.

9 “(3) INCLUSION OF CERTAIN ENTITIES ON
10 LIST.—A depository institution or credit union that,
11 on the date of the enactment of this section, has a
12 current certification from the Secretary of the
13 Treasury stating that such depository institution or
14 credit union is a minority bank, women’s bank, or
15 low-income credit union shall be included on the list
16 described under paragraph (2)(B).

17 “(b) EXPANDED USE AMONG FEDERAL DEPART-
18 MENTS AND AGENCIES.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the establishment of the program described in sub-
21 section (a), the head of each Federal department or
22 agency shall develop and implement standards and
23 procedures to ensure, to the maximum extent pos-
24 sible as permitted by law, the use of minority banks,
25 women’s banks, and low-income credit unions to

1 serve the financial needs of each such department or
2 agency.

3 “(2) REPORT TO CONGRESS.—Not later than 2
4 years after the establishment of the program de-
5 scribed in subsection (a), and annually thereafter,
6 the head of each Federal department or agency shall
7 submit to Congress a report on the actions taken to
8 increase the use of minority banks, women’s banks,
9 and low-income credit unions to serve the financial
10 needs of each such department or agency.

11 “(c) DEFINITIONS.—For purposes of this section:

12 “(1) CREDIT UNION.—The term ‘credit union’
13 has the meaning given the term ‘insured credit
14 union’ in section 101 of the Federal Credit Union
15 Act (12 U.S.C. 1752).

16 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
17 pository institution’ has the meaning given the term
18 ‘insured depository institution’ in section 3 of the
19 Federal Deposit Insurance Act (12 U.S.C. 1813).

20 “(3) LOW-INCOME CREDIT UNION.—The term
21 ‘low-income credit union’ means any entity described
22 in section 19(b)(1)(A)(iv) of the Federal Reserve
23 Act.

1 “(4) MINORITY.—The term ‘minority’ means
2 any Black American, Native American, Hispanic
3 American, or Asian American.

4 “(5) MINORITY BANK.—The term ‘minority
5 bank’ means any bank described in clause (i), (ii),
6 or (iii) of section 19(b)(1)(A) of the Federal Reserve
7 Act—

8 “(A) more than 50 percent of the out-
9 standing shares of which are held by 1 or more
10 minority individuals;

11 “(B) the majority of the directors on the
12 board of directors of which are minority individ-
13 uals; and

14 “(C) a significant percentage of senior
15 management positions of which are held by mi-
16 nority individuals.

17 “(6) WOMEN’S BANK.—The term ‘women’s
18 bank’ means any bank described in clause (i), (ii),
19 or (iii) of section 19(b)(1)(A) of the Federal Reserve
20 Act—

21 “(A) more than 50 percent of the out-
22 standing shares of which are held by 1 or more
23 women;

24 “(B) the majority of the directors on the
25 board of directors of which are women; and

1 “(C) a significant percentage of senior
2 management positions of which are held by
3 women.”.

4 (2) CONFORMING AMENDMENTS.—The fol-
5 lowing provisions are amended by striking
6 “1204(c)(3)” and inserting “1204(c)”:

7 (A) Section 808(b)(3) of the Community
8 Reinvestment Act of 1977 (12 U.S.C.
9 2907(b)(3)).

10 (B) Section 40(g)(1)(B) of the Federal De-
11 posit Insurance Act (12 U.S.C.
12 1831q(g)(1)(B)).

13 (C) Section 704B(h)(4) of the Equal Cred-
14 it Opportunity Act (15 U.S.C. 1691c-2(h)(4)).

15 (c) AMENDMENTS TO THE COMMUNITY REINVEST-
16 MENT ACT.—Section 804(b) of the Community Reinvest-
17 ment Act of 1977 (12 U.S.C. 2903(b)) is amended to read
18 as follows:

19 “(b) COOPERATION WITH MINORITY BANKS,
20 WOMEN’S BANKS, AND LOW-INCOME CREDIT UNIONS
21 CONSIDERED.—

22 “(1) IN GENERAL.—In assessing and taking
23 into account, under subsection (a), the record of a
24 financial institution, the appropriate Federal finan-
25 cial supervisory agency shall consider as a factor

1 capital investment, loan participation, and other ven-
2 tures undertaken by the institution in cooperation
3 with minority banks, women’s banks, community de-
4 velopment financial institutions, and low-income
5 credit unions provided that these activities help meet
6 the credit needs of local communities in which such
7 institutions and credit unions are chartered.

8 “(2) DEFINITIONS.—

9 “(A) FIRREA DEFINITIONS.—The terms
10 ‘low-income credit union’, ‘minority bank’, and
11 ‘women’s bank’ have the meanings given such
12 terms, respectively, in section 1204(c) of the Fi-
13 nancial Institutions Reform, Recovery, and En-
14 forcement Act of 1989 (12 U.S.C. 1811 note).

15 “(B) COMMUNITY DEVELOPMENT FINAN-
16 CIAL INSTITUTION.—The term ‘community de-
17 velopment financial institution’ has the meaning
18 given in section 103(5) of the Riegle Commu-
19 nity Development and Regulatory Improvement
20 Act of 1994 (12 U.S.C. 4702(5)).”.

21 (d) CONSIDERATIONS WHEN ASSESSING FINANCIAL
22 INCLUSION FOR FEDERALLY CHARTERED FINANCIAL IN-
23 STITUTIONS.—

24 (1) IN GENERAL.—In assessing and taking into
25 account the record of a federally chartered financial

1 institution under any financial inclusion assessment
2 process created by the Comptroller of the Currency
3 in any rule relating to the chartering of a financial
4 institution, the Comptroller shall consider as a fac-
5 tor capital investment, loan participation, and other
6 ventures undertaken by the bank in cooperation with
7 minority banks, women’s banks, community develop-
8 ment financial institutions, and low-income credit
9 unions, provided that these activities help meet the
10 financial needs of local communities in which the
11 federally chartered financial institution provides fi-
12 nancial products or services.

13 (2) DEFINITIONS.—For purposes of this sec-
14 tion:

15 (A) COMMUNITY DEVELOPMENT FINAN-
16 CIAL INSTITUTION.—The term “community de-
17 velopment financial institution” has the mean-
18 ing given in section 103(5) of the Riegle Com-
19 munity Development and Regulatory Improve-
20 ment Act of 1994 (12 U.S.C. 4702(5)).

21 (B) FINANCIAL INCLUSION ASSESSMENT
22 PROCESS.—The term “financial inclusion as-
23 sessment process” means any process relating
24 to the chartering of a financial institution
25 whereby the Comptroller of the Currency as-

1 sesses and takes into account the financial in-
2 stitution’s record of meeting the financial needs
3 of the bank’s entire community, including low-
4 and moderate-income neighborhoods, consistent
5 with the safe and sound operation of such bank.

6 (C) FINANCIAL PRODUCT OR SERVICE.—

7 The term “financial product or service” has the
8 meaning given such term in section 1002 of the
9 Dodd-Frank Wall Street Reform and Consumer
10 Protection Act (12 U.S.C. 5481).

11 (D) FIRREA DEFINITIONS.—The terms

12 “low-income credit union”, “minority bank”,
13 and “women’s bank” have the meanings given
14 such terms, respectively, in section 1204(c) of
15 the Financial Institutions Reform, Recovery,
16 and Enforcement Act of 1989 (12 U.S.C. 1811
17 note).

18 **SEC. 6003. REPORTING CERTAIN POSITIVE CONSUMER**
19 **CREDIT INFORMATION TO CONSUMER RE-**
20 **PORTING AGENCIES.**

21 (a) IN GENERAL.—Section 623 of the Fair Credit
22 Reporting Act (15 U.S.C. 1681s–2) is amended by adding
23 at the end the following new subsection:

24 “(f) FULL-FILE CREDIT REPORTING.—

1 “(1) IN GENERAL.—Subject to the limitation in
2 paragraph (2) and notwithstanding any other provi-
3 sion of law, a person or the Secretary of Housing
4 and Urban Development may furnish to a consumer
5 reporting agency information relating to the per-
6 formance of a consumer in making payments—

7 “(A) under a lease agreement with respect
8 to a dwelling, including such a lease in which
9 the Department of Housing and Urban Devel-
10 opment provides subsidized payments for occu-
11 pancy in a dwelling; or

12 “(B) pursuant to a contract for a utility or
13 telecommunications service.

14 “(2) LIMITATION.—Information about a con-
15 sumer’s usage of any utility services provided by a
16 utility or telecommunication firm may be furnished
17 to a consumer reporting agency only to the extent
18 that such information relates to payment by the con-
19 sumer for the services of such utility or tele-
20 communication service or other terms of the provi-
21 sion of the services to the consumer, including any
22 deposit, discount, or conditions for interruption or
23 termination of the services.

24 “(3) PAYMENT PLAN.—An energy utility firm
25 may not report payment information to a consumer

1 reporting agency with respect to an outstanding bal-
2 ance of a consumer as late if—

3 “(A) the energy utility firm and the con-
4 sumer have entered into a payment plan (in-
5 cluding a deferred payment agreement, an ar-
6 rearage management program, or a debt for-
7 giveness program) with respect to such out-
8 standing balance; and

9 “(B) the consumer is meeting the obliga-
10 tions of the payment plan, as determined by the
11 energy utility firm.

12 “(4) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions shall apply:

14 “(A) ENERGY UTILITY FIRM.—The term
15 ‘energy utility firm’ means an entity that pro-
16 vides gas or electric utility services to the pub-
17 lic.

18 “(B) UTILITY OR TELECOMMUNICATION
19 FIRM.—The term ‘utility or telecommunication
20 firm’ means an entity that provides utility serv-
21 ices to the public through pipe, wire, landline,
22 wireless, cable, or other connected facilities, or
23 radio, electronic, or similar transmission (in-
24 cluding the extension of such facilities).”.

1 (b) LIMITATION ON LIABILITY.—Section 623(c) of
2 the Consumer Credit Protection Act (15 U.S.C. 1681s–
3 2(c)) is amended—

4 (1) in paragraph (2), by striking “or” at the
5 end;

6 (2) by redesignating paragraph (3) as para-
7 graph (4); and

8 (3) by inserting after paragraph (2) the fol-
9 lowing new paragraph:

10 “(3) subsection (f) of this section, including any
11 regulations issued thereunder; or”.

12 (c) GAO STUDY AND REPORT.—Not later than 2
13 years after the date of the enactment of this Act, the
14 Comptroller General of the United States shall submit to
15 Congress a report on the impact of furnishing information
16 pursuant to subsection (f) of section 623 of the Fair Cred-
17 it Reporting Act (15 U.S.C. 1681s–2) (as added by this
18 Act) on consumers.

19 **SEC. 6004. GENDER AND RACIAL AND ETHNIC DIVERSITY IN**
20 **APPOINTING FEDERAL RESERVE BANK**
21 **PRESIDENTS.**

22 (a) FINDINGS.—The Congress finds that—

23 (1) while significant progress has occurred due
24 to the antidiscrimination amendments to the Federal
25 Reserve Act, barriers continue to pose significant ob-

1 stacles for candidates reflective of gender diversity
2 and racial or ethnic diversity for Federal Reserve
3 bank president positions in the Federal Reserve Sys-
4 tem;

5 (2) the continuing barriers described in para-
6 graph (1) merit the following amendment;

7 (3) Congress has received and reviewed testi-
8 mony and documentation of the historical lack of
9 gender, racial, and ethnic diversity from numerous
10 sources, including congressional hearings, scientific
11 reports, reports issued by public and private agen-
12 cies, news stories, and reports of related barriers by
13 organizations and individuals, which show that race-
14 , ethnicity-, and gender-neutral efforts alone are in-
15 sufficient to address the problem;

16 (4) the testimony and documentation described
17 in paragraph (3) demonstrate that barriers across
18 the United States prove problematic for full and fair
19 participation in developing monetary policy by indi-
20 viduals reflective of gender diversity and racial or
21 ethnic diversity; and

22 (5) the testimony and documentation described
23 in paragraph (3) provide a strong basis that there
24 is a compelling need for the below amendment to ad-
25 dress the historical lack of gender, racial, and ethnic

1 diversity in the Federal Reserve regional bank presi-
2 dents selection process in the Federal Reserve Sys-
3 tem.

4 (b) FEDERAL RESERVE BANK PRESIDENTS.—The
5 provision designated “fifth” of the fourth undesignated
6 paragraph of section 4 of the Federal Reserve Act (12
7 U.S.C. 341) is amended by inserting after “employees.”
8 the following: “In making the appointment of a president,
9 the bank shall interview at least one individual reflective
10 of gender diversity and one individual reflective of racial
11 or ethnic diversity.”.

12 (c) TECHNICAL AMENDMENTS.—

13 (1) AMERICAN COMPETITIVENESS AND WORK-
14 FORCE IMPROVEMENT ACT OF 1998.—Section 418(b)
15 of the American Competitiveness and Workforce Im-
16 provement Act of 1998 (8 U.S.C. 1184 note) is
17 amended by striking “Chairman of the Board of
18 Governors” and inserting “Chair of the Board of
19 Governors”.

20 (2) BRETTON WOODS AGREEMENTS ACT.—The
21 Bretton Woods Agreements Act (22 U.S.C. 286 et
22 seq.) is amended—

23 (A) in section 4(a), by striking “Chairman
24 of the Board of Governors” and inserting
25 “Chair of the Board of Governors”; and

1 (B) in section 45(a)(1), by striking “chair-
2 man of the board of Governors” and inserting
3 “Chair of the Board of Governors”.

4 (3) DODD-FRANK WALL STREET REFORM AND
5 CONSUMER PROTECTION ACT.—The Dodd-Frank
6 Wall Street Reform and Consumer Protection Act
7 (12 U.S.C. 5301 et seq.) is amended by striking
8 “Chairman of the Board” each place such term ap-
9 pears and inserting “Chair of the Board”.

10 (4) EMERGENCY ECONOMIC STABILIZATION ACT
11 OF 2008.—The Emergency Economic Stabilization
12 Act of 2008 (12 U.S.C. 5201 et seq.) is amended by
13 striking “Chairman of the Board” each place such
14 term appears and inserting “Chair of the Board”.

15 (5) EMERGENCY LOAN GUARANTEE ACT.—Sec-
16 tion 2 of the Emergency Loan Guarantee Act (15
17 U.S.C. 1841) is amended by striking “Chairman of
18 the Board of Governors” and inserting “Chair of the
19 Board of Governors”.

20 (6) EMERGENCY STEEL LOAN GUARANTEE AND
21 EMERGENCY OIL AND GAS ACT OF 1999.—The Emer-
22 gency Steel Loan Guarantee and Emergency Oil and
23 Gas Act of 1999 (15 U.S.C. 1841 note) is amend-
24 ed—

25 (A) in section 101(e)(2)—

1 (i) by striking “Chairman of the
2 Board of Governors” and inserting “Chair
3 of the Board of Governors”; and

4 (ii) by striking “Chairman,” and in-
5 sserting “Chair,”; and

6 (B) in section 201(d)(2)(B)—

7 (i) by striking “Chairman of the
8 Board of Governors” and inserting “Chair
9 of the Board of Governors”; and

10 (ii) by striking “Chairman,” and in-
11 sserting “Chair,”.

12 (7) FARM CREDIT ACT OF 1971.—Section
13 4.9(d)(1)(C) of the Farm Credit Act of 1971 (12
14 U.S.C. 2160(d)(1)(C)) is amended by striking
15 “Chairman of the Board of Governors” and insert-
16 ing “Chair of the Board of Governors”.

17 (8) FEDERAL DEPOSIT INSURANCE ACT.—The
18 Federal Deposit Insurance Act (12 U.S.C. 1811 et
19 seq.) is amended by striking “Chairman of the
20 Board of Governors” each place such term appears
21 and inserting “Chair of the Board of Governors”.

22 (9) FEDERAL RESERVE ACT.—The Federal Re-
23 serve Act (12 U.S.C. 226 et seq.) is amended—

24 (A) by striking “chairman” each place
25 such term appears and inserting “chair”;

1 (B) by striking “Chairman” each place
2 such term appears other than in section
3 11(r)(2)(B) and inserting “Chair”;

4 (C) in section 2, in the sixth undesignated
5 paragraph—

6 (i) in the second sentence, by striking
7 “his” and inserting “the Comptroller of
8 the Currency’s”; and

9 (ii) in the third sentence, by striking
10 “his” and inserting “the director’s”;

11 (D) in section 4—

12 (i) in the third undesignated para-
13 graph, by striking “his office” and insert-
14 ing “the Office of the Comptroller of the
15 Currency”;

16 (ii) in the fourth undesignated para-
17 graph, in the provision designated “fifth”,
18 by striking “his” and inserting “the per-
19 son’s”;

20 (iii) in the eighth undesignated para-
21 graph, by striking “his” and inserting “the
22 chair’s”;

23 (iv) in the seventeenth undesignated
24 paragraph—

1 (I) by striking “his” and insert-
2 ing “the officer’s”; and

3 (II) by striking “he” and insert-
4 ing “the individual”;

5 (v) in the twentieth undesignated
6 paragraph—

7 (I) by striking “He” each place
8 such term appears and inserting “The
9 chair”;

10 (II) in the third sentence—

11 (aa) by striking “his” and
12 inserting “the”; and

13 (bb) by striking “he” and
14 inserting a comma; and

15 (III) in the fifth sentence, by
16 striking “he” and inserting “the
17 chair”; and

18 (vi) in the twenty-first undesignated
19 paragraph, by striking “his” each place
20 such term appears and inserting “the
21 agent’s”;

22 (E) in section 6, in the second undesignated
23 paragraph, by striking “he” and inserting
24 “the Comptroller of the Currency”;

1 (F) in section 9A(c)(2)(C), by striking
2 “he” and inserting “the participant”;

3 (G) in section 10—

4 (i) by striking “he” each place such
5 term appears and inserting “the member”;

6 (ii) in the second undesignated para-
7 graph, by striking “his” and inserting “the
8 member’s”; and

9 (iii) in the fourth undesignated para-
10 graph—

11 (I) in the second sentence, by
12 striking “his” and inserting “the
13 chair’s”;

14 (II) in the fifth sentence, by
15 striking “his” and inserting “the
16 member’s”; and

17 (III) in the sixth sentence, by
18 striking “his” and inserting “the
19 member’s”;

20 (H) in section 12, by striking “his” and in-
21 serting “the member’s”;

22 (I) in section 13, in the eleventh undesignated
23 paragraph, by striking “his” and insert-
24 ing “the assured’s”;

25 (J) in section 16—

1 (i) by striking “he” each place such
2 term appears and inserting “the agent”;

3 (ii) in the seventh undesignated para-
4 graph—

5 (I) by striking “his” and insert-
6 ing “the agent’s”; and

7 (II) by striking “himself” and in-
8 serting “the agent”;

9 (iii) in the tenth undesignated para-
10 graph, by striking “his” and inserting “the
11 Secretary’s”; and

12 (iv) in the fifteenth undesignated
13 paragraph, by striking “his” and inserting
14 “the agent’s”;

15 (K) in section 18, in the eighth undesign-
16 nated paragraph, by striking “he” and inserting
17 “the Secretary of the Treasury”;

18 (L) in section 22—

19 (i) in subsection (f), by striking “his”
20 and inserting “the director’s or officer’s”;
21 and

22 (ii) in subsection (g)—

23 (I) in paragraph (1)(D)—

24 (aa) by striking “him” and
25 inserting “the officer”; and

1 (bb) by striking “he” and
2 inserting “the officer”; and

3 (II) in paragraph (2)(A), by
4 striking “him as his” and inserting
5 “the officer as the officer’s”; and

6 (M) in section 25A—

7 (i) in the twelfth undesignated para-
8 graph—

9 (I) by striking “he” each place
10 such term appears and inserting “the
11 member”; and

12 (II) by striking “his” and insert-
13 ing “the member’s”;

14 (ii) in the fourteenth undesignated
15 paragraph, by striking “his” and inserting
16 “the director’s or officer’s”; and

17 (iii) in the twenty-second undesign-
18 ated paragraph, by striking “his” each
19 place such term appears and inserting
20 “such individual’s”.

21 (10) FEDERAL RESERVE REFORM ACT OF
22 1977.—Section 204(b) of the Federal Reserve Re-
23 form Act of 1977 (12 U.S.C. 242 note) is amended
24 by striking “Chairman or Vice Chairman of the

1 Board of Governors” and inserting “Chair or Vice
2 Chair of the Board of Governors”.

3 (11) FINANCIAL INSTITUTIONS REFORM, RE-
4 COVERY, AND ENFORCEMENT ACT OF 1989.—The Fi-
5 nancial Institutions Reform, Recovery, and Enforce-
6 ment Act of 1989 is amended—

7 (A) in section 308 (12 U.S.C. 1463
8 note)—

9 (i) in subsection (a), by striking
10 “Chairman of the Board of Governors”
11 and inserting “Chair of the Board of Gov-
12 ernors”; and

13 (ii) in subsection (c), by striking
14 “Chairman of the Board of Governors”
15 and inserting “Chair of the Board of Gov-
16 ernors”;

17 (B) in section 1001(a) (12 U.S.C. 1811
18 note), by striking “Chairman of the Board of
19 Governors” and inserting “Chair of the Board
20 of Governors”; and

21 (C) in section 1205(b)(1)(A) (12 U.S.C.
22 1818 note)—

23 (i) by striking “Chairman of the
24 Board of Governors” and inserting “Chair
25 of the Board of Governors”; and

1 (ii) by striking “Chairman’s” and in-
2 serting “Chair’s”.

3 (12) FOOD, CONSERVATION, AND ENERGY ACT
4 OF 2008.—Section 13106(a) of the Food, Conserva-
5 tion, and Energy Act of 2008 (7 U.S.C. 2 note) is
6 amended by striking “Chairman of the Board of
7 Governors” and inserting “Chair of the Board of
8 Governors”.

9 (13) HOUSING AND COMMUNITY DEVELOPMENT
10 ACT OF 1992.—Section 1313(a)(3) of the Housing
11 and Community Development Act of 1992 (12
12 U.S.C. 4513(a)(3)) is amended—

13 (A) in the heading, by striking “CHAIR-
14 MAN” and inserting “CHAIR”;

15 (B) by striking “Chairman of the Board of
16 Governors” each place such term appears and
17 inserting “Chair of the Board of Governors”;
18 and

19 (C) by striking “Chairman regarding” and
20 inserting “Chair regarding”.

21 (14) INSPECTOR GENERAL ACT OF 1978.—Sec-
22 tion 8G of the Inspector General Act of 1978 is
23 amended by striking “Chairman of the Board of
24 Governors” each place such term appears and in-
25 serting “Chair of the Board of Governors”.

1 (15) INTERNATIONAL LENDING SUPERVISION
2 ACT OF 1983.—Section 908(b)(3)(C) of the Inter-
3 national Lending Supervision Act of 1983 (12
4 U.S.C. 3907(b)(3)(C)) is amended by striking
5 “Chairman of the Board of Governors” and insert-
6 ing “Chair of the Board of Governors”.

7 (16) NEIGHBORHOOD REINVESTMENT COR-
8 PORATION ACT.—Section 604(a)(3) of the Neighbor-
9 hood Reinvestment Corporation Act (42 U.S.C.
10 8103(a)(3)) is amended by striking “Chairman”
11 each place it appears and inserting “Chair”.

12 (17) PUBLIC LAW 93–495.—Section 202(a)(1) of
13 Public Law 93–495 (12 U.S.C. 2402(a)(1)) is
14 amended—

15 (A) by striking “Chairman of the Board of
16 Governors” and inserting “Chair of the Board
17 of Governors”; and

18 (B) by striking “his” and inserting “the
19 Chair’s”.

20 (18) SARBANES-OXLEY ACT OF 2002.—Section
21 101(e)(4)(A) of the Sarbanes-Oxley Act of 2002 (15
22 U.S.C. 7211(e)(4)(A)) is amended by striking
23 “Chairman of the Board of Governors” and insert-
24 ing “Chair of the Board of Governors”.

1 (19) SECURITIES EXCHANGE ACT OF 1934.—
2 Section 17A(f)(4)(C) of the Securities Exchange Act
3 of 1934 (15 U.S.C. 78q-1(f)(4)(C)) is amended by
4 striking “Chairman of the Board of Governors” and
5 inserting “Chair of the Board of Governors”.

6 (20) TITLE 31.—Title 31, United States Code,
7 is amended—

8 (A) in section 1344(b)(7), by striking
9 “Chairman of the Board of Governors” and in-
10 serting “Chair of the Board of Governors”; and

11 (B) in section 5318A, by striking “Chair-
12 man of the Board of Governors” each place
13 such term appears and inserting “Chair of the
14 Board of Governors”.

15 (21) TRADE ACT OF 1974.—Section 163(b)(3) of
16 the Trade Act of 1974 (19 U.S.C. 2213(b)(3)) is
17 amended by striking “Chairman of the Board of
18 Governors” and inserting “Chair of the Board of
19 Governors”.

20 (22) DEEMING OF NAME.—Any reference in a
21 law, regulation, document, paper, or other record of
22 the United States to the Chairman of the Board of
23 Governors of the Federal Reserve System shall be
24 deemed to be a reference to the Chair of the Board
25 of Governors of the Federal Reserve System.

1 **SEC. 6005. ALLOCATIONS UNDER NEW MARKETS TAX CRED-**
2 **IT MADE MORE COMPETITIVE.**

3 (a) IN GENERAL.—Section 45D(i) of the Internal
4 Revenue Code of 1986 is amended by striking “and” at
5 the end the paragraph (5), by striking the period at the
6 end of paragraph (6) and inserting a comma, and by add-
7 ing at the end the following new paragraphs:

8 “(7) which prioritize community financial insti-
9 tution CDEs with demonstrated records of having
10 successfully provided capital or technical assistance
11 to disadvantaged businesses or communities,

12 “(8) which ensure that minority-owned qualified
13 community development entities (as defined in sub-
14 section (c)(4)) receive a proportional allocation of
15 new markets tax credit limitation for each calendar
16 year,

17 “(9) which ensure that CDFI CDEs receive a
18 proportional allocation of new markets tax credit
19 limitation for each calendar year,

20 “(10) which establish an application review
21 process consistent with the following categories that
22 ensures that only entities within each category of
23 qualified community development entity compete
24 with one another for new markets tax credit limita-
25 tion:

26 “(A) Emerging CDEs.

1 “(B) Community financial institution
2 CDEs.

3 “(C) CDFI CDEs.

4 “(D) Large bank affiliated CDEs.

5 “(E) Nonprofit CDEs.

6 “(F) For-profit CDEs; and

7 “(11) which prioritize partnerships between—

8 “(A) large bank affiliated CDEs, and

9 “(B) emerging CDEs, community financial
10 institution CDEs, and CDFI CDEs.”.

11 (b) DEFINITIONS RELATED TO CATEGORIES OF
12 QUALIFIED COMMUNITY DEVELOPMENT ENTITIES.—Sec-
13 tion 45D(c) of the Internal Revenue Code of 1986 is
14 amended by adding at the end the following new para-
15 graphs:

16 “(3) CATEGORIES OF QUALIFIED COMMUNITY
17 DEVELOPMENT ENTITIES.—For purposes of this sec-
18 tion—

19 “(A) EMERGING CDE.—The term ‘emerg-
20 ing CDE’ means a qualified community devel-
21 opment entity which—

22 “(i) has never received an allocation
23 of new markets tax credit limitation under
24 subsection (f), and

1 “(ii) is not a for-profit CDE or large
2 bank affiliated CDE.

3 “(B) COMMUNITY FINANCIAL INSTITUTION
4 CDE.—The term ‘community financial institu-
5 tion CDE’ means a qualified community devel-
6 opment entity which—

7 “(i) is, or is affiliated with, a financial
8 institution which—

9 “(I) is not a certified community
10 development financial institution, and

11 “(II) has less than
12 \$1,000,000,000 in assets,

13 “(ii) has received one or more pre-
14 vious allocations of new markets tax credit
15 limitation under subsection (f), and

16 “(iii) is not a CDFI CDE or large
17 bank affiliated CDE.

18 “(C) CDFI CDE.—

19 “(i) IN GENERAL.—The term ‘CDFI
20 CDE’ means a qualified community devel-
21 opment entity which—

22 “(I) is, or is affiliated with, a
23 certified community development fi-
24 nancial institution,

1 “(II) has received one or more
2 previous allocations of new markets
3 tax credit limitation under subsection
4 (f), and

5 “(III) is not a large bank affili-
6 ated CDE.

7 “(ii) CERTIFIED COMMUNITY DEVEL-
8 OPMENT FINANCIAL INSTITUTION.—The
9 term ‘certified community development fi-
10 nancial institution’ means an entity which
11 is certified by the Secretary as a commu-
12 nity development financial institution for
13 purposes of the community development fi-
14 nancial institutions fund.

15 “(D) LARGE BANK AFFILIATED CDE.—The
16 term ‘large bank affiliated CDE’ means a quali-
17 fied community development entity is affiliated
18 with a financial institution which—

19 “(i) has \$1,000,000,000 or more in
20 assets, and

21 “(ii) is not a CDFI CDE.

22 “(E) NONPROFIT CDE.—The term ‘non-
23 profit CDE’ means a qualified community de-
24 velopment entity which—

1 “(i) is described in section 501(c) and
2 exempt from tax under section 501(a),

3 “(ii) was created or organized for the
4 purpose of being a qualified community de-
5 velopment entity, and

6 “(iii) is not a community financial in-
7 stitution CDE, CDFI CDE, or large bank
8 affiliated CDE.

9 “(F) FOR-PROFIT CDE.—The term ‘for-
10 profit CDE’ means any qualified community de-
11 velopment entity which is not a community fi-
12 nancial institution CDE, CDFI CDE, large
13 bank affiliated CDE, or nonprofit CDE.

14 “(4) MINORITY-OWNED QUALIFIED COMMUNITY
15 DEVELOPMENT ENTITY.—For purposes of this sec-
16 tion—

17 “(A) IN GENERAL.—The term ‘minority-
18 owned qualified community development entity’
19 means any qualified community development
20 entity if not less than 51 percent of such entity
21 is owned by one or more individuals described
22 in subparagraph (B).

23 “(B) INDIVIDUALS DESCRIBED.—An indi-
24 vidual is described in this subparagraph if such
25 individual is African American, Hispanic Amer-

1 ican, Asian Pacific American, Subcontinent
2 Asian American, or Native American.”.

3 (c) LIMITATIONS ON REPEAT ALLOCATIONS TO SAME
4 COMMUNITY DEVELOPMENT ENTITIES.—Section 45D(f)
5 of the Internal Revenue Code of 1986 is amended by re-
6 designating paragraph (3) as paragraph (4) and by insert-
7 ing after paragraph (2) the following new paragraph:

8 “(3) LIMITATIONS ON REPEAT ALLOCATIONS.—

9 “(A) TWO-YEAR COOLING OFF PERIOD IF
10 TWO CONSECUTIVE ALLOCATIONS.—If a quali-
11 fied community development entity receives al-
12 locations under paragraph (2) for two consecu-
13 tive calendar years, the Secretary shall not
14 make an allocation under paragraph (2) to such
15 entity (or any entity affiliated with such entity)
16 for either of the two calendar years following
17 the two consecutive calendar years with respect
18 to which allocations were made.

19 “(B) SHARED ALLOCATIONS AFTER
20 REACHING DOLLAR LIMITATION.—The Sec-
21 retary shall not make any allocation under
22 paragraph (2) to a qualified community devel-
23 opment entity for any calendar year if the ag-
24 gregate allocations made by the Secretary under
25 such paragraph to such entity (or any entity af-

1 filiated with such entity) for all prior calendar
2 years exceed \$100,000,000.

3 “(C) EXCEPTION FOR PARTNERSHIPS
4 WITH SPECIFIED COMMUNITY DEVELOPMENT
5 ENTITIES.—

6 “(i) IN GENERAL.—Subparagraphs
7 (A) and (B) shall not apply to a qualified
8 community development entity for any cal-
9 endar year if—

10 “(I) such qualified community
11 development entity has entered into a
12 partnership with a specified commu-
13 nity development entity to carry out
14 the purposes of this section with re-
15 spect to such calendar year,

16 “(II) neither subparagraph (A)
17 nor (B) (determined without regard to
18 this subparagraph) prevent the Sec-
19 retary from making allocations to
20 such specified community development
21 entity for such calendar year, and

22 “(III) the Secretary makes an al-
23 location under paragraph (2) to such
24 specified community development enti-
25 ty for such calendar year in an

1 amount which is not less than 50 per-
2 cent of the allocation made under
3 paragraph (2) for such calendar year
4 to the qualified community develop-
5 ment entity referred to in the matter
6 preceding clause (i).

7 “(ii) SPECIFIED COMMUNITY DEVEL-
8 OPMENT ENTITY.—For purposes of this
9 paragraph, the term ‘specified community
10 development entity’ means any qualified
11 community development entity which—

12 “(I) is an emerging CDE, com-
13 munity financial institution CDE, or
14 CDFI CDE, and

15 “(II) was not (prior to entering
16 into the partnership for purposes of
17 clause (i) or paragraph (4)) affiliated
18 with the qualified community develop-
19 ment entity referred to in the matter
20 preceding clause (i).”.

21 (d) LARGE BANK AFFILIATED CDES REQUIRED TO
22 PARTNER WITH SPECIFIED COMMUNITY DEVELOPMENT
23 ENTITY.—Section 45D(f) of the Internal Revenue Code
24 of 1986, as amended by subsection (c), is amended by re-

1 designating paragraph (4) as paragraph (5) and by insert-
2 ing after paragraph (3) the following new paragraph:

3 “(4) LARGE BANK AFFILIATED CDES REQUIRED
4 TO PARTNER WITH SPECIFIED COMMUNITY DEVEL-
5 OPMENT ENTITY.—The Secretary shall not make
6 any allocation under paragraph (2) to a large bank
7 affiliated CDE for any calendar year unless the re-
8 quirements of subclauses (I), (II), (III) of paragraph
9 (3)(C)(i) are met for such calendar year applied by
10 substituting ‘20 percent’ for ‘50 percent’ in sub-
11 clause (III) thereof.”.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to allocations made by the Sec-
14 retary of the Treasury, or his designee, after the date
15 which is 1 year after the date of the enactment of this
16 Act.

17 **SEC. 6006. EXTENSION AND IMPROVEMENT OF NEW MAR-**
18 **KETS TAX CREDIT.**

19 (a) EXTENSION.—Section 45D(f)(1) of the Internal
20 Revenue Code of 1986 is amended by adding “, and” at
21 the end of subparagraph (F), by striking the period at
22 the end of subparagraph (G) and inserting “, and”, and
23 by adding at the end the following new subparagraph:

24 “(H) \$10,000,000,000 for each of calendar
25 years 2020 through 2029.”.

1 (b) DEGREE OF DISTRESS OF TARGETED COMMU-
2 NITY TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—

3 (1) IN GENERAL.—Section 45D(f)(2) of such
4 Code is amended by inserting the following after the
5 first sentence: “In making allocations under this
6 paragraph, the Secretary shall take into account the
7 entity’s business strategy, community impact, man-
8 agement capacity, and capitalization strategy, and
9 the degree of distress of the communities served by
10 the entity.”.

11 (2) CONFORMING AMENDMENT.—Section
12 45D(f)(2) of such Code is amended by striking
13 “under the preceding sentence” and inserting
14 “under this paragraph”.

15 (c) INCREASED CREDIT FOR INVESTMENTS IN COM-
16 MUNITY DEVELOPMENT ENTITIES SERVING DISTRESSED
17 COMMUNITIES.—Section 45D of such Code is amended by
18 redesignating subsections (h) and (i) as subsections (i)
19 and (j), respectively, and by inserting after subsection (g)
20 the following new subsection:

21 “(h) INCREASED CREDIT FOR INVESTMENTS IN COM-
22 MUNITY DEVELOPMENT ENTITIES SERVING DISTRESSED
23 COMMUNITIES.—

24 “(1) IN GENERAL.—In the case of a qualified
25 equity investment in a qualified distressed commu-

1 nity development entity, subsection (a)(2) shall be
2 applied—

3 “(A) by substituting ‘6 percent’ for ‘5 per-
4 cent’ in subparagraph (A), and

5 “(B) by substituting ‘7 percent’ for ‘6 per-
6 cent’ in subparagraph (B).

7 “(2) QUALIFIED DISTRESSED COMMUNITY DE-
8 VELOPMENT ENTITY.—For purposes of this sub-
9 section—

10 “(A) IN GENERAL.—The term ‘qualified
11 distressed community development entity’
12 means any qualified community development
13 entity if—

14 “(i) a substantial portion of the serv-
15 ices and investment capital provided by
16 such entity is provided with respect to dis-
17 tressed communities, and

18 “(ii) such entity is certified by the
19 Secretary for purposes of this section as
20 being a qualified distressed community de-
21 velopment entity.

22 “(B) DISTRESSED COMMUNITY.—The term
23 ‘distressed community’ means any population
24 census tract (or equivalent county division with-

1 in the meaning of subsection (e)(3)) which
2 would be a low-income community if—

3 “(i) subsection (e)(1)(A) were applied
4 by substituting ‘30 percent’ for ‘20 per-
5 cent’, and

6 “(ii) subsection (e)(1)(B) were applied
7 by substituting ‘60 percent’ for ‘80 per-
8 cent’ each place it appears.”.

9 (d) EFFECTIVE DATES.—

10 (1) EXTENSION.—The amendments made by
11 subsection (a) shall apply to calendar years after
12 2019.

13 (2) DEGREE OF DISTRESS OF TARGETED COM-
14 MUNITY TAKEN INTO ACCOUNT IN MAKING ALLOCA-
15 TIONS.—The amendments made by subsection (b)
16 shall apply to allocations made by the Secretary
17 after the date of the enactment of this Act.

18 (3) INCREASED CREDIT FOR INVESTMENTS IN
19 COMMUNITY DEVELOPMENT ENTITIES SERVING DIS-
20 TRESSED COMMUNITIES.—The amendments made by
21 subsection (c) shall apply to qualified equity invest-
22 ments acquired at original issue after the date of the
23 enactment of this Act.

1 **TITLE VII—HOUSING AND ASSET**
2 **BUILDING**

3 **SEC. 7001. SENSE OF CONGRESS REGARDING THE RIGHT**
4 **OF ALL RENTERS TO A SAFE, AFFORDABLE,**
5 **AND DECENT HOME.**

6 (a) CONGRESSIONAL FINDINGS.—The Congress finds
7 that—

8 (1) housing is a basic human right;

9 (2) evidence-based research has shown that
10 families with safe, decent, and affordable homes are
11 better able to find employment, achieve economic
12 mobility, perform better in school, and maintain im-
13 proved health;

14 (3) investing in affordable housing strengthens
15 our economy, creates jobs, boosts families' incomes,
16 and encourages further development;

17 (4) far too many families living in urban, sub-
18 urban, and rural communities struggle to afford
19 their rent each month, putting them at increased
20 risk of eviction and homelessness;

21 (5) according to the Department of Housing
22 and Urban Development (HUD) point-in-time count
23 of 2016, there were 549,928 people in the United
24 States experiencing homelessness on any given night,
25 including over 120,000 children;

1 (6) homelessness has become so pervasive that
2 some States and cities have declared that homeless-
3 ness has reached a state of emergency;

4 (7) major progress towards the national goals
5 for ending homelessness in our Nation has stalled in
6 the absence of increased funding;

7 (8) a shortage of affordable housing exists in
8 every State and major metropolitan area;

9 (9) a full-time worker earning the Federal min-
10 imum wage cannot afford a modest two-bedroom
11 apartment in any State, metropolitan area, or coun-
12 ty in the United States;

13 (10) over half of all renters are cost-burdened,
14 paying more than 30 percent of their income for
15 housing, and 71 percent of extremely low-income
16 households are severely cost-burdened, paying more
17 than half of their income for housing;

18 (11) rapidly rising rents across the country
19 have pushed many long-time residents and families
20 out of the communities they call home;

21 (12) closed waiting lists and long waits mean
22 only a quarter of the families who qualify for hous-
23 ing assistance actually receive it;

24 (13) the role of Federal affordable housing in-
25 vestments is even more important given the limited

1 ability of the private market alone to address these
2 needs;

3 (14) various programs at the Department of
4 Housing and Urban Development help to subsidize
5 housing for more than 4,000,000 low-income fami-
6 lies, including the Public Housing program, the Sec-
7 tion 8 Housing Choice Vouchers (HCV) program,
8 the Section 8 Project-Based Rental Assistance pro-
9 gram, the Section 202 Supportive Housing for the
10 Elderly program, the Section 811 Supportive Hous-
11 ing for Persons with Disabilities program, and the
12 Housing Opportunities for Persons with AIDS
13 (HOPWA) program;

14 (15) despite leveraging billions of dollars in pri-
15 vate resources to preserve and expand the supply of
16 affordable housing, affordable housing programs
17 continue to be chronically underfunded despite their
18 success at providing safe housing to families in need;

19 (16) chronic underfunding of the Public Hous-
20 ing Capital Fund has led to a backlog of more than
21 \$26,000,000,000 in capital repairs and deteriorating
22 conditions for residents;

23 (17) without Federal investments, many more
24 families would be homeless, living in substandard or
25 overcrowded conditions, or struggling to meet other

1 basic needs because too much of their limited income
2 would be used to pay rent;

3 (18) low Federal spending caps required by the
4 Budget Control Act of 2011 (Public Law 112–25)
5 have decreased funding for affordable housing and
6 community development programs;

7 (19) these austere spending caps threaten af-
8 fordable housing and community development for
9 millions of low income families;

10 (20) even renters with housing subsidies often
11 face barriers to finding housing providers willing to
12 rent to them;

13 (21) under current Federal law, housing dis-
14 crimination against a renter is illegal if it is based
15 on race, color, religion, sex, familial status, national
16 origin, or disability;

17 (22) renters should be protected against hous-
18 ing discrimination through stronger enforcement of
19 fair housing laws; and

20 (23) despite various clarifying memos from
21 HUD, the re-entry community continues to face bar-
22 riers in trying to secure access to federally assisted
23 housing.

24 (b) SENSE OF CONGRESS.—The Congress hereby—

1 (1) supports lifting the spending caps required
2 by the Budget Control Act of 2011 and robustly
3 funding programs to increase access to affordable
4 housing and address homelessness at the Depart-
5 ment of Housing and Urban Development (HUD)
6 and other Federal agencies;

7 (2) opposes any cuts to Federal investments in
8 affordable housing programs at the Department of
9 Housing and Urban Development and other Federal
10 agencies;

11 (3) supports increased funding to the Public
12 Housing Capital Fund to address the backlog of
13 capital repairs for public housing;

14 (4) supports expanded funding for the National
15 Housing Trust Fund to boost the supply of afford-
16 able housing available to extremely low-income fami-
17 lies;

18 (5) supports efforts to preserve and rehabilitate
19 existing housing to maintain and increase the avail-
20 able stock of affordable housing and proposals by
21 local entities to prevent any net loss of overall af-
22 fordable housing units receiving Federal subsidies;

23 (6) supports strengthened Federal fair housing
24 laws;

1 (7) affirms that renters may not be barred from
2 federally assisted housing solely on the basis of a
3 criminal record;

4 (8) supports expansion of renters' rights, in-
5 cluding the right of tenants to organize tenant asso-
6 ciations; and

7 (9) affirms that housing is a basic human right.

8 **Subtitle A—A Path to Ending** 9 **Homelessness**

10 **SEC. 7101. CONGRESSIONAL FINDINGS.**

11 The Congress finds that—

12 (1) although the United States has experienced
13 a reduction in veteran homelessness after a surge of
14 new Federal funding targeted to homeless veterans
15 starting in fiscal year 2008, major progress towards
16 the national goals for ending homelessness in our
17 Nation has virtually stalled in the absence of in-
18 creased funding;

19 (2) according to the Department of Housing
20 and Urban Development's 2016 point-in-time count,
21 there were 549,928 people experiencing homeles-
22 ness in the United States on any given night, includ-
23 ing over 120,000 children;

24 (3) homelessness in many communities has
25 reached crisis proportions and some cities have de-

1 clared that homelessness has reached a state of
2 emergency; and

3 (4) the Federal Government must renew its
4 commitment to the national goals to end homeles-
5 ness.

6 **SEC. 7102. EMERGENCY RELIEF FUNDING.**

7 Title IV of the McKinney-Vento Homeless Assistance
8 Act (42 U.S.C. 11360 et seq) is amended—

9 (1) by redesignating section 491 (42 U.S.C.
10 11408; relating to rural housing stability grant pro-
11 gram) as section 441;

12 (2) by redesignating section 592 (42 U.S.C.
13 11408a; relating to use of FMHA inventory for
14 transitional housing for homeless persons and for
15 turnkey housing) as section 442; and

16 (3) by adding at the end the following new sub-
17 title:

18 **“Subtitle E—5-Year Path to End**
19 **Homelessness**

20 **“SEC. 451. EMERGENCY RELIEF FUNDING.**

21 “(a) DIRECT APPROPRIATIONS.—There is appro-
22 priated out of any money in the Treasury not otherwise
23 appropriated for each of fiscal years 2019 through 2023,
24 \$1,000,000,000, to remain available until expended, for
25 emergency relief grants under this section to address the

1 unmet needs of homeless populations in jurisdictions with
2 the highest need.

3 “(b) FORMULA GRANTS.—

4 “(1) ALLOCATION.—Amounts appropriated
5 under subsection (a) for a fiscal year shall be allo-
6 cated among collaborative applicants that comply
7 with section 402, in accordance with the funding for-
8 mula established under paragraph (2) of this sub-
9 section.

10 “(2) FORMULA.—The Secretary shall, in con-
11 sultation with the United States Interagency Council
12 on Homeless, establish a formula for allocating
13 grant amounts under this section to address the
14 unmet needs of homeless populations in jurisdictions
15 with the highest need, using the best currently avail-
16 able data that targets need based on key structural
17 determinants of homelessness in the geographic area
18 represented by a collaborative applicant, which shall
19 include data providing accurate counts of—

20 “(A) the poverty rate in the geographic
21 area represented by the collaborative applicant;

22 “(B) shortages of affordable housing for
23 low-, very low-, and extremely low-income
24 households in the geographic area represented
25 by the collaborative applicant;

1 “(C) the number of overcrowded housing
2 units in the geographic area represented by the
3 collaborative applicant;

4 “(D) the number of unsheltered homeless
5 individuals and the number of chronically home-
6 less individuals; and

7 “(E) any other factors that the Secretary
8 considers appropriate.

9 “(3) GRANTS.—For each fiscal year for which
10 amounts are made available under subsection (a),
11 the Secretary shall make a grant to each collabo-
12 rative applicant for which an amount is allocated
13 pursuant to application of the formula established
14 pursuant to paragraph (2) of this subsection in an
15 amount that is equal to the formula amount deter-
16 mined for such collaborative applicant.

17 “(4) TIMING.—

18 “(A) FORMULA TO BE DEVISED SWIFT-
19 LY.—The funding formula required under para-
20 graph (2) shall be established not later than 60
21 days after the date of enactment of this section.

22 “(B) DISTRIBUTION.—Amounts appro-
23 priated or otherwise made available under this
24 section shall be distributed according to the
25 funding formula established pursuant to para-

1 graph (2) not later than 30 days after the es-
2 tablishment of such formula.

3 “(c) USE OF GRANTS.—

4 “(1) IN GENERAL.—Subject to paragraphs (2)
5 through (4), a collaborative applicant that receives a
6 grant under this section may use such grant
7 amounts only for eligible activities under section
8 415, 423, or 441(b).

9 “(2) PERMANENT SUPPORTIVE HOUSING RE-
10 QUIREMENT.—

11 “(A) REQUIREMENT.—Except as provided
12 in subparagraph (B), each collaborative appli-
13 cant that receives a grant under this section
14 shall use not less than 75 percent of such grant
15 amount for permanent supportive housing, in-
16 cluding capital costs, rental subsidies, and serv-
17 ices.

18 “(B) EXEMPTION.—The Secretary shall
19 exempt a collaborative applicant from the appli-
20 cability of the requirement under subparagraph
21 (A) if the applicant demonstrates, in accordance
22 with such standards and procedures as the Sec-
23 retary shall establish, that—

1 “(i) chronic homelessness has been
2 functionally eliminated in the geographic
3 area served by the applicant; or

4 “(ii) the permanent supportive hous-
5 ing under development in the geographic
6 area served by the applicant is sufficient to
7 functionally eliminate chronic homelessness
8 once such units are available for occu-
9 pancy.

10 The Secretary shall consider and make a deter-
11 mination regarding each request for an exemp-
12 tion under this subparagraph not later than 60
13 days after receipt of such request.

14 “(3) LIMITATION ON USE FOR ADMINISTRATIVE
15 EXPENSES.—Not more than 5 percent of the total
16 amount of any grant under this section to a collabo-
17 rative applicant may be used for costs of administra-
18 tion.

19 “(4) HOUSING FIRST REQUIREMENT.—The Sec-
20 retary shall ensure that each collaborative applicant
21 that receives a grant under this section is imple-
22 menting, to the extent possible, and will use such
23 grant amounts in accordance with, a Housing First
24 model for assistance for homeless persons.

1 “(d) RENEWAL FUNDING.—Expiring contracts for
2 leasing, rental assistance, or permanent housing shall be
3 treated, for purposes of section 429, as expiring contracts
4 referred to in subsection (a) of such section.

5 “(e) REPORTING TO CONGRESS.—

6 “(1) INITIAL REPORT.—Not later than Sep-
7 tember 1, 2017, the Secretary and the United States
8 Interagency Council on Homelessness shall submit a
9 report to the Committees on Financial Services and
10 Appropriations of the House of Representatives and
11 the Committees on Banking, Housing, and Urban
12 Affairs and Appropriations of the Senate describing
13 the design and implementation of the grant program
14 under this section, which shall include the formula
15 required by subsection (b)(2).

16 “(2) SEMIANNUAL STATUS REPORTS.—

17 “(A) REPORTS TO CONGRESS.—The Sec-
18 retary and the United States Interagency Coun-
19 cil on Homelessness shall submit reports to the
20 Committees specified in paragraph (1) semi-
21 annually describing the operation of the grant
22 program under this section during the pre-
23 ceding 6 months, including identification of the
24 grants made and a description of the activities
25 funded with grant amounts.

1 “(B) COLLECTION OF INFORMATION BY
2 SECRETARY.—The Secretary shall require each
3 collaborative applicant that receives a grant
4 under this section to submit such information
5 to the Secretary as may be necessary for the
6 Secretary to comply with the reporting require-
7 ment under subparagraph (A).

8 **“SEC. 452. SPECIAL PURPOSE VOUCHERS.**

9 “(a) DIRECT APPROPRIATION.—There is appro-
10 priated out of any money in the Treasury not otherwise
11 appropriated for each of fiscal years 2019 through 2023,
12 \$500,000,000, to remain available until expended, which
13 shall be used as follows:

14 “(1) RENTAL ASSISTANCE.—Except as provided
15 in paragraph (2), such amount shall be used for in-
16 cremental assistance for rental assistance under sec-
17 tion 8(o) of the United States Housing Act of 1937
18 (42 U.S.C. 1437f(o)) for persons and households
19 who are homeless (as such term is defined in section
20 103 (42 U.S.C. 11302)), which assistance shall be in
21 addition to such assistance provided pursuant to re-
22 newal of expiring contracts for such assistance.

23 “(2) ADMINISTRATIVE FEES.—The Secretary
24 may use not more than 10 percent of such amounts
25 provided for each fiscal year for administrative fees

1 under 8(q) of the United States Housing Act of
2 1937 (42 U.S.C. 1437f(q)). The Secretary shall es-
3 tablish policies and procedures to provide such fees
4 to the extent necessary to assist homeless persons
5 and families on whose behalf rental assistance is
6 provided to find and maintain suitable housing.

7 “(b) ALLOCATION.—The Secretary shall make assist-
8 ance provided under this section available to public hous-
9 ing agencies based on geographical need for such assist-
10 ance by homeless persons and households, as identified by
11 the Secretary, public housing agency administrative per-
12 formance, and other factors as specified by the Secretary.

13 “(c) AVAILABILITY.—Assistance made available
14 under this section shall continue to remain available only
15 for homeless persons and households upon turn-over.

16 “(d) RENEWAL FUNDING.—Renewal of expiring con-
17 tracts for rental assistance provided under subsection (a)
18 and for administrative fees under such subsection shall,
19 to the extent provided in appropriation Acts, be funded
20 under the section 8 tenant-based rental assistance ac-
21 count.

22 “(e) WAIVER AUTHORITY.—Upon a finding by the
23 Secretary that a waiver or alternative requirement pursu-
24 ant to this subsection is necessary to ensure that homeless
25 persons and households can obtain housing using rental

1 assistance made available under this section, the Secretary
2 may waive, or specify alternative requirements for, any
3 provision of any statute or regulation that the Secretary
4 administers in connection with the use of funds made
5 available under this section (except for requirements re-
6 lated to fair housing, nondiscrimination, labor standards,
7 and the environment) that relates to screening of appli-
8 cants for assistance, admission of applicants, and selection
9 of tenants. The Secretary shall require public housing
10 agencies receiving rental assistance funding made avail-
11 able under this section to take all reasonable actions to
12 help assisted persons and families avoid subsequent home-
13 lessness.

14 **“SEC. 453. OUTREACH FUNDING.**

15 “(a) DIRECT APPROPRIATION.—There is appro-
16 priated out of any money in the Treasury not otherwise
17 appropriated for each of fiscal years 2019 through 2023,
18 \$100,000,000, to remain available until expended, to the
19 Secretary for grants under this section to provide outreach
20 and coordinate services for persons and households who
21 are homeless or formerly homeless.

22 “(b) GRANTS.—

23 “(1) IN GENERAL.—The Secretary shall make
24 grants under this section on a competitive basis only

1 to collaborative applicants who comply with section
2 402.

3 “(2) PRIORITY.—The competition for grants
4 under this section shall provide priority to collabo-
5 rative applicants who submit plans to make innova-
6 tive and effective use of staff funded with grant
7 amounts pursuant to subsection (c).

8 “(c) USE OF GRANTS.—A collaborative applicant
9 that receives a grant under this section may use such
10 grant amounts only for providing case managers, social
11 workers, or other staff who conduct outreach and coordi-
12 nate services for persons and households who are homeless
13 or formerly homeless.

14 “(d) TIMING.—

15 “(1) CRITERIA TO BE ESTABLISHED SWIFT-
16 LY.—The Secretary shall establish the criteria for
17 the competition for grants under this section re-
18 quired under subsection (b) not later than 60 days
19 after the date of enactment of this section.

20 “(2) DISTRIBUTION.—Amounts appropriated or
21 otherwise made available under this section shall be
22 distributed according to the competition established
23 by the Secretary pursuant to subsection (b) not later
24 than 30 days after the establishment of such cri-
25 teria.”.

1 **SEC. 7103. HOUSING TRUST FUND.**

2 (a) FUNDING.—

3 (1) ANNUAL FUNDING.—There is appropriated,
4 out of any money in the Treasury not otherwise ap-
5 propriated, for fiscal year 2019 and each fiscal year
6 thereafter, \$1,000,000,000, to remain available until
7 expended, which shall be credited to the Housing
8 Trust Fund established pursuant to section 1338 of
9 the Federal Housing Enterprises Financial Safety
10 and Soundness Act of 1992 (12 U.S.C. 4568) for
11 use under such section.

12 (2) RENTAL ASSISTANCE.—There is appro-
13 priated, out of any money in the Treasury not other-
14 wise appropriated, for fiscal year 2019 and each fis-
15 cal year thereafter, \$50,000,000, to remain available
16 until expended, for incremental project-based vouch-
17 er assistance or project-based rental assistance, to
18 be allocated to States pursuant to the formula estab-
19 lished under section 1338 of the Federal Housing
20 Enterprises Financial Safety and Soundness Act of
21 1992 (12 U.S.C. 4568), to be used solely in conjunc-
22 tion with grant funds awarded under such section
23 1338.

24 (3) PRIORITY FOR HOUSING THE HOMELESS.—

25 (A) PRIORITY.—During the first 5 fiscal
26 years that amounts are made available under

1 this subsection, the Secretary of Housing and
2 Urban Development shall ensure that priority
3 for occupancy in dwelling units described in
4 subparagraph (B) that become available for oc-
5 cupancy shall be given to persons and house-
6 holds who are homeless (as such term is defined
7 in section 103 of the McKinney-Vento Homeless
8 Assistance Act (42 U.S.C. 11302)).

9 (B) COVERED DWELLING UNITS.—A dwell-
10 ing unit described in this subparagraph is any
11 dwelling unit that—

12 (i) is located in housing that was at
13 any time provided assistance with any
14 amounts from the Housing Trust Fund re-
15 ferred to paragraph (1) that were credited
16 to such Trust Fund by such paragraph; or

17 (ii) is receiving assistance described in
18 paragraph (2) with amounts made avail-
19 able under such paragraph.

20 (b) TENANT RENT CONTRIBUTION.—

21 (1) LIMITATION.—Subparagraph (A) of section
22 1338(e)(7) of the Federal Housing Enterprises Fi-
23 nancial Safety and Soundness Act of 1992 (12
24 U.S.C. 4568(e)(7)(A)) is amended—

1 (A) by striking “except that not less than
2 75 percent” and inserting the following: “except
3 that—

4 “(i) not less than 75 percent”;

5 (B) by adding at the end the following new
6 clause:

7 “(ii) notwithstanding any other provi-
8 sion of law, all rental housing dwelling
9 units shall be subject to legally binding
10 commitments that ensure that the con-
11 tribution toward rent by a family residing
12 in the dwelling unit shall not exceed 30
13 percent of the adjusted income (as such
14 term is defined in section 3(b) of the
15 United States Housing Act of 1937 (42
16 U.S.C. 1437a(b))) of such family; and”.

17 (2) REGULATIONS.—The Secretary of Housing
18 and Urban Development shall issue regulations to
19 implement section 1338(e)(7)(A)(ii) of the Federal
20 Housing Enterprises Financial Safety and Sound-
21 ness Act of 1992, as added by the amendment made
22 by paragraph (1)(B) of this section, not later than
23 the expiration of the 90-day period beginning on the
24 date of the enactment of this Act.

1 **SEC. 7104. TECHNICAL ASSISTANCE FUNDS TO HELP**
2 **STATES AND LOCAL ORGANIZATIONS ALIGN**
3 **HEALTH AND HOUSING SYSTEMS.**

4 (a) FUNDING.—There is hereby made available to the
5 Secretary of Housing and Urban Development
6 \$20,000,000, to remain available until expended, for pro-
7 viding technical assistance under section 405 of the
8 McKinney-Vento Homeless Assistance Act (42 U.S.C.
9 11361(b)) in connection with expanding the Healthcare
10 and Housing (H2) Systems Integration Initiative of the
11 Secretary of Housing and Urban Development, in collabo-
12 ration with the United States Interagency Council on
13 Homelessness and the Secretary of Health and Human
14 Services.

15 (b) USE.—In expanding the Initiative referred to in
16 subsection (a), the Secretary shall seek to—

17 (1) assist States and localities in integrating
18 and aligning policies and funding between Medicaid
19 programs, behavioral health providers, and housing
20 providers to create supportive housing opportunities;
21 and

22 (2) engage State Medicaid program directors,
23 Governors, State housing and homelessness agencies,
24 any other relevant State offices, and any relevant
25 local government entities, to assist States in increas-

1 ing use of their Medicaid programs to finance sup-
2 portive services for homeless persons.

3 (c) **PRIORITY.**—In using amounts made available
4 under this section, the Secretary shall give priority to use
5 for States and localities having the highest numbers of
6 chronically homeless persons.

7 **SEC. 7105. PERMANENT AUTHORIZATION OF APPROPRIA-**
8 **TIONS FOR MCKINNEY-VENTO HOMELESS AS-**
9 **SISTANCE ACT GRANTS.**

10 Section 408 of the McKinney-Vento Homeless Assist-
11 ance Act (42 U.S.C. 11364) is amended to read as follows:

12 **“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this title such sums as may be necessary for each fiscal
15 year.”.

16 **SEC. 7106. PERMANENT EXTENSION OF UNITED STATES**
17 **INTERAGENCY COUNCIL ON HOMELESSNESS.**

18 Section 209 of the McKinney-Vento Homeless Assist-
19 ance Act (42 U.S.C. 11319) is hereby repealed.

20 **SEC. 7107. EMERGENCY DESIGNATION.**

21 (a) **IN GENERAL.**—The amounts provided by this
22 subtitle, and the amendments made by this subtitle, are
23 designated as an emergency requirement pursuant to sec-
24 tion 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2
25 U.S.C. 933(g)).

1 (b) DESIGNATION IN SENATE.—In the Senate, this
 2 subtitle and the amendments made by this subtitle are
 3 designated as an emergency requirement pursuant to sec-
 4 tion 403(a) of S. Con. Res. 13 (111th Congress), the con-
 5 current resolution on the budget for fiscal year 2010.

6 **Subtitle B—Tenant Blacklisting**

7 **SEC. 7201. TENANT BLACKLISTING.**

8 (a) DEFINITIONS.—In this section—

9 (1) the terms “consumer”, “consumer report”,
 10 and “nationwide specialty consumer reporting agen-
 11 cy” have the meanings given those terms in section
 12 603 of the Fair Credit Reporting Act (15 U.S.C.
 13 1681a); and

14 (2) the term “tenant rating agency” means a
 15 nationwide specialty consumer reporting agency de-
 16 scribed in section 603(x)(2) of the Fair Credit Re-
 17 porting Act (15 U.S.C. 1681a(x)(2)).

18 (b) AMENDMENTS TO THE FAIR CREDIT REPORTING
 19 ACT.—The Fair Credit Reporting Act (15 U.S.C. 1601
 20 et seq.) is amended—

21 (1) in section 605 (15 U.S.C. 1681e), by adding
 22 at the end the following:

23 “(i) HOUSING COURT RECORDS.—A consumer re-
 24 porting agency may not make a consumer report con-

1 taining a landlord-tenant court or other housing court
2 record, unless—

3 “(1) the case to which the record pertains re-
4 sulted in a judgment of possession;

5 “(2) the decision of the court in the case to
6 which the record pertains is not being appealed; and

7 “(3) the record antedates the consumer report
8 by not more than 3 years.”;

9 (2) in section 611(a) (15 U.S.C. 1681i(a))—

10 (A) in paragraph (1)(A), by inserting “or
11 by submitting a notice of the dispute through
12 the centralized source described in section
13 612(a)(1)(B) or the centralized source required
14 to be established under section 721(c) of the
15 Jobs and Justice Act of 2018” after “through
16 a reseller”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

19 (I) by striking “or a reseller”
20 and inserting “a reseller, or a central-
21 ized source”; and

22 (II) by striking “or reseller” and
23 inserting “reseller, or centralized
24 source”; and

1 (ii) in subparagraph (B), by striking
2 “or the reseller” and inserting “the re-
3 seller, or the centralized source”;

4 (3) in section 615 (15 U.S.C. 1681m), by add-
5 ing at the end the following:

6 “(i) **ADDITIONAL DUTY OF USERS TAKING ADVERSE**
7 **ACTIONS ON THE BASIS OF HOUSING COURT RECORDS**
8 **CONTAINED IN CONSUMER REPORTS.**—If any person
9 takes any adverse action with respect to a consumer that
10 is based in whole or in part on a landlord-tenant court
11 or other housing record contained in a consumer report,
12 the person shall provide to the consumer a free copy of
13 the consumer report used by the person in taking the ad-
14 verse action.”; and

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

16 **“SEC. 630. CIVIL LIABILITY FOR CREATING REPORTS WITH**
17 **INACCURATE HOUSING COURT RECORDS.**

18 “Any person who willfully makes a consumer report
19 with respect to a consumer that contains an inaccurate
20 landlord-tenant court or other housing record is liable to
21 the consumer in an amount equal to the sum of—

22 “(1) any actual damages sustained by the con-
23 sumer as a result of making that consumer report
24 or damages of not less than \$500 and not more than
25 \$1,500;

1 “(2) such amount of punitive damages as the
2 court may allow; and

3 “(3) in the case of any successful action to en-
4 force any liability under this section, the costs of the
5 action together with reasonable attorney’s fees as de-
6 termined by the court.”.

7 (c) REGULATIONS APPLICABLE TO CLEARINGHOUSE
8 SYSTEM.—Not later than 1 year after the date of enact-
9 ment of this Act, the Bureau of Consumer Financial Pro-
10 tection shall issue regulations—

11 (1) applicable to tenant rating agencies to re-
12 quire the establishment of—

13 (A) a centralized source through which
14 consumers may—

15 (i) obtain a consumer report from
16 each such tenant rating agency once dur-
17 ing any 12-month period, using a single re-
18 quest, and without charge to the consumer,
19 as provided in section 612(a) of the Fair
20 Credit Reporting Act (15 U.S.C.
21 1681j(a)); and

22 (ii) submit a notice of a dispute of in-
23 accurate information, as provided in sec-
24 tion 611(a) of the Fair Credit Reporting
25 Act (15 U.S.C. 1681i(a)); and

1 (B) a standardized form for a consumer to
2 make a request for a consumer report under
3 subparagraph (A)(i) or submit a notice of dis-
4 pute under subparagraph (A)(ii) by mail or
5 through an Internet website; and

6 (2) to provide that a consumer may submit a
7 notice of dispute of inaccurate information through
8 the centralized source established in accordance with
9 section 211(c) of the Fair and Accurate Credit
10 Transactions Act of 2003 (15 U.S.C. 1681j note), as
11 provided in section 611(a) of the Fair Credit Re-
12 porting Act (15 U.S.C. 1681i(a)), using the stand-
13 ardized form described in paragraph (1)(B).

14 (d) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Bureau of Consumer Finan-
16 cial Protection shall conduct a study and submit to Con-
17 gress a report on the status of tenant rating agencies and
18 the compliance of tenant rating agencies under the Fair
19 Credit Reporting Act (15 U.S.C. 1601 et seq.), including
20 a gap analysis of laws and resources to deter noncompli-
21 ance with the intent and purpose of the Fair Credit Re-
22 porting Act (15 U.S.C. 1601 et seq.).

1 **SEC. 7202. CAPITAL FUND AMOUNTS FOR LARGE PUBLIC**
2 **HOUSING AGENCIES.**

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
4 tion to any amounts authorized to be appropriated for for-
5 mula grants to public housing agencies from the Capital
6 Fund pursuant to section 9(d)(2) of the United States
7 Housing Act of 1937 (42 U.S.C. 1437g(d)(2)), there is
8 authorized to be appropriated \$4,000,000,000 for each of
9 fiscal years 2018 through 2022 for the Public Housing
10 Capital Fund Program under section 9(d) of the United
11 States Housing Act of 1937 (42 U.S.C. 1437g(b)).

12 (b) **ELIGIBLE PUBLIC HOUSING AGENCIES.**—Any
13 amounts appropriated pursuant to this section shall be
14 used by the Secretary of Housing and Urban Development
15 only for grants to public housing agencies that own or ad-
16 minister more than 10,000 public housing dwelling units.

17 (c) **ELIGIBLE USES.**—Funds from grants made with
18 amounts appropriated pursuant to this section may be
19 used only for eligible capital activities under section
20 9(d)(1) of the United States Housing Act of 1937 (42
21 U.S.C. 1437g(d)(1)). Section 9(g)(3) of such Act shall not
22 apply to any such grant funds.

1 **SEC. 7203. ASSISTANCE TO NEIGHBORWORKS FOR MORT-**
2 **GAGE FORECLOSURE MITIGATION ACTIVI-**
3 **TIES.**

4 There is authorized to be appropriated \$5,000,000,
5 for each of fiscal years 2018 through 2022 for assistance
6 to the Neighborhood Reinvestment Corporation for mort-
7 gage foreclosure mitigation activities, under the following
8 terms and conditions:

9 (1) **MORTGAGE FORECLOSURE MITIGATION**
10 **COUNSELING.—**

11 (A) The Neighborhood Reinvestment Cor-
12 poration (in this section referred to as the
13 “NRC”) may make grants under this para-
14 graph to counseling intermediaries approved by
15 the Department of Housing and Urban Devel-
16 opment (in this section referred to as “HUD”)
17 (with match to be determined by NRC based on
18 affordability and the economic conditions of an
19 area; a match also may be waived by NRC
20 based on the aforementioned conditions) to pro-
21 vide mortgage foreclosure mitigation assistance
22 to the 15 States with highest rates of home
23 mortgage defaults and foreclosures, as of Janu-
24 ary 1, 2018, to help eliminate the default and
25 foreclosure of mortgages of owner-occupied sin-
26 gle-family homes that are at risk of such fore-

1 closure and located in metropolitan statistical
2 areas having the greatest such need. Other than
3 areas with high rates of defaults and fore-
4 closures, grants may also be provided to ap-
5 proved counseling intermediaries based on a ge-
6 ographic analysis of the Nation by NRC which
7 determines where there is a prevalence of mort-
8 gages that are risky and likely to fail, including
9 any trends for mortgages that are likely to de-
10 fault and face foreclosure. A State Housing Fi-
11 nance Agency may also be eligible where the
12 State Housing Finance Agency meets all the re-
13 quirements under this paragraph. A HUD-ap-
14 proved counseling intermediary shall meet cer-
15 tain mortgage foreclosure mitigation assistance
16 counseling requirements, as determined by
17 NRC, and shall be approved by HUD or NRC
18 as meeting these requirements.

19 (B) Mortgage foreclosure mitigation assist-
20 ance shall only be made available to home-
21 owners of owner-occupied homes with mort-
22 gages in default or in danger of default. These
23 mortgages shall likely be subject to a fore-
24 closure action and homeowners will be provided
25 such assistance that shall consist of activities

1 that are likely to prevent foreclosures and result
2 in the long-term affordability of the mortgage
3 retained pursuant to such activity or another
4 positive outcome for the homeowner. No funds
5 made available pursuant to this paragraph may
6 be provided directly to lenders or homeowners
7 to discharge outstanding mortgage balances or
8 for any other direct debt reduction payments.

9 (C) The use of mortgage foreclosure miti-
10 gation assistance by approved counseling inter-
11 mediaries and State Housing Finance Agencies
12 shall involve a reasonable analysis of the bor-
13 rower's financial situation, an evaluation of the
14 current value of the property that is subject to
15 the mortgage, counseling regarding the assump-
16 tion of the mortgage by another non-Federal
17 party, counseling regarding the possible pur-
18 chase of the mortgage by a non-Federal third
19 party, counseling and advice of all likely re-
20 structuring and refinancing strategies or the
21 approval of a work-out strategy by all interested
22 parties.

23 (D) NRC may provide up to 15 percent of
24 the total funds made available pursuant to this
25 paragraph to its own charter members with ex-

1 pertise in foreclosure prevention counseling,
2 subject to a certification by NRC that the pro-
3 cedures for selection do not consist of any pro-
4 cedures or activities that could be construed as
5 a conflict of interest or have the appearance of
6 impropriety.

7 (E) HUD-approved counseling entities and
8 State Housing Finance Agencies receiving
9 funds made available pursuant to this para-
10 graph shall have demonstrated experience in
11 successfully working with financial institutions
12 as well as borrowers facing default, delinquency,
13 and foreclosure as well as documented coun-
14 seling capacity, outreach capacity, past success-
15 ful performance and positive outcomes with doc-
16 umented counseling plans (including post-mort-
17 gage foreclosure mitigation counseling), loan
18 workout agreements, and loan modification
19 agreements. NRC may use other criteria to
20 demonstrate capacity in underserved areas.

21 (F) Of the total amount made available
22 pursuant to this paragraph, up to \$250,000
23 may be made available to build the mortgage
24 foreclosure and default mitigation counseling
25 capacity of counseling intermediaries through

1 NRC training courses with HUD-approved
2 counseling intermediaries and their partners,
3 except that private financial institutions that
4 participate in NRC training shall pay market
5 rates for such training.

6 (G) Of the total amount made available
7 pursuant to this paragraph, up to 5 percent
8 may be used for associated administrative ex-
9 penses for NRC to carry out activities provided
10 under this paragraph.

11 (H) Mortgage foreclosure mitigation assist-
12 ance grants may include a budget for outreach
13 and advertising, and training, as determined by
14 NRC.

15 (I) NRC shall report bi-annually to the
16 House and Senate Committees on Appropria-
17 tions as well as the Senate Banking Committee
18 and House Financial Services Committee on its
19 efforts to mitigate mortgage default.

20 (2) LEGAL ASSISTANCE.—

21 (A) The Neighborhood Reinvestment Cor-
22 poration may make grants to counseling inter-
23 mediaries approved by HUD or the NRC to
24 hire attorneys to assist homeowners who have

1 legal issues directly related to the homeowner's
2 foreclosure, delinquency, or short sale.

3 (B) Such attorneys shall be capable of as-
4 sisting homeowners of owner-occupied homes
5 with mortgages in default, in danger of default,
6 or subject to or at risk of foreclosure and who
7 have legal issues that cannot be handled by
8 counselors already employed by such inter-
9 mediaries.

10 (C) Grants under this paragraph may only
11 be made to counseling intermediaries and legal
12 organizations that (i) provide legal assistance in
13 the 15 States with the highest rates of home
14 mortgage defaults and foreclosures, as of Janu-
15 ary 1, 2018, and (ii) have the capacity to begin
16 using the financial assistance within 90 days
17 after receipt of the assistance.

18 (D) No funds made available pursuant to
19 this paragraph shall be used to provide, obtain,
20 or arrange on behalf of a homeowner, legal rep-
21 resentation involving or for the purposes of civil
22 litigation.

1 **SEC. 7204. INCREMENTAL HOUSING CHOICE VOUCHER AS-**
2 **SISTANCE.**

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
4 authorized to be appropriated for each of fiscal years 2018
5 through 2022 such sums as may be necessary to provide
6 in each such fiscal year 20,000 incremental vouchers for
7 rental assistance under section 8(o) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437f(o)).

9 (b) **ELIGIBLE PUBLIC HOUSING AGENCIES.**—Any
10 amounts appropriated pursuant to this section shall be
11 used by the Secretary of Housing and Urban Development
12 only to provide additional amounts for rental assistance
13 vouchers for public housing agencies that administer
14 10,000 or more vouchers for rental assistance under such
15 section 8(o).

16 **SEC. 7205. EXTENSION OF PILOT PROGRAM.**

17 Section 258(d) of the National Housing Act (12
18 U.S.C. 1715z–24(d)) is amended by striking “5-year” and
19 inserting “14-year”.

20 **Subtitle C—Financial Literacy**

21 **SEC. 7301. DISCOUNT ON MORTGAGE INSURANCE PREMIUM**
22 **PAYMENTS FOR FIRST-TIME HOMEBUYERS**
23 **WHO COMPLETE FINANCIAL LITERACY HOUS-**
24 **ING COUNSELING PROGRAMS.**

25 The second sentence of subparagraph (A) of section
26 203(e)(2) of the National Housing Act (12 U.S.C.

1 1709(c)(2)(A)) is amended by striking “not exceed 2.75
2 percent of the amount of the original insured principal ob-
3 ligation of the mortgage” and inserting “be 25 basis
4 points lower than the premium payment amount estab-
5 lished by the Secretary under the first sentence of this
6 subparagraph”.

7 **SEC. 7302. YOUNG AMERICANS FINANCIAL LITERACY.**

8 (a) FINDINGS.—The Congress finds as follows:

9 (1) That 87 percent of Americans believe fi-
10 nance education should be taught in schools and 92
11 percent of K–12 teachers believe that financial edu-
12 cation should be taught in school, but only 12 per-
13 cent of teachers actually teach the subject.

14 (2) According to a 2016 survey, 1 in 3 States
15 require high school students to take a personal fi-
16 nance course, and only 5 States require high school
17 students to take a semester long personal finance
18 course.

19 (3) The percentage of Americans grading them-
20 selves with an A or B in personal finance knowledge
21 has declined from 60 percent in 2013 to 56 percent
22 in 2016. In 2016, 75 percent of Americans admitted
23 they could benefit from additional advice and an-
24 swers to everyday financial questions from a profes-
25 sional. Most adults feel that their financial literacy

1 skills are inadequate, yet they do not rely on anyone
2 else to handle their finances; they feel it is impor-
3 tant to know more but have received no financial
4 education.

5 (4) It is necessary to respond immediately to
6 the pressing needs of individuals faced with the loss
7 of their financial stability; however increased atten-
8 tion must also be paid to financial literacy education
9 reform and long-term solutions to prevent future
10 personal financial disasters.

11 (5) Research-based financial literacy education
12 programs are needed to reach individuals at all ages
13 and socioeconomic levels, particularly those facing
14 unique and challenging financial situations, such as
15 high school graduates entering the workforce, soon-
16 to-be and recent college graduates, young families,
17 and to address the unique needs of military per-
18 sonnel and their families.

19 (6) High school and college students who are
20 exposed to cumulative financial education show an
21 increase in financial knowledge, which in turn drives
22 increasingly responsible behavior as they become
23 young adults.

24 (7) Sixty percent of parents identify their teens
25 as “quick spenders”, and most acknowledge they

1 could do a better job of teaching and preparing kids
2 for the financial challenges of adulthood, including
3 budgeting, saving, and investing.

4 (8) The majority (52 percent) of young adults
5 ages 23 through 28 consider “making better choices
6 about managing money”, the single most important
7 issue for individual Americans to act on today.

8 (9) According to the Government Accountability
9 Office, giving Americans the information they need
10 to make effective financial decisions can be key to
11 their well-being and to the country’s economic
12 health. The recent financial crisis, when many bor-
13 rowers failed to fully understand the risks associated
14 with certain financial products, underscored the need
15 to improve individuals’ financial literacy and em-
16 power all Americans to make informed financial de-
17 cisions. This is especially true for young people as
18 they are earning their first paychecks, securing stu-
19 dent aid, and establishing their financial independ-
20 ence. Therefore, focusing economic education and fi-
21 nancial literacy efforts and best practices for young
22 people ages 8 through 24 is of utmost importance.

23 (b) AUTHORIZATION FOR FUNDING THE ESTABLISH-
24 MENT OF CENTERS OF EXCELLENCE IN FINANCIAL LIT-
25 ERACY EDUCATION.—

1 (1) IN GENERAL.—The Director of the Bureau
2 of Consumer Financial Protection, in consultation
3 with the Financial Literacy and Education Commis-
4 sion established under the Financial Literacy and
5 Education Improvement Act, shall make competitive
6 grants to and enter into agreements with eligible in-
7 stitutions to establish centers of excellence to sup-
8 port research, development and planning, implemen-
9 tation, and evaluation of effective programs in finan-
10 cial literacy education for young people and families
11 ages 8 through 24 years old.

12 (2) AUTHORIZED ACTIVITIES.—Activities au-
13 thORIZED to be funded by grants made under para-
14 graph (1) shall include the following:

15 (A) Developing and implementing com-
16 prehensive research based financial literacy edu-
17 cation programs for young people—

18 (i) based on a set of core com-
19 petencies and concepts established by the
20 Director, including goal setting, planning,
21 budgeting, managing money or trans-
22 actions, tools and structures, behaviors,
23 consequences, both long- and short-term
24 savings, managing debt and earnings; and

1 (ii) which can be incorporated into
2 educational settings through existing aca-
3 demic content areas, including materials
4 that appropriately serve various segments
5 of at-risk populations, particularly minority
6 and disadvantaged individuals.

7 (B) Designing instructional materials
8 using evidence-based content for young families
9 and conducting related outreach activities to
10 address unique life situations and financial pit-
11 falls, including bankruptcy, foreclosure, credit
12 card misuse, and predatory lending.

13 (C) Developing and supporting the delivery
14 of professional development programs in finan-
15 cial literacy education to assure competence and
16 accountability in the delivery system.

17 (D) Improving access to, and dissemina-
18 tion of, financial literacy information for young
19 people and families.

20 (E) Reducing student loan default rates by
21 developing programs to help individuals better
22 understand how to manage educational debt
23 through sustained educational programs for col-
24 lege students.

1 (F) Conducting ongoing research and eval-
2 uation of financial literacy education programs
3 to assure learning of defined skills and knowl-
4 edge, and retention of learning.

5 (G) Developing research-based assessment
6 and accountability of the appropriate applica-
7 tions of learning over short and long terms to
8 measure effectiveness of authorized activities.

9 (3) PRIORITY FOR CERTAIN APPLICATIONS.—

10 The Director shall give a priority to applications
11 that—

12 (A) provide clear definitions of “financial
13 literacy” and “financially literate” to clarify
14 educational outcomes;

15 (B) establish parameters for identifying
16 the types of programs that most effectively
17 reach young people and families in unique life
18 situations and financial pitfalls, including bank-
19 ruptcy, foreclosure, credit card misuse, and
20 predatory lending;

21 (C) include content that is appropriate to
22 age and socioeconomic levels;

23 (D) develop programs based on educational
24 standards, definitions, and research;

1 (E) include individual goals of financial
2 independence and stability; and

3 (F) establish professional development and
4 delivery systems using evidence-based practices.

5 (4) APPLICATION AND EVALUATION STANDARDS
6 AND PROCEDURES; DISTRIBUTION CRITERIA.—The
7 Director shall establish application and evaluation
8 standards and procedures, distribution criteria, and
9 such other forms, standards, definitions, and proce-
10 dures as the Director determines to be appropriate.

11 (5) LIMITATION ON GRANT AMOUNTS.—

12 (A) IN GENERAL.—The aggregate amount
13 of grants made under this subsection during
14 any fiscal year may not exceed \$55,000,000.

15 (B) TERMINATION.—No grants may be
16 made under this subsection after the end of fis-
17 cal year 2019.

18 (6) DEFINITIONS.—For purposes of this section
19 the following definitions shall apply:

20 (A) DIRECTOR.—The term “Director”
21 means the Director of the Bureau of Consumer
22 Financial Protection.

23 (B) ELIGIBLE INSTITUTION.—The term
24 “eligible institution” means a partnership of
25 two or more of the following:

- 1 (i) Institution of higher education.
2 (ii) Local educational agency.
3 (iii) A nonprofit agency, organization,
4 or association.
5 (iv) A financial institution.

6 (C) INSTITUTION OF HIGHER EDU-
7 CATION.—The term “institution of higher edu-
8 cation” has the meaning given such term in
9 section 101 of the Higher Education Act of
10 1965 (20 U.S.C. 1001(a)).

11 **SEC. 7303. OFFICE FOR UNDER-BANKED AND UN-BANKED**
12 **CONSUMERS.**

13 Section 1013 of the Consumer Financial Protection
14 Act of 2010 (12 U.S.C. 5493) is amended by adding at
15 the end the following:

16 “(i) OFFICE FOR UNDER-BANKED AND UN-BANKED
17 CONSUMERS.—

18 “(1) ESTABLISHMENT.—Before the end of the
19 90-day period beginning on the date of the enact-
20 ment of the subsection, the Bureau shall establish
21 an Office for Under-Banked and Un-Banked Con-
22 sumers (hereinafter referred to as the ‘Office’), the
23 functions of which shall include activities designed to
24 better assess the reasons for the lack of, and help
25 increase the participation of, under-banked and un-

1 banked consumers in the banking system, including
2 the coordination with other Federal and State finan-
3 cial services agencies on this matter to ensure the
4 most efficient and effective use of governmental re-
5 sources.

6 “(2) DUTIES.—The Office shall—

7 “(A) conduct research to identify any
8 causes and challenges contributing to the deci-
9 sion of individuals who, and households that,
10 choose not to initiate or maintain on-going and
11 sustainable relationships with depository insti-
12 tutions, including consulting with trade associa-
13 tions representing minority depository institu-
14 tions, and organizations representing the inter-
15 ests of traditionally underserved consumers and
16 communities, and organizations representing
17 the interests of consumers, particularly low-
18 and moderate-income individuals, civil rights
19 groups, community groups, and consumer advo-
20 cates, about this matter;

21 “(B) identify best practices, develop and
22 implement strategies to increase the participa-
23 tion of under-banked and un-banked consumers
24 in the banking system; and

1 “(C) submit a report to Congress, within
2 two years of the establishment of the Office and
3 annually thereafter, that identifies any factors
4 impeding the ability to, or limiting the option
5 for, individuals or households to have access to
6 on-going and sustainable relationships with de-
7 pository institutions to meet their financial
8 needs, discusses any regulatory, legal, or struc-
9 tural barriers to enhancing participation of
10 under-banked and un-banked consumers with
11 depository institutions, and contains regulatory
12 and legislative recommendations to promote
13 better participation for all consumers with the
14 banking system.”.

15 **Subtitle D—Housing Fairness**

16 **SEC. 7401. TESTING FOR DISCRIMINATION.**

17 (a) IN GENERAL.—The Secretary of Housing and
18 Urban Development shall conduct a nationwide program
19 of testing to—

20 (1) detect and document differences in the
21 treatment of persons seeking to rent or purchase
22 housing or obtain or refinance a home mortgage
23 loan, and measure patterns of adverse treatment be-
24 cause of the race, color, religion, sex, familial status,

1 disability status, or national origin of a renter, home
2 buyer, or borrower; and

3 (2) measure the prevalence of such discrimina-
4 tory practices across the housing and mortgage lend-
5 ing markets as a whole.

6 (b) ADMINISTRATION.—The Secretary of Housing
7 and Urban Development shall enter into agreements with
8 qualified fair housing enforcement organizations, as such
9 organizations are defined under subsection (h) of section
10 561 of the Housing and Community Development Act of
11 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting
12 the testing required under subsection (a).

13 (c) PROGRAM REQUIREMENTS.—The Secretary
14 shall—

15 (1) submit to the Congress an evaluation by the
16 Secretary of the effectiveness of the program under
17 this section; and

18 (2) issue regulations that require each applica-
19 tion for the program under this section to contain—

20 (A) a description of the assisted activities
21 proposed to be undertaken by the applicant;

22 (B) a description of the experience of the
23 applicant in formulating or carrying out pro-
24 grams to carry out the activities described in
25 subsection (a); and

1 (C) a description of proposed procedures to
2 be used by the applicant for evaluating the re-
3 sults of the activities proposed to be carried out
4 under the program.

5 (d) REPORT.—The Secretary of Housing and Urban
6 Development shall report to Congress—

7 (1) on a biennial basis, the aggregate outcomes
8 of testing required under subsection (a) along with
9 any recommendations or proposals for legislative or
10 administrative action to address any issues raised by
11 such testing; and

12 (2) on an annual basis, a detailed summary of
13 the messages received by the Office of Fair Housing
14 and Equal Opportunity of the Department through
15 its 24-hour toll-free telephone hotline, through elec-
16 tronic mail, and through its website.

17 The Secretary may submit the reports required under
18 paragraph (1) of this subsection as part of the reports
19 prepared in accordance with paragraphs (2) and (6) of
20 section 808(e) of the Fair Housing Act (42 U.S.C.
21 3608(e)) and section 561(j) of the Housing and Commu-
22 nity Development Act of 1987 (42 U.S.C. 3616a(j)).

23 (e) USE OF RESULTS.—The results of any testing re-
24 quired under subsection (a) may be used as the basis for
25 the Secretary, or any Federal agency authorized to bring

1 such an enforcement action, or any State or local govern-
2 ment or agency, public or private nonprofit organization
3 or institution, or other public or private entity that the
4 Secretary has entered into a contract or cooperative agree-
5 ment with under section 561 of the Housing and Commu-
6 nity Development Act of 1987 (42 U.S.C. 3616a) to com-
7 mence, undertake, or pursue any investigation or enforce-
8 ment action to remedy any discriminatory housing practice
9 (as such term is defined in section 802 of the Fair Hous-
10 ing Act (42 U.S.C. 3602)) uncovered as a result of such
11 testing.

12 (f) DEFINITIONS.—As used in this section:

13 (1) DISABILITY STATUS.—The term “disability
14 status” has the same meaning given the term
15 “handicap” in section 802 of the Civil Rights Act of
16 1968 (42 U.S.C. 3602).

17 (2) FAMILIAL STATUS.—The term “familial sta-
18 tus” has the same meaning given that term in sec-
19 tion 802 of the Civil Rights Act of 1968 (42 U.S.C.
20 3602).

21 (g) RELATIONSHIP TO OTHER LAWS.—Nothing in
22 this section may be construed to amend, alter, or affect
23 any provision of criminal law or the Truth in Lending Act
24 (15 U.S.C. 1601 et seq.).

1 (h) REGULATIONS.—Not later than the expiration of
2 the 180-day period beginning on the date of the enactment
3 of this Act, the Secretary of Housing and Urban Develop-
4 ment shall issue regulations that establish minimum
5 standards for the training of testers of organizations con-
6 ducting testing required under subsection (a). Such regu-
7 lations shall serve as the basis of an evaluation of such
8 testers, which shall be developed by the Secretary, and
9 such regulations shall be issued after notice and an oppor-
10 tunity for public comment in accordance with the proce-
11 dure under section 553 of title 5, United States Code, ap-
12 plicable to substantive rules (notwithstanding subsections
13 (a)(2), (b)(3)(B), and (d)(3) of such section).

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out the provi-
16 sions of this section \$15,000,000 for each of fiscal years
17 2019 through 2023.

18 **SEC. 7402. INCREASE IN FUNDING FOR THE FAIR HOUSING**
19 **INITIATIVES PROGRAM.**

20 (a) IN GENERAL.—Section 561 of the Housing and
21 Community Development Act of 1987 (42 U.S.C. 3616a)
22 is amended—

23 (1) in subsection (b)—

1 (A) in paragraph (1), by inserting “quali-
2 fied” before “private nonprofit fair housing en-
3 forcement organizations,”; and

4 (B) in paragraph (2), by inserting “quali-
5 fied” before “private nonprofit fair housing en-
6 forcement organizations,”;

7 (2) by striking subsection (g) and inserting the
8 following:

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to carry out the provisions of this sec-
12 tion \$42,500,000 for each of fiscal years 2019
13 through 2023, of which—

14 “(A) not less than 75 percent of such
15 amounts shall be for private enforcement initia-
16 tives authorized under subsection (b);

17 “(B) not more than 10 percent of such
18 amounts shall be for education and outreach
19 programs under subsection (d); and

20 “(C) any remaining amounts shall be used
21 for program activities authorized under this sec-
22 tion.

23 “(2) AVAILABILITY.—Any amount appropriated
24 under this section shall remain available until ex-
25 pended to carry out the provisions of this section.”;

1 (3) in subsection (h), in the matter following
2 subparagraph (C), by inserting “and meets the cri-
3 teria described in subparagraphs (A) and (C)” after
4 “subparagraph (B)”; and

5 (4) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (C), by striking
8 “and” at the end;

9 (ii) in subparagraph (D), by striking
10 the period and inserting “; and”; and

11 (iii) by adding after subparagraph (D)
12 the following new subparagraph:

13 “(E) websites and other media outlets.”;

14 (B) in paragraph (2), by striking “or other
15 public or private entities” and inserting “or
16 other public or private nonprofit entities”; and

17 (C) in paragraph (3), by striking “or other
18 public or private entities” and inserting “or
19 other public or private nonprofit entities”.

20 (b) REGULATIONS.—Not later than the expiration of
21 the 180-day period beginning on the date of the enactment
22 of this Act, the Secretary of Housing and Urban Develop-
23 ment shall issue regulations that establish minimum
24 standards for the training of testers of organizations fund-
25 ed with any amounts made available to carry out this sec-

1 tion for any of fiscal years 2015 through 2019. Such regu-
2 lations shall serve as the basis of an evaluation of such
3 testers, which shall be developed by the Secretary, and
4 shall be issued after notice and an opportunity for public
5 comment in accordance with the procedure under section
6 553 of title 5, United States Code, applicable to sub-
7 stantive rules (notwithstanding subsections (a)(2),
8 (b)(3)(B), and (d)(3) of such section).

9 **SEC. 7403. SENSE OF CONGRESS.**

10 It is the sense of Congress that the Secretary of
11 Housing and Urban Development should—

12 (1) fully comply with the requirements of sec-
13 tion 561(d) of the Housing and Community Develop-
14 ment Act of 1987 (42 U.S.C. 3616a(d)) to establish,
15 design, and maintain a national education and out-
16 reach program to provide a centralized, coordinated
17 effort for the development and dissemination of the
18 fair housing rights of individuals who seek to rent,
19 purchase, sell, or facilitate the sale of a home;

20 (2) expend for such education and outreach
21 programs all amounts appropriated for such pro-
22 grams;

23 (3) promulgate regulations regarding the fair
24 housing obligations of each recipient of Federal
25 housing and community development funds to af-

1 firmatively further fair housing, as that term is de-
2 fined under title VIII of the Civil Rights Act of
3 1968 (42 U.S.C. 3601 et seq.); and

4 (4) fully comply with the requirements of sec-
5 tion 810(a) of the Fair Housing Act (42 U.S.C.
6 3610(a)).

7 **SEC. 7404. GRANTS TO PRIVATE ENTITIES TO STUDY HOUS-**
8 **ING DISCRIMINATION.**

9 (a) GRANT PROGRAM.—The Secretary of Housing
10 and Urban Development shall carry out a competitive
11 matching grant program to assist public and private non-
12 profit organizations in—

13 (1) conducting comprehensive studies that ex-
14 amine—

15 (A) the causes of housing discrimination
16 and segregation;

17 (B) the effects of housing discrimination
18 and segregation on education, poverty, and eco-
19 nomic development; or

20 (C) the incidences, causes, and effects of
21 housing discrimination and segregation on vet-
22 erans and military personnel; and

23 (2) implementing pilot projects that test solu-
24 tions that will help prevent or alleviate housing dis-
25 crimination and segregation.

1 (b) ELIGIBILITY.—To be eligible to receive a grant
2 under this section, a public or private nonprofit organiza-
3 tion shall—

4 (1) submit an application to the Secretary of
5 Housing and Urban Development, containing such
6 information as the Secretary shall require;

7 (2) agree to provide matching non-Federal
8 funds for 50 percent of the total amount of the
9 grant, which matching funds may include items do-
10 nated on an in-kind contribution basis; and

11 (3) meet the requirements of a qualified fair
12 housing enforcement organization, as such term is
13 defined in section 561(h) of the Housing and Com-
14 munity Development Act of 1987 (42 U.S.C.
15 3616a(h)), or subcontract with a qualified fair hous-
16 ing enforcement organization as a primary subcon-
17 tractor.

18 (c) REPORT.—The Secretary of Housing and Urban
19 Development shall submit a report to the Congress on a
20 biennial basis that provides a detailed summary of the re-
21 sults of the comprehensive studies and pilot projects car-
22 ried out under subsection (a), together with any rec-
23 ommendations or proposals for legislative or administra-
24 tive actions to address any issues raised by such studies.
25 The Secretary may submit the reports required under this

1 subsection as part of the reports prepared in accordance
2 with paragraphs (2) and (6) of section 808(e) of the Fair
3 Housing Act (42 U.S.C. 3608(e)) and section 561(j) of
4 the Housing and Community Development Act of 1987
5 (42 U.S.C. 3616a(j)).

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out the provi-
8 sions of this section \$5,000,000 for each of fiscal years
9 2019 through 2023.

10 **SEC. 7405. LIMITATION ON USE OF FUNDS.**

11 None of the funds made available under this Act, or
12 the amendments made by this Act, may be used for any
13 political activities, political advocacy, or lobbying (as such
14 terms are defined by Circular A–122 of the Office of Man-
15 agement and Budget, entitled “Cost Principles for Non-
16 Profit Organizations”), or for expenses for travel to en-
17 gage in political activities or preparation of or provision
18 of advice on tax returns.

1 **TITLE VIII—EDUCATION**
2 **Subtitle A—Elementary and**
3 **Secondary Education**

4 **PART 1—SUPPORTING PROMISE**

5 **NEIGHBORHOODS**

6 **SEC. 8001. PURPOSE.**

7 The purpose of this part is to significantly improve
8 academic outcomes, including school readiness, high school
9 graduation, and college entry and success of children liv-
10 ing in our Nation’s most distressed neighborhoods, by
11 using data-driven decisionmaking and existing external re-
12 sources to provide children in such neighborhoods with ac-
13 cess to a community-based continuum of high-quality pipe-
14 line services that include access to early learning opportu-
15 nities, high-quality schools, and best available evidence
16 that address the needs of such children from birth through
17 college and career.

18 **SEC. 8002. DEFINITIONS.**

19 In this part:

20 (1) **IN GENERAL.**—Except as otherwise pro-
21 vided, the terms used in this part have the meanings
22 given the terms in section 8101 of the Elementary
23 and Secondary Education Act of 1965 (20 U.S.C.
24 7801).

1 (2) CHILD.—The term “child” means an indi-
2 vidual from birth through age 21.

3 (3) COLLEGE AND CAREER READINESS.—The
4 term “college and career readiness” means the level
5 of preparation a student needs in order to—

6 (A) enroll and succeed, without remedi-
7 ation, in credit-bearing courses at an institution
8 of higher education;

9 (B) demonstrate the full range of knowl-
10 edge and perform the full range of workplace
11 skills necessary to succeed and advance in 21st
12 century careers, such as higher-order thinking,
13 collaboration and teamwork, and oral and writ-
14 ten communication skills; and

15 (C) complete a program leading to an in-
16 dustry-recognized credential that prepares grad-
17 uates to obtain employment with family-sus-
18 taining wages and opportunities for advance-
19 ment.

20 (4) COMMUNITY OF PRACTICE.—The term
21 “community of practice” means a group of entities
22 that interact regularly to share best practices to ad-
23 dress one or more persistent problems, or improve
24 practice with respect to such problems, in one or
25 more neighborhoods.

1 (5) EXPANDED LEARNING TIME.—The term
2 “expanded learning time” means using a longer
3 school day, week, or year schedule to significantly
4 increase the total number of school hours to include
5 additional time for—

6 (A) instruction in core academic subjects;

7 (B) instruction in other subjects and en-
8 richment and other activities that contribute to
9 a well-rounded education, including music and
10 the arts, physical education, service-learning,
11 and experiential and work-based learning oppor-
12 tunities (such as community service, learning
13 apprenticeships, internships, and job shad-
14 owing); and

15 (C) instructional and support staff to col-
16 laborate, plan, and engage in professional devel-
17 opment, including on family and community en-
18 gagement, within and across grades and sub-
19 jects.

20 (6) FAMILY AND COMMUNITY ENGAGEMENT.—

21 The term “family and community engagement”
22 means the process of engaging family and commu-
23 nity members in education meaningfully and at all
24 stages of the planning, implementation, and school

1 and neighborhood improvement process, including,
2 at a minimum—

3 (A) disseminating a clear definition of the
4 neighborhood to the members of the neighbor-
5 hood;

6 (B) ensuring representative participation
7 by the members of such neighborhood in the
8 planning and implementation of the activities of
9 each grant awarded under this part;

10 (C) regular engagement by the eligible en-
11 tity and the partners of the eligible entity with
12 family members and community partners;

13 (D) the provision of strategies and prac-
14 tices to assist family and community members
15 in actively supporting student achievement and
16 child and youth development; and

17 (E) collaboration with institutions of high-
18 er education and employers to align expecta-
19 tions and programming with college and career
20 readiness.

21 (7) FAMILY AND STUDENT SUPPORTS.—The
22 term “family and student supports” includes—

23 (A) health programs (including both men-
24 tal health and physical health services);

1 (B) school-, public-, and child-safety pro-
2 grams;

3 (C) programs that improve family stability;

4 (D) employment programs (including those
5 that meet local business needs, such as intern-
6 ships and externships);

7 (E) social service programs;

8 (F) legal aid programs;

9 (G) financial education programs;

10 (H) adult education and family literacy
11 programs;

12 (I) family and community engagement pro-
13 grams; and

14 (J) programs that increase access to learn-
15 ing technology and enhance the digital literacy
16 skills of students.

17 (8) FAMILY MEMBER.—The term “family mem-
18 ber” means a parent (as defined in section 8101 the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 7801)), relative, or other adult who is re-
21 sponsible for the education, care, and well-being of
22 a child.

23 (9) INTEGRATED STUDENT SUPPORTS.—The
24 term “integrated student supports” means services,
25 supports, and community resources, which shall be

1 offered through a site coordinator for at-risk stu-
2 dents, that have been shown by evidence-based re-
3 search—

4 (A) to increase academic achievement and
5 engagement;

6 (B) to support positive child and youth de-
7 velopment; and

8 (C) to increase student preparedness for
9 success in college and the workforce.

10 (10) NEIGHBORHOOD.—The term “neighbor-
11 hood” means a defined geographical area in which
12 there are multiple signs of distress, demonstrated by
13 indicators of need, including poverty, childhood obe-
14 sity rates, academic failure, and rates of juvenile de-
15 linquency, adjudication, or incarceration.

16 (11) PIPELINE.—The term “pipeline” means a
17 continuum of supports and services (including pipe-
18 line services, as defined in this part) for children
19 from birth through college entry, college success,
20 and career attainment.

21 (12) PIPELINE SERVICES.—The term “pipeline
22 services” includes, at a minimum, strategies to ad-
23 dress through services or programs (including inte-
24 grated student supports and wraparound services)
25 the following:

1 (A) Prenatal education and support for ex-
2 pectant parents.

3 (B) High-quality early learning opportuni-
4 ties.

5 (C) High-quality schools and out-of-school-
6 time programs and strategies.

7 (D) Support for a child's transition to ele-
8 mentary school, between elementary school and
9 middle school, from middle school to high
10 school, and from high school into and through
11 college and into the workforce.

12 (E) Family and community engagement.

13 (F) Family and student supports.

14 (G) Activities that support college and ca-
15 reer readiness, such as—

16 (i) assistance with college admissions,
17 financial aid, and scholarship applications,
18 especially for low-income and low-achieving
19 students; and

20 (ii) career preparation services and
21 supports.

22 (H) Neighborhood-based support for col-
23 lege-age students who have attended the schools
24 in the pipeline, or students who are members of
25 the community, facilitating their continued con-

1 nection to the community and success in college
2 and the workforce.

3 **Subpart A—Promise Neighborhood Partnership**

4 **Grants**

5 **SEC. 8011. PROGRAM AUTHORIZED.**

6 (a) IN GENERAL.—From amounts appropriated
7 under section 8024, the Secretary shall award grants, on
8 a competitive basis, to eligible entities to implement a com-
9 prehensive, evidence-based pipeline that engages commu-
10 nity partners to improve academic achievement, student
11 development, and college and career readiness, measured
12 by common outcomes, by carrying out the activities de-
13 scribed in section 8014 in neighborhoods with high con-
14 centrations of low-income individuals and persistently low-
15 achieving schools or schools with an achievement gap.

16 (b) DURATION.—

17 (1) IN GENERAL.—Grants awarded under this
18 subpart shall be for a period of not more than 5
19 years.

20 (2) RENEWAL.—The Secretary may renew
21 grants under this subpart for an additional period of
22 not more than 5 years, if an eligible entity dem-
23 onstrates significant success in—

24 (A) ensuring school readiness, including
25 success in early learning;

1 (B) improving academic outcomes, includ-
2 ing academic achievement and graduation rates;

3 (C) increasing college and career readiness,
4 including rates of enrollment in institutions of
5 higher education; and

6 (D) improving the health, mental health,
7 and social and emotional well-being of children.

8 (e) CONTINUED FUNDING.—Continued funding after
9 the third year of the grant period shall be contingent on
10 the eligible entity’s progress toward meeting the perform-
11 ance metrics described in section 8016(a).

12 (d) MATCHING REQUIREMENT.—

13 (1) IN GENERAL.—Each eligible entity receiving
14 a grant under this subpart shall contribute matching
15 funds in an amount equal to not less than 100 per-
16 cent of the amount of the grant.

17 (2) PRIVATE FUNDS.—A portion of such funds
18 shall come from private, nongovernmental sources as
19 follows:

20 (A) An eligible entity that includes a local
21 educational agency eligible to receive funding
22 under subpart 1 or 2 of part B of title V of the
23 Elementary and Secondary Education Act of
24 1965 (20 U.S.C. 7345 et seq.)—

1 (i) shall contribute not less than 10
2 percent of the amount of the grant from
3 private, nongovernmental sources; and

4 (ii) shall increase this portion gradu-
5 ally over the life of the grant until it
6 equals or exceeds 15 percent of the amount
7 of the grant.

8 (B) An eligible entity that includes an In-
9 dian tribe or tribal organization, as defined
10 under section 4 of the Indian Self-Determina-
11 tion and Education Assistance Act (25 U.S.C.
12 450b)—

13 (i) shall contribute not less than 10
14 percent of the amount of the grant from
15 private, nongovernmental sources; and

16 (ii) shall increase this portion gradu-
17 ally over the life of the grant until it
18 equals or exceeds 15 percent of the amount
19 of the grant.

20 (C) An eligible entity not described in sub-
21 paragraph (A) or (B)—

22 (i) shall contribute not less than 10
23 percent of the amount of the grant from
24 private, nongovernmental sources; and

1 (ii) shall increase this portion gradu-
2 ally over the life of the grant until it
3 equals or exceeds 25 percent of the amount
4 of the grant.

5 (e) FINANCIAL HARDSHIP WAIVER.—The Secretary
6 may waive or reduce the matching requirement described
7 in subsection (d) if the eligible entity demonstrates a need
8 due to significant financial hardship.

9 **SEC. 8012. ELIGIBLE ENTITIES.**

10 In this subpart, the term “eligible entity” means a
11 nonprofit entity acting as the lead applicant for a grant
12 under this subpart in partnership with a local educational
13 agency. Such partnership may also include any of the fol-
14 lowing entities:

15 (1) An institution of higher education, as de-
16 fined in section 102 of the Higher Education Act of
17 1965 (20 U.S.C. 1002).

18 (2) The office of a chief elected official of a unit
19 of local government.

20 (3) An Indian tribe or tribal organization, as
21 defined under section 4 of the Indian Self-Deter-
22 mination and Education Assistance Act (25 U.S.C.
23 450b).

1 **SEC. 8013. APPLICATION REQUIREMENTS.**

2 (a) IN GENERAL.—To be eligible to receive a grant
3 under this subpart, an eligible entity shall submit an appli-
4 cation to the Secretary at such time, in such manner, and
5 containing such information as the Secretary may require.

6 (b) CONTENTS OF APPLICATION.—At a minimum, an
7 application described in subsection (a) shall include the
8 following:

9 (1) A description of a plan to significantly im-
10 prove the academic outcomes of children living in an
11 identified neighborhood by providing a pipeline that
12 addresses the neighborhood’s needs, as identified by
13 the needs analysis described in paragraph (4) and
14 supported by evidence-based practices.

15 (2) A description of the neighborhood that the
16 eligible entity will serve.

17 (3) Measurable annual goals for the outcomes
18 of the grant, including—

19 (A) performance goals, in accordance with
20 the metrics described in section 8016(a), for
21 each year of the grant; and

22 (B) projected participation rates and any
23 plans to expand the number of children served
24 or the neighborhood proposed to be served by
25 the grant program.

1 (4) An analysis of the needs and assets of the
2 neighborhood identified in paragraph (2), includ-
3 ing—

4 (A) a description of the process through
5 which the needs analysis was produced, includ-
6 ing a description of how family and community
7 members were engaged in such analysis;

8 (B) an analysis of community assets with-
9 in, or accessible to, the neighborhood, including,
10 at a minimum—

11 (i) early learning programs, including
12 high-quality child care, Early Head Start
13 programs, Head Start programs, and pre-
14 kindergarten programs;

15 (ii) the availability of healthy food op-
16 tions and opportunities for physical activ-
17 ity;

18 (iii) existing family and student sup-
19 ports;

20 (iv) locally owned businesses and em-
21 ployers; and

22 (v) institutions of higher education;

23 (C) evidence of successful direct services
24 and collaboration within the neighborhood;

1 (D) the steps that the eligible entity is tak-
2 ing, at the time of the application, to meet the
3 needs identified in the needs analysis; and

4 (E) any barriers the eligible entity, public
5 agencies, and other community-based organiza-
6 tions have faced in meeting such needs.

7 (5) A description of the data and evidence base
8 used to identify the pipeline services to be provided,
9 including data regarding—

10 (A) school readiness;

11 (B) academic achievement and college and
12 career readiness;

13 (C) secondary school graduation rates;

14 (D) health indicators, such as rates of
15 childhood obesity or other health and develop-
16 mental risk factors;

17 (E) college enrollment, persistence, and
18 completion rates; and

19 (F) conditions for learning, including
20 school climate surveys, discipline rates, and stu-
21 dent attendance and incident data.

22 (6) A description of the process used to develop
23 the application, including the involvement of family
24 and community members.

25 (7) An estimate of—

1 (A) the number of children, by age, who
2 will be served by each pipeline service over time;
3 and

4 (B) for each age group, the percentage of
5 children (of such age group), within the neigh-
6 borhood, who the eligible entity proposes to
7 serve, disaggregated by each service, and the
8 goals for increasing such percentage over time.

9 (8) A description of how the pipeline services
10 will include the following activities:

11 (A) Providing high-quality early learning
12 opportunities for children, beginning prenatally
13 and extending through grade 3, by—

14 (i) establishing or supporting high-
15 quality early learning opportunities that
16 provide children with full-day, full-year ac-
17 cess to programs that support the cognitive
18 and developmental skills, including social
19 and emotional skills, needed for success in
20 elementary school;

21 (ii) providing for opportunities,
22 through parenting classes, baby academies,
23 home visits, or other evidence-based strate-
24 gies, for families and expectant parents
25 to—

1 (I) acquire the skills to promote
2 early learning, development, and
3 health and safety, including learning
4 about child development and positive
5 discipline strategies (such as through
6 the use of technology and public
7 media programming);

8 (II) learn about the role of fami-
9 lies and expectant parents in their
10 child's education; and

11 (III) become informed about edu-
12 cational opportunities for their chil-
13 dren, including differences in quality
14 among early learning opportunities;

15 (iii) ensuring successful transitions
16 between early learning programs and ele-
17 mentary school, including through the es-
18 tablishment of memoranda of under-
19 standing between early learning providers
20 and local educational agencies serving
21 young children and families;

22 (iv) ensuring appropriate screening,
23 diagnostic assessments, and referrals for
24 children with disabilities, developmental
25 delays, or other special needs;

1 (v) improving the early learning work-
2 force in the community, including
3 through—

4 (I) investments in the recruit-
5 ment, retention, distribution, and sup-
6 port of high-quality professionals, es-
7 pecially those with certification and
8 experience in child development;

9 (II) the provision of high-quality
10 teacher preparation and professional
11 development;

12 (III) the use of joint professional
13 development for early learning pro-
14 viders and elementary school teachers
15 and administrators; or

16 (IV) efforts to increase the pay
17 and benefits of early learning profes-
18 sionals; and

19 (vi) enhancing data systems and data
20 sharing among the eligible entity, partners,
21 early learning providers, schools, and local
22 educational agencies operating in the
23 neighborhood.

24 (B) Supporting, enhancing, operating, or
25 expanding ambitious, rigorous, and comprehen-

1 sive education reforms designed to significantly
2 improve educational outcomes for children and
3 youth in early learning programs through grade
4 12, which may include—

5 (i) operating schools or working in
6 close collaboration with local schools to
7 provide high-quality academic programs,
8 curricula, and integrated student supports;

9 (ii) the provision of expanded learning
10 time; and

11 (iii) the provision of programs and ac-
12 tivities that ensure that students—

13 (I) are prepared for the college
14 admissions, scholarship, and financial
15 aid application processes; and

16 (II) graduate college and career
17 ready.

18 (C) Supporting access to a healthy life-
19 style, which may include—

20 (i) the provision of high-quality and
21 nutritious meals;

22 (ii) access to programs that promote
23 physical activity, physical education, and
24 fitness; and

1 (iii) education to promote a healthy
2 lifestyle and positive body image.

3 (D) Providing social, health, and mental
4 health services and supports, including referrals
5 for essential care and preventative screenings,
6 for children, family, and community members,
7 which may include—

8 (i) dental services;

9 (ii) vision care; and

10 (iii) oral and auditory screenings and
11 referrals.

12 (E) Supporting students and family mem-
13 bers as they transition from early learning pro-
14 grams into elementary school, from elementary
15 school to middle school, from middle school to
16 high school, from high school into and through
17 college and into the workforce, including
18 through specialized resources to address chal-
19 lenges that students may face as they transi-
20 tion, such as the following:

21 (i) Early college high schools.

22 (ii) Dual enrollment programs.

23 (iii) Career academies.

24 (iv) Counseling and support services.

1 (v) Dropout prevention and recovery
2 strategies.

3 (vi) Collaboration with the juvenile
4 justice system and reentry counseling for
5 adjudicated youth.

6 (vii) Advanced Placement (AP) or
7 International Baccalaureate (IB) pro-
8 grams.

9 (viii) Teen parent classrooms.

10 (ix) Graduation and career coaches.

11 (9) A description of the strategies that will be
12 used to provide pipeline services (including a de-
13 scription of the process used to identify such strate-
14 gies and the outcomes expected, and a description of
15 which programs and services will be provided to chil-
16 dren, family members, community members, and
17 children not attending schools or programs operated
18 by the eligible entity or its partner providers) to sup-
19 port the purpose of this part.

20 (10) An explanation of the process the eligible
21 entity will use to establish and maintain family and
22 community engagement.

23 (11) An explanation of how the eligible entity
24 will continuously evaluate and improve the pipeline,
25 including—

1 (A) a description of the metrics, consistent
2 with section 806(a), that will be used to inform
3 each component of the pipeline; and

4 (B) the processes for using data to im-
5 prove instruction, optimize integrated student
6 supports, provide for continuous program im-
7 provement, and hold staff and partner organiza-
8 tions accountable.

9 (12) An identification of the fiscal agent, which
10 may be any entity described in section 8012.

11 (13) A list of Federal and non-Federal sources
12 of funding that the eligible entity will secure to com-
13 ply with the matching-funds requirement described
14 in section 8011(d), including other programs funded
15 by the Department of Education, or programs in the
16 Department of Health and Human Services, the De-
17 partment of Housing and Urban Development, the
18 Department of Justice, or the Department of Labor.

19 (c) MEMORANDUM OF UNDERSTANDING.—An eligible
20 entity, as part of the application described in this section,
21 shall submit a preliminary memorandum of under-
22 standing, signed by each partner entity or agency. The
23 preliminary memorandum of understanding shall describe,
24 at a minimum—

1 (1) each partner’s financial and programmatic
2 commitment with respect to the strategies described
3 in the application, including an identification of the
4 fiscal agent;

5 (2) each partner’s long-term commitment to
6 providing pipeline services that, at a minimum, ac-
7 counts for the cost of supporting the pipeline (in-
8 cluding after grant funds are no longer available)
9 and potential changes in local government;

10 (3) each partner’s mission and plan that will
11 govern the work that partners do together;

12 (4) each partner’s long-term commitment to
13 supporting the pipeline through data collection, mon-
14 itoring, reporting, and sharing; and

15 (5) each partner’s commitment to ensure sound
16 fiscal management and controls, including evidence
17 of a system of supports and personnel.

18 **SEC. 8014. USE OF FUNDS.**

19 (a) IN GENERAL.—Each eligible entity that receives
20 a grant under this subpart shall use the grant funds to—

21 (1) implement the pipeline services, as described
22 in the application under section 8013; and

23 (2) continuously evaluate the success of the
24 program and improve the program based on data
25 and outcomes.

1 (b) SPECIAL RULES.—Each eligible entity that re-
2 ceives a grant under this subpart—

3 (1) shall, in the 3rd year of the grant and each
4 subsequent year, including each year of a renewal
5 grant, use not less than 80 percent of grant funds
6 to carry out the activities described in subsection
7 (a)(1);

8 (2) if it includes an institution of higher edu-
9 cation, shall ensure that the institution limits the
10 overhead rate charged by the institution (to cover
11 costs for items such as administration, insurance,
12 and taxes) to not more than 20 percent.

13 **SEC. 8015. REPORT AND PUBLICLY AVAILABLE DATA.**

14 (a) REPORT.—Each eligible entity that receives a
15 grant under this subpart shall prepare and submit an an-
16 nual report to the Secretary, which shall include—

17 (1) information about the number and percent-
18 age of children, family members, and community
19 members in the neighborhood who are served by the
20 grant program, including a description of the num-
21 ber and percentage of children accessing each of the
22 pipeline services;

23 (2) data (disaggregated by the categories de-
24 scribed in section 8033(a)) about the grant pro-
25 gram's success in—

1 (A) narrowing achievement gaps and im-
2 proving student achievement;

3 (B) ensuring school readiness and healthy
4 socio-emotional development;

5 (C) increasing student persistence;

6 (D) increasing student attendance, and de-
7 creasing incidences of violence, suspension, and
8 expulsion;

9 (E) improving conditions for learning, as
10 measured by a school climate survey;

11 (F) increasing the number and percentage
12 of family members who participate in adult edu-
13 cation and family literacy programs and other
14 community activities; and

15 (G) increasing secondary school graduation
16 rates and college entry and completion rates;

17 (3) information relating to the performance
18 metrics described in section 8016(a); and

19 (4) other indicators that may be required by the
20 Secretary, in consultation with the Director of the
21 Institute of Education Sciences.

22 (b) PUBLICLY AVAILABLE DATA.—Each eligible enti-
23 ty that receives a grant under this subpart shall make
24 publicly available, including through electronic means, the
25 information described in subsection (a). To the extent

1 practicable, such information shall be provided in a form
2 and language accessible to parents and families in the
3 neighborhood, and such information shall be a part of
4 statewide longitudinal data systems.

5 **SEC. 8016. ACCOUNTABILITY.**

6 (a) **PERFORMANCE METRICS.**—The Secretary shall
7 establish performance metrics relevant to the evaluation
8 of the grant program under this subpart.

9 (b) **EVALUATION.**—The Secretary shall evaluate the
10 implementation and impact of the activities funded under
11 this subpart, in accordance with section 8022.

12 **Subpart B—General Provisions**

13 **SEC. 8021. PLANNING GRANTS.**

14 (a) **PURPOSE.**—The purposes of the planning grant
15 program established under this section are to—

16 (1) enable communities to assess their needs
17 and assets regarding the unmet needs of children
18 and youth;

19 (2) develop appropriate plans to address such
20 unmet needs through the provision of pipeline serv-
21 ices; and

22 (3) support communities as such communities
23 prepare to apply for a grant under subpart A.

24 (b) **PLANNING GRANTS AUTHORIZED.**—From the
25 amounts appropriated under section 8024, the Secretary

1 may reserve not more than 10 percent for planning grants
2 to entities eligible for grants under subpart A.

3 (c) DURATION.—Grants awarded under this section
4 shall be for a period of not more than 1 year, and such
5 grants shall not be renewed.

6 (d) APPLICATION.—

7 (1) IN GENERAL.—To be eligible to receive a
8 grant under this section, an eligible entity shall sub-
9 mit an application to the Secretary at such time, in
10 such manner, and containing such information as
11 the Secretary may require.

12 (2) CONTENTS.—At a minimum, the applica-
13 tion described in paragraph (1) shall describe—

14 (A) how the eligible entity will conduct a
15 needs and assets analysis;

16 (B) how the eligible entity will use plan-
17 ning grant funds in accordance with the pur-
18 pose of this part, including to establish a proc-
19 ess to prioritize and allocate resources and serv-
20 ices to address the unmet needs of children and
21 youth in the community; and

22 (C) how the eligible entity will use plan-
23 ning grant funds to become more competitive in
24 applying for a grant under subpart A.

1 (e) LIMITATION.—No entity may receive a grant
2 under this section while concurrently receiving grant fund-
3 ing under subpart A of this part.

4 (f) MATCHING FUNDS.—The Secretary shall require
5 that each eligible entity receiving a grant under this sec-
6 tion contribute matching funds in an amount equal to not
7 less than 50 percent of the amount of the grant. Such
8 matching funds may come from Federal or non-Federal
9 sources.

10 **SEC. 8022. EVALUATION.**

11 From the amounts appropriated under section 8024,
12 the Secretary may reserve not more than 3 percent for
13 a national evaluation of the activities carried out under
14 subpart A. In conducting such evaluations, the Secretary
15 shall—

16 (1) direct the Director of the Institute of Edu-
17 cation Sciences, in consultation with the relevant
18 program office at the Department, to evaluate the
19 implementation and impact of the activities funded
20 under subpart A, including the costs and benefits of
21 such activities, relative expenditures on different ac-
22 tivities in the pipeline, and the impacts of such ac-
23 tivities on incarceration and recidivism rates of chil-
24 dren in neighborhoods served by grants under such
25 subpart;

1 (2) direct the Director of the Institute of Edu-
2 cation Sciences to identify best practices to improve
3 the effectiveness of activities funded under subpart
4 A; and

5 (3) disseminate research on best practices to
6 significantly improve the academic outcomes of chil-
7 dren living in our Nation’s most distressed commu-
8 nities.

9 **SEC. 8023. NATIONAL ACTIVITIES.**

10 From the amounts appropriated under section 8024
11 for a fiscal year, the Secretary may reserve not more than
12 5 percent for national activities, which may include—

13 (1) research on the activities carried out under
14 subpart A;

15 (2) identifying and disseminating best practices;

16 (3) support for the community of practice re-
17 lated to the purposes of this grant, which may in-
18 clude technical assistance and conferences;

19 (4) professional development; and

20 (5) other activities consistent with the purpose
21 of this part.

22 **SEC. 8024. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this part such sums as may be necessary for fiscal year
25 2019 and each of the 4 succeeding fiscal years.

1 **PART 2—INCREASED ACCESS TO COMPUTER**

2 **SCIENCE EDUCATION**

3 **SEC. 8031. DEFINITIONS.**

4 In this part:

5 (1) **COMPUTATIONAL THINKING.**—The term
6 “computational thinking” aims to capture the wide
7 range of creative processes that go into formulating
8 problems and their solutions in such a way that the
9 solutions can be carried out by a computer, and may
10 involve some understanding of software and hard-
11 ware design, logic and the use of abstraction and
12 representation, algorithm design, algorithm expres-
13 sion, problem decomposition, modularity, program-
14 ming paradigms and languages, issues of informa-
15 tion security and privacy, the application of com-
16 putation across a wide range of disciplines, and the
17 societal impact of computing. Programming is a
18 hands-on, inquiry-based way in which computational
19 thinking may be learned.

20 (2) **COMPUTER SCIENCE EDUCATION.**—The
21 term “computer science education” includes any of
22 the following: computational thinking; software de-
23 sign; hardware architecture and organization; theo-
24 retical foundations; use of abstraction and represen-
25 tation in problem solving; logic; algorithm design
26 and implementation; the limits of computation; pro-

1 gramming paradigms and languages; parallel and
2 distributed computing; information security and pri-
3 vacy; computing systems and networks; graphics and
4 visualization; databases and information retrieval;
5 the relationship between computing and mathe-
6 matics; artificial intelligence; applications of com-
7 puting across a broad range of disciplines and prob-
8 lems; and the social impacts and professional prac-
9 tices of computing.

10 (3) ELIGIBLE TRIBAL SCHOOL.—The term “eli-
11 gible Tribal school” means—

12 (A) a school operated by the Bureau of In-
13 dian Education;

14 (B) a school operated pursuant to the In-
15 dian Self-Determination and Education Assist-
16 ance Act (25 U.S.C. 450 et seq.); or

17 (C) a tribally controlled school (as defined
18 in section 5212 of the Tribally Controlled
19 Schools Act of 1988 (25 U.S.C. 2511)).

20 (4) INSTITUTION OF HIGHER EDUCATION.—The
21 term “institution of higher education” has the
22 meaning given the term in section 102 of the Higher
23 Education Act of 1965 (20 U.S.C. 1002).

24 (5) LOCAL EDUCATIONAL AGENCY.—The term
25 “local educational agency” has the meaning given

1 the term in section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 8101).

3 (6) POVERTY LINE.—The term “poverty line”
4 has the meaning given the term in section 8101 of
5 the Elementary and Secondary Education Act of
6 1965 (20 U.S.C. 8101).

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

9 (8) STEAM.—The term “STEAM” means the
10 subjects of science, technology, engineering, arts,
11 and mathematics, including computer science.

12 **SEC. 8032. GRANTS TO STATES, LOCAL EDUCATIONAL**
13 **AGENCIES, AND ELIGIBLE TRIBAL SCHOOLS.**

14 (a) GRANTS TO STATES, LOCAL EDUCATIONAL
15 AGENCIES, AND ELIGIBLE TRIBAL SCHOOLS.—

16 (1) IN GENERAL.—The Secretary shall award
17 grants to States, local educational agencies, and eli-
18 gible Tribal schools—

19 (A) that demonstrate an ability to carry
20 out an ambitious computer science education
21 expansion effort for all students served by the
22 State, agency, or school, including traditionally
23 underrepresented students; and

1 (B) to serve as models for national replica-
2 tion of computer science education expansion
3 efforts.

4 (2) CONSORTIA AND PARTNERSHIPS.—A State,
5 local educational agency, or eligible Tribal school
6 may apply for a grant under this section as part of
7 a consortium or in partnership with a State edu-
8 cational agency or other partner.

9 (3) DURATION.—Grants awarded under this
10 section shall be for a period of not more than 5
11 years.

12 (b) APPLICATION REQUIREMENTS.—A State, local
13 educational agency, or eligible Tribal school that desires
14 a grant under this section shall submit an application to
15 the Secretary at such time, in such manner, and con-
16 taining such information as the Secretary may require, in-
17 cluding, at a minimum, plans for the following:

18 (1) Every high school student served by the
19 State, local educational agency, or eligible Tribal
20 school to have access to computer science education
21 not later than 5 years after receipt of grant funds.

22 (2) All students served by the State, local edu-
23 cational agency, or eligible Tribal school to have ac-
24 cess to a progression of computer science education
25 from prekindergarten through middle school that

1 prepares students for high school computer science
2 education.

3 (3) Expansion of overall access to rigorous
4 STEAM classes, utilizing computer science as a cat-
5 alyst for increased interest in STEAM more broadly,
6 and reducing the enrollment and academic achieve-
7 ment gap for underrepresented groups such as mi-
8 norities, girls, and youth from families living at, or
9 below, the poverty line.

10 (4) Continuous monitoring and evaluation of
11 project activities.

12 (5) Effectively sustaining project activities after
13 the grant period ends, and the length of time which
14 the applicant plans to sustain the project activities.

15 (c) USE OF GRANT FUNDS.—

16 (1) REQUIRED ACTIVITIES.—A State, local edu-
17 cational agency, or eligible Tribal school that re-
18 ceives a grant under this section shall use the grant
19 funds for the following activities:

20 (A) Training teachers to teach computer
21 science.

22 (B) Expanding access to high-quality
23 learning materials and online learning options.

24 (C) Creating plans for expanding overall
25 access to rigorous STEAM classes, utilizing

1 computer science as a catalyst for increased in-
2 terest in STEAM more broadly, and reducing
3 course equity gaps for all students, including
4 underrepresented groups such as minorities,
5 girls, and youth from low-income families.

6 (D) Ensuring additional support and re-
7 sources, which may include mentoring for stu-
8 dents traditionally underrepresented in STEAM
9 fields.

10 (2) PERMISSIBLE ACTIVITIES.—A State, local
11 educational agency, or eligible Tribal school that re-
12 ceives a grant under this section may use the grant
13 funds for the following activities:

14 (A) Building effective regional collabora-
15 tions with industry, nonprofit organizations, 2-
16 year and 4-year degree granting institutions of
17 higher education (including community colleges,
18 Historically Black Colleges and Universities,
19 Hispanic-serving institutions, Asian American
20 and Native American Pacific Islander-serving
21 institutions, American Indian Tribally con-
22 trolled colleges and universities, Alaska Native
23 and Native Hawaiian-serving institutions, Pre-
24 dominantly Black Institutions, Native Amer-
25 ican-serving, Nontribal institutions, and other

1 minority-serving institutions), and out-of-school
2 providers.

3 (B) Recruiting and hiring instructional
4 personnel as needed, including curriculum spe-
5 cialists.

6 (C) Preparations for effectively sustaining
7 project activities after the grant period ends.

8 (D) Disseminating information about effec-
9 tive practices.

10 (3) LIMITATION.—Not more than 15 percent of
11 a grant may be used to purchase equipment.

12 (d) NATIONAL ACTIVITIES.—The Secretary may re-
13 serve not more than 2.5 percent of funds available for
14 grants under this section for national activities, including
15 technical assistance, evaluation, and dissemination.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$250,000,000.

19 **SEC. 8033. REPORTING REQUIREMENTS.**

20 (a) GRANTEE REPORTS.—Each State, local edu-
21 cational agency, and eligible Tribal school that receives a
22 grant under this part shall submit to the Secretary a re-
23 port, not less than twice a year during the grant period,
24 on the use of grant funds that shall include data on the
25 numbers of students served through activities funded

1 under this part, disaggregated by race (for Asian and Na-
2 tive Hawaiian or Pacific Islander students using the same
3 race response categories as the decennial census of the
4 population), ethnicity, gender, and eligibility to receive a
5 free or reduced price lunch under the Richard B. Russell
6 National School Lunch Act (42 U.S.C. 1751 et seq.).

7 (b) REPORT BY THE SECRETARY.—Not later than 5
8 years after the first grant is awarded under this part, the
9 Secretary shall submit to Congress a report based on the
10 analysis of reports received under subsection (a) with a
11 recommendation on how to expand the program under this
12 part.

13 **PART 3—ENVIRONMENTAL JUSTICE EDUCATION**

14 **SEC. 8041. GRANTS AUTHORIZED.**

15 (a) IN GENERAL.—The Secretary of Education shall,
16 subject to the availability of appropriations, make grants
17 on a competitive basis under this part to States and to
18 local educational agencies that submit to the Secretary an
19 application at such time and in such manner as the Sec-
20 retary may require. The purpose of the grants is to assist
21 eligible recipients to develop an environmental justice cur-
22 riculum, and a co-op program, for students attending mid-
23 dle and high schools that—

1 (1) receive funds under part A of title I of the
2 Elementary and Secondary Education Act of 1965
3 (29 U.S.C. 6311 et seq.); and

4 (2) are located in an urban community that
5 may be disproportionately affected by climate
6 change, pollution, and other environmental issues.

7 (b) CURRICULUM DEVELOPMENT.—An environ-
8 mental justice curriculum developed with funds received
9 under this part shall satisfy the following objectives:

10 (1) Educating students, through experiential
11 learning and otherwise, about topics relating to envi-
12 ronmental justice, such as air pollution, lead paint
13 poisoning, access to organic foods, sustainable agri-
14 culture, proximity to landfills, toxic dumping, rel-
15 ative asthma rates, and the historical patterns of en-
16 vironmental impacts.

17 (2) Empowering students actively to address
18 environmental issues in their local neighborhoods
19 while also considering global environmental prob-
20 lems.

21 (3) Allowing students to explore careers that in-
22 volve solving environmental problems and cultivating
23 innovators to solve such problems.

24 (4) Enhancing life skills required for sound per-
25 sonal decision making, participation in civic and cul-

1 tural affairs, and economic productivity, such as
2 problem solving, critical thinking, and good steward-
3 ship.

4 (5) Establishing a nurturing environment that
5 fosters democratic and socially just relationships
6 among schools, families, and surrounding commu-
7 nities.

8 (c) CO-OP PROGRAM DEVELOPMENT.—A co-op pro-
9 gram developed with funds received under this part shall
10 satisfy the following objectives:

11 (1) Linking students with career opportunities
12 in the environmental field by building partnerships
13 with the public and private sector.

14 (2) Providing students with an opportunity to
15 earn secondary school course credits or credits to-
16 wards the jurisdiction's service learning require-
17 ments during the summer through experiential
18 learning such as internships and other types of field
19 experience.

20 (3) Assisting students in building skills nec-
21 essary for workforce success, such as development of
22 a career path; resume, letter, and memoranda writ-
23 ing; and job interviewing.

24 (4) Providing students with mentors recruited
25 through the partnerships described in paragraph (1)

1 who are equipped to assist a mentee in the skill
2 building described in paragraph (3).

3 **Subtitle B—Community College**

4 **SEC. 8101. PURPOSE.**

5 The purpose of this subtitle is to help all individuals
6 of the United States earn the education and skills the indi-
7 viduals need—

8 (1) by making 2 years of community college
9 free, through a new partnership with States and In-
10 dian tribes to help the States and Indian tribes—

11 (A) waive resident community college tui-
12 tion and fees for eligible students;

13 (B) maintain State and Indian tribe sup-
14 port for higher education; and

15 (C) promote key reforms to improve stu-
16 dent outcomes; and

17 (2) through a new partnership with minority-
18 serving institutions to—

19 (A) encourage eligible students to enroll
20 and successfully complete a baccalaureate de-
21 gree at participating institutions; and

22 (B) promote key reforms to improve stu-
23 dent outcomes.

1 **PART 1—STATE AND INDIAN TRIBE GRANTS FOR**
2 **COMMUNITY COLLEGES**

3 **SEC. 8111. IN GENERAL.**

4 From amounts appropriated under section 8117(a)
5 for any fiscal year, the Secretary shall award grants to
6 eligible States and Indian tribes to pay the Federal share
7 of expenditures needed to carry out the activities and serv-
8 ices described in section 8115.

9 **SEC. 8112. FEDERAL SHARE; NON-FEDERAL SHARE.**

10 (a) FEDERAL SHARE.—

11 (1) FORMULA.—Subject to paragraph (2), the
12 Federal share of a grant under this part shall be
13 based on a formula, determined by the Secretary,
14 that—

15 (A) accounts for the State or Indian tribe's
16 share of eligible students; and

17 (B) provides, for each eligible student in
18 the State or Indian tribe, a per-student amount
19 that is—

20 (i) not less than 300 percent of the
21 per-student amount of the State or Indian
22 tribe share, determined under subsection
23 (b), subject to clause (ii); and

24 (ii) not greater than 75 percent of—

25 (I) for the 2019–2020 award
26 year, the average resident community

1 college tuition and fees per student in
2 all States for the most recent year for
3 which data are available; and

4 (II) for each subsequent award
5 year, the average resident community
6 college tuition and fees per student in
7 all States calculated under this sub-
8 clause for the preceding year, in-
9 creased by the lesser of—

10 (aa) the percentage by which
11 the average resident community
12 college tuition and fees per stu-
13 dent in all States for the most re-
14 cent year for which data are
15 available increased as compared
16 to such average for the preceding
17 year; or

18 (bb) 3 percent.

19 (2) EXCEPTION FOR CERTAIN INDIAN
20 TRIBES.—In any case in which not less than 75 per-
21 cent of the students at the community colleges oper-
22 ated or controlled by an Indian tribe are low-income
23 students, the amount of the Federal share for such
24 Indian tribe shall be not less than 95 percent of the
25 total amount needed to waive tuition and fees for all

1 eligible students enrolled in such community col-
2 leges.

3 (b) STATE OR TRIBAL SHARE.—

4 (1) FORMULA.—

5 (A) IN GENERAL.—The State or tribal
6 share of a grant under this part for each fiscal
7 year shall be the amount needed to pay 25 per-
8 cent of the average community college resident
9 tuition and fees per student in all States in the
10 2019–2020 award year for all eligible students
11 in the State or Indian tribe, respectively, for
12 such fiscal year, except as provided in subpara-
13 graph (B).

14 (B) EXCEPTION FOR CERTAIN INDIAN
15 TRIBES.—In a case in which not less than 5
16 percent of the students at the community col-
17 leges operated or controlled by an Indian tribe
18 are low-income students, the amount of such
19 Indian tribe’s tribal share shall not exceed 5
20 percent of the total amount needed to waive tui-
21 tion and fees for all eligible students enrolled in
22 such community colleges.

23 (2) NEED-BASED AID.—A State or Indian tribe
24 may include any need-based financial aid provided

1 through State or tribal funds to eligible students as
2 part of the State or tribal share.

3 (3) NO IN-KIND CONTRIBUTIONS.—A State or
4 Indian tribe shall not include in-kind contributions
5 for purposes of the State or tribal share described
6 in paragraph (1).

7 **SEC. 8113. ELIGIBILITY.**

8 To be eligible for a grant under this part, a State
9 or Indian tribe shall agree to waive community college
10 resident tuition and fees for all eligible students for each
11 year of the grant.

12 **SEC. 8114. APPLICATIONS.**

13 (a) SUBMISSION.—For each fiscal year for which a
14 State or Indian tribe desires a grant under this part, an
15 application shall be submitted to the Secretary at such
16 time, in such manner, and containing such information as
17 the Secretary may require. Such application shall be sub-
18 mitted by—

19 (1) in the case of a State, the Governor, the
20 State agency with jurisdiction over higher education,
21 or another agency designated by the Governor to ad-
22 minister the program under this part; or

23 (2) in the case of an Indian tribe, the governing
24 body of such tribe.

1 (b) CONTENTS.—Each State or Indian tribe applica-
2 tion shall include, at a minimum—

3 (1) an estimate of the number of eligible stu-
4 dents in the State or Indian tribe and the cost of
5 waiving community college resident tuition and fees
6 for all eligible students for each fiscal year covered
7 by the grant, with annual increases of an amount
8 that shall not exceed 3 percent of the prior year’s
9 average resident community college tuition and fees;

10 (2) an assurance that all community colleges in
11 the State or under the jurisdiction of the Indian
12 tribe, respectively, will waive resident tuition and
13 fees for eligible students in programs that are—

14 (A) academic programs with credits that
15 can fully transfer via articulation agreement to-
16 ward a baccalaureate degree or postbaccalau-
17 reate degree at any public institution of higher
18 education in the State; or

19 (B) occupational skills training programs
20 that lead to a recognized postsecondary creden-
21 tial that is in an in-demand industry sector or
22 occupation in the State;

23 (3) a description of the promising and evidence-
24 based institutional reforms and innovative practices
25 to improve student outcomes, including completion

1 or transfer rates, that have been or will be adopted
2 by the participating community colleges, such as—

3 (A) providing comprehensive academic and
4 student support services, including mentoring
5 and advising, especially for low-income, first-
6 generation, adult, and other underrepresented
7 students;

8 (B) providing accelerated learning opportu-
9 nities, such as dual or concurrent enrollment
10 programs;

11 (C) advancing competency-based education;

12 (D) strengthening remedial education, es-
13 pecially for low-income, first-generation, adult
14 and other underrepresented students;

15 (E) implementing course redesigns of high-
16 enrollment courses to improve student outcomes
17 and reduce cost; or

18 (F) utilizing career pathways or degree
19 pathways;

20 (4) a description of how the State or Indian
21 tribe will promote alignment between its public sec-
22 ondary school and postsecondary education systems,
23 including between 2-year and 4-year public institu-
24 tions of higher education and with minority-serving
25 institutions described in section 371 of the Higher

1 Education Act of 1965 (20 U.S.C. 1067q), to ex-
2 pand awareness of and access to postsecondary edu-
3 cation, reduce the need for remediation and repeated
4 coursework, and improve student outcomes;

5 (5) a description of how the State or Indian
6 tribe will ensure that programs leading to a recog-
7 nized postsecondary credential meet the quality cri-
8 teria established by the State under section 123(a)
9 of the Workforce Innovation and Opportunity Act
10 (29 U.S.C. 3153(a)) or other quality criteria deter-
11 mined appropriate by the State or Indian tribe;

12 (6) an assurance that all participating commu-
13 nity colleges in the State or under the authority of
14 the Indian tribe have entered into program partici-
15 pation agreements under section 487 of the Higher
16 Education Act of 1965 (20 U.S.C. 1094);

17 (7) an assurance that, for each year of the
18 grant, the State or Indian tribe will notify each eligi-
19 ble student of the student's remaining eligibility for
20 assistance under this part; and

21 (8) a description of how the State or Indian
22 tribe will promote the improved performance of pub-
23 lic institutions of higher education through funding
24 reform, including through the use of a performance-
25 based model that allocates a portion of the State or

1 Indian tribe's public higher education expenditures
2 based on the performance of those institutions on
3 State-specified metrics, including successful student
4 outcomes, while ensuring that existing funding gaps
5 for underresourced institutions are not exacerbated.

6 **SEC. 8115. ALLOWABLE USES OF FUNDS.**

7 (a) IN GENERAL.—A State or Indian tribe shall use
8 a grant under this part only to provide funds to partici-
9 pating community colleges to waive resident tuition and
10 fees for eligible students who are enrolled in—

11 (1) academic programs with credits that can
12 fully transfer via articulation agreement toward a
13 baccalaureate degree or postbaccalaureate degree at
14 any public institution of higher education in the
15 State; or

16 (2) occupational skills training programs that
17 lead to a recognized postsecondary credential that is
18 in an in-demand industry sector or occupation in the
19 State.

20 (b) ADDITIONAL USES.—If a State or Indian tribe
21 demonstrates to the Secretary that it has grant funds re-
22 maining after meeting the demand for activities described
23 in subsection (a), the State or Indian tribe may use those
24 funds to carry out one or more of the following:

1 (1) Expanding the waiver of resident tuition
2 and fees at community college to students who are
3 returning students or otherwise not enrolling in
4 postsecondary education for the first time, and who
5 meet the student eligibility requirements of clauses
6 (i) through (v) of section 8116(4)(A).

7 (2) Expanding the scope and capacity of high-
8 quality academic and occupational skills training
9 programs at community colleges.

10 (3) Improving postsecondary education readi-
11 ness in the State or Indian tribe, through outreach
12 and early intervention.

13 (4) Expanding access to dual or concurrent en-
14 rollment programs.

15 (5) Improving affordability at 4-year public in-
16 stitutions of higher education.

17 (c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
18 POSES.—A State or Indian tribe that receives a grant
19 under this part may not use any funds provided under
20 this part for administrative purposes relating to the grant
21 under this part.

22 (d) MAINTENANCE OF EFFORT.—A State or Indian
23 tribe receiving a grant under this part is entitled to receive
24 its full allotment of funds under this part for a fiscal year
25 only if, for each year of the grant, the State or Indian

1 tribe provides financial support for public higher education
2 at a level equal to or exceeding the average amount pro-
3 vided per full-time equivalent student for public institu-
4 tions of higher education for the 3 consecutive preceding
5 State or Indian tribe fiscal years. In making the calcula-
6 tion under this subsection, the State or Indian tribe shall
7 exclude capital expenses and research and development
8 costs and include need-based financial aid for students
9 who attend public institutions of higher education.

10 (e) ANNUAL REPORT.—A State or Indian tribe re-
11 ceiving a grant under this part shall submit an annual
12 report to the Secretary describing the uses of grant funds
13 under this part, the progress made in fulfilling the require-
14 ments of the grant, and rates of graduation, transfer and
15 attainment of recognized postsecondary credentials at par-
16 ticipating community colleges, and including any other in-
17 formation as the Secretary may require.

18 (f) REPORTING BY SECRETARY.—The Secretary an-
19 nually shall—

20 (1) compile and analyze the information de-
21 scribed in subsection (e); and

22 (2) prepare and submit a report to the Com-
23 mittee on Health, Education, Labor, and Pensions
24 of the Senate and the Committee on Education and
25 the Workforce of the House of Representatives con-

1 taining the analysis described in paragraph (1) and
2 an identification of State and Indian tribe best prac-
3 tices for achieving the purpose of this part.

4 (g) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide technical assistance to eligible States and Indian
6 tribes concerning best practices regarding the promising
7 and evidence-based institutional reforms and innovative
8 practices to improve student outcomes as described in sec-
9 tion 8114(b)(3) and shall disseminate such best practices
10 among the States and Indian tribes.

11 (h) CONTINUATION OF FUNDING.—

12 (1) IN GENERAL.—A State or Indian tribe re-
13 ceiving a grant under this part for a fiscal year may
14 continue to receive funding under this part for fu-
15 ture fiscal years conditioned on the availability of
16 budget authority and on meeting the requirements
17 of the grant, as determined by the Secretary.

18 (2) DISCONTINUATION.—The Secretary may
19 discontinue funding of the Federal share of a grant
20 under this part if the State or Indian tribe has vio-
21 lated the terms of the grant or is not making ade-
22 quate progress in implementing the reforms de-
23 scribed in the application submitted under section
24 8114.

1 **SEC. 8116. DEFINITIONS.**

2 In this part:

3 (1) CAREER PATHWAY.—The term “career
4 pathway” has the meaning given the term in section
5 3 of the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3102).

7 (2) COMMUNITY COLLEGE.—The term “commu-
8 nity college” means a public institution of higher
9 education at which the highest degree that is pre-
10 dominantly awarded to students is an associate’s de-
11 gree, including 2-year tribally controlled colleges
12 under section 316 of the Higher Education Act of
13 1965 (20 U.S.C. 1059c) and public 2-year State in-
14 stitutions of higher education.

15 (3) DUAL OR CONCURRENT ENROLLMENT PRO-
16 GRAM.—The term “dual or concurrent enrollment
17 program” means an academic program through
18 which a secondary school student is able simulta-
19 neously to earn credit toward a secondary school di-
20 ploma and a postsecondary degree or other recog-
21 nized postsecondary credential, including early col-
22 lege high school programs.

23 (4) ELIGIBLE STUDENT.—

24 (A) DEFINITION.—The term “eligible stu-
25 dent” means a student who—

1 (i)(I) enrolls in a community college
2 for the first time, regardless of age, after
3 the date of enactment of this Act; or

4 (II) is enrolled in a community col-
5 lege, for the first time, as of the date of
6 enactment of this Act;

7 (ii) attends the community college on
8 not less than a half-time basis;

9 (iii) is maintaining satisfactory
10 progress, as defined in section 484(c) of
11 the Higher Education Act of 1965 (20
12 U.S.C. 1091(c)), in the student's course of
13 study;

14 (iv) qualifies for resident tuition, as
15 determined by the State or Indian tribe;
16 and

17 (v) is enrolled in an eligible program
18 described in section 8114(b)(2).

19 (B) SPECIAL RULE.—An otherwise eligible
20 student shall lose eligibility 3 calendar years
21 after first receiving benefits under this part.

22 (5) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
23 TION.—The term “in-demand industry sector or oc-
24 cupation” has the meaning given the term in section

1 3 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

3 (6) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 102 of the
5 Federally Recognized Indian Tribe List Act of 1994
6 (25 U.S.C. 479a).

7 (7) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given the term in section 101 of the Higher
10 Education Act of 1965 (20 U.S.C. 1001).

11 (8) RECOGNIZED POSTSECONDARY CREDEN-
12 TIAL.—The term “recognized postsecondary creden-
13 tial” has the meaning as described in section 3 of
14 the Workforce Innovation and Opportunity Act (29
15 U.S.C. 3102).

16 (9) SECRETARY.—The term “Secretary” means
17 the Secretary of Education.

18 (10) STATE.—The term “State” has the mean-
19 ing given the term in section 103 of the Higher
20 Education Act of 1965 (20 U.S.C. 1003).

21 **SEC. 8117. APPROPRIATIONS.**

22 (a) AUTHORIZATION AND APPROPRIATIONS.—For
23 the purpose of making grants under this part, there are
24 authorized to be appropriated, and there are appro-
25 priated—

- 1 (1) \$1,365,000,000 for fiscal year 2019;
- 2 (2) \$3,020,000,000 for fiscal year 2020;
- 3 (3) \$3,854,000,000 for fiscal year 2021;
- 4 (4) \$5,395,000,000 for fiscal year 2022;
- 5 (5) \$7,061,000,000 for fiscal year 2023;
- 6 (6) \$8,085,000,000 for fiscal year 2024;
- 7 (7) \$10,182,000,000 for fiscal year 2025;
- 8 (8) \$13,019,000,000 for fiscal year 2026;
- 9 (9) \$13,583,000,000 for fiscal year 2027; and
- 10 (10) \$14,171,000,000 for fiscal year 2028 and
- 11 each succeeding fiscal year.

12 (b) AVAILABILITY.—Funds appropriated under sub-
13 section (a) shall remain available to the Secretary until
14 expended.

15 (c) INSUFFICIENT FUNDS.—If the amount appro-
16 priated under subsection (a) for a fiscal year is not suffi-
17 cient to award each participating State and Indian tribe
18 a grant under this part that is equal to the minimum
19 amount of the Federal share described in section 8112(a),
20 the Secretary may ratably reduce the amount of each such
21 grant or take other actions necessary to ensure an equi-
22 table distribution of such amount.

1 **PART 2—GRANTS TO CERTAIN INSTITUTIONS OF**
2 **HIGHER EDUCATION**

3 **SEC. 8121. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
4 **CALLY BLACK COLLEGES AND UNIVERSITIES.**

5 (a) IN GENERAL.—From amounts appropriated
6 under section 8124(a) for any fiscal year, the Secretary
7 shall award grants to participating 4-year historically
8 black colleges or universities that meet the requirements
9 of subsection (b) to—

10 (1) encourage students to enroll as first-time
11 students and successfully complete a bachelor's de-
12 gree at participating institutions;

13 (2) provide incentives to community college stu-
14 dents to transfer to participating institutions
15 through strong transfer pathways to complete a
16 bachelor's degree program; and

17 (3) support participating institutions to better
18 serve new and existing students by engaging in re-
19 forms and innovations designed to improve comple-
20 tion rates and other student outcomes.

21 (b) ELIGIBILITY.—To be eligible to receive a grant
22 under the program under this section, an institution shall
23 be a historically black college or university that—

24 (1) has a student body of which not less than
25 35 percent are low-income students;

1 (2) commits to maintaining or adopting and im-
2 plementing promising and evidence-based institu-
3 tional reforms and innovative practices to improve
4 the completion rates and other student outcomes,
5 such as—

6 (A) providing comprehensive academic and
7 student support services, including mentoring
8 and advising;

9 (B) providing accelerated learning opportu-
10 nities and degree pathways, such as dual enroll-
11 ment and pathways to graduate and profes-
12 sional degree programs;

13 (C) advancing distance and competency-
14 based education;

15 (D) partnering with employers, industry,
16 not-for-profit associations, and other groups to
17 provide opportunities to advance learning out-
18 side the classroom, including work-based learn-
19 ing opportunities such as internships or appren-
20 ticeships or programs designed to improve
21 inter-cultural development and personal growth,
22 such as foreign exchange and study abroad pro-
23 grams;

24 (E) reforming remedial education, espe-
25 cially for low-income students, first generation

1 college students, adult students, and other
2 underrepresented students; or

3 (F) implementing course redesigns of high-
4 enrollment courses to improve student outcomes
5 and reduce cost;

6 (3) sets performance goals for improving stu-
7 dent outcomes for the duration of the grant; and

8 (4) if receiving a grant for transfer students,
9 has articulation agreements with community colleges
10 at the national, State, or local level to ensure that
11 community college credits can fully transfer to the
12 participating institution.

13 (c) GRANT AMOUNT.—

14 (1) INITIAL AMOUNT.—For the first year that
15 an eligible institution participates in the grant pro-
16 gram under this section and subject to paragraph
17 (3), such eligible institution shall receive a grant in
18 an amount based on the product of—

19 (A) the actual cost of tuition and fees at
20 the eligible institution in such year (referred to
21 in this section as the per-student rebate); multi-
22 plied by

23 (B) the number of eligible students en-
24 rolled in the eligible institution for the pre-
25 ceding year.

1 (2) SUBSEQUENT INCREASES.—For each suc-
2 ceeding year after the first year of the grant pro-
3 gram under this section, each participating eligible
4 institution shall receive a grant in the amount deter-
5 mined under paragraph (1) for such year, except
6 that in no case shall the amount of the per-student
7 rebate for an eligible institution increase by more
8 than 3 percent as compared to the amount of such
9 rebate for the preceding year.

10 (3) LIMITATIONS.—

11 (A) MAXIMUM PER-STUDENT REBATE.—

12 No eligible institution participating in the grant
13 program under this section shall receive a per-
14 student rebate amount for any year that is
15 greater than the national average of annual tui-
16 tion and fees at public 4-year institutions of
17 higher education for such year, as determined
18 by the Secretary.

19 (B) FIRST YEAR TUITION AND FEES.—

20 During the first year of participation in the
21 grant program under this section, no eligible in-
22 stitution may increase tuition and fees at a rate
23 greater than any annual increase at the eligible
24 institution in the previous 5 years.

1 (d) APPLICATION.—An eligible institution that de-
2 sires a grant under this section shall submit an application
3 to the Secretary at such time, in such manner, and con-
4 taining such information as the Secretary may require.

5 (e) USE OF FUNDS.—Funds awarded under this sec-
6 tion to a participating eligible institution shall be used to
7 waive or significantly reduce tuition and fees for eligible
8 students in an amount of not more than up to the annual
9 per-student rebate amount for each student, for not more
10 than the first 60 credits an eligible student enrolls in the
11 participating eligible institution.

12 **SEC. 8122. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
13 **PANIC-SERVING INSTITUTIONS, ASIAN AMER-**
14 **ICAN AND NATIVE AMERICAN PACIFIC IS-**
15 **LANDER-SERVING INSTITUTIONS, TRIBAL**
16 **COLLEGES AND UNIVERSITIES, ALASKA NA-**
17 **TIVE-SERVING INSTITUTIONS, NATIVE HAWAI-**
18 **IAN-SERVING INSTITUTIONS, PREDOMI-**
19 **NANTLY BLACK INSTITUTIONS, AND NATIVE**
20 **AMERICAN-SERVING NONTRIBAL INSTITU-**
21 **TIONS.**

22 (a) IN GENERAL.—From amounts appropriated
23 under section 8124(a) for any fiscal year, the Secretary
24 shall award grants to participating 4-year minority-serving
25 institutions to—

1 (1) encourage students to enroll as first-time
2 students and successfully complete a bachelor's de-
3 gree at participating institutions;

4 (2) provide incentives to community college stu-
5 dents to transfer to participating institutions
6 through strong transfer pathways to complete a
7 bachelor's degree program; and

8 (3) support participating institutions to better
9 serve new and existing students by engaging in re-
10 forms and innovations designed to improve comple-
11 tion rates and other student outcomes.

12 (b) INSTITUTIONAL ELIGIBILITY.—To be eligible to
13 participate and receive a grant under this section, an insti-
14 tution shall be a minority-serving institution that—

15 (1) has a student body of which not less than
16 35 percent are low-income students;

17 (2) commits to maintaining or adopting and im-
18 plementing promising and evidence-based institu-
19 tional reforms and innovative practices to improve
20 the completion rates and other student outcomes,
21 such as—

22 (A) providing comprehensive academic and
23 student support services, including mentoring
24 and advising;

1 (B) providing accelerated learning opportu-
2 nities and degree pathways, such as dual enroll-
3 ment and pathways to graduate and profes-
4 sional degree programs;

5 (C) advancing distance and competency-
6 based education;

7 (D) partnering with employers, industry,
8 not-for-profit associations, and other groups to
9 provide opportunities to advance learning out-
10 side the classroom, including work-based learn-
11 ing opportunities such as internships or appren-
12 ticeships or programs designed to improve
13 inter-cultural development and personal growth,
14 such as foreign exchange and study abroad pro-
15 grams;

16 (E) reforming remedial education, espe-
17 cially for low-income students, first generation
18 college students, adult students, and other
19 underrepresented students; and

20 (F) implementing course redesigns of high-
21 enrollment courses to improve student outcomes
22 and reduce cost;

23 (3) sets performance goals for improving stu-
24 dent outcomes for the duration of the grant; and

1 (4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local levels to ensure that
4 community college credits can fully transfer to the
5 participating institution.

6 (c) GRANT AMOUNT.—

7 (1) INITIAL AMOUNT.—For the first year that
8 an eligible institution participates in the grant pro-
9 gram under this section and subject to paragraph
10 (3), such participating eligible institution shall re-
11 ceive a grant in an amount based on the product
12 of—

13 (A) the actual cost of tuition and fees at
14 the eligible institution in such year (referred to
15 in this section as the per-student rebate); multi-
16 plied by

17 (B) the number of eligible students en-
18 rolled in the eligible institution for the pre-
19 ceding year.

20 (2) SUBSEQUENT INCREASES.—For each suc-
21 ceeding year after the first year of the grant pro-
22 gram under this section, each participating eligible
23 institution shall receive a grant in the amount deter-
24 mined under paragraph (1) for such year, except
25 that in no case shall the amount of the per-student

1 rebate increase by more than 3 percent as compared
2 to the amount of such rebate for the preceding year.

3 (3) LIMITATIONS.—

4 (A) MAXIMUM PER-STUDENT REBATE.—

5 No eligible institution participating in the grant
6 program under this section shall receive a per-
7 student rebate amount for a grant year greater
8 than the national average of public four-year in-
9 stitutional tuition and fees, as determined by
10 the Secretary.

11 (B) FIRST YEAR TUITION AND FEES.—

12 During the first year of participation in the
13 grant program under this section, no eligible in-
14 stitution may increase tuition and fees at a rate
15 greater than any annual increase made by the
16 institution in the previous 5 years.

17 (d) APPLICATION.—An eligible institution shall sub-
18 mit an application to the Secretary at such time, in such
19 a manner, and containing such information as determined
20 by the Secretary.

21 (e) USE OF FUNDS.—Funds awarded under this sec-
22 tion to a participating eligible institution shall be used to
23 waive or significantly reduce tuition and fees for eligible
24 students in an amount of not more than up to the annual
25 per-student rebate amount for each student, for not more

1 than the first 60 credits an eligible student enrolls in the
2 participating eligible institution.

3 **SEC. 8123. DEFINITIONS.**

4 In this part:

5 (1) ELIGIBLE STUDENT.—

6 (A) DEFINITION.—The term “eligible stu-
7 dent” means a student, regardless of age,
8 who—

9 (i)(I) enrolls in a historically black
10 college or university, or minority-serving
11 institution, for the first time; or

12 (II) transfers from a community col-
13 lege into a historically black college or uni-
14 versity, or minority-serving institution, for
15 the first time;

16 (ii) attends the historically black col-
17 lege or university, or minority serving in-
18 stitution, on at least a half-time basis;

19 (iii) maintains satisfactory academic
20 progress; and

21 (iv) is a low-income student.

22 (B) SPECIAL RULES.—

23 (i) FIRST 3 YEARS.—An otherwise eli-
24 gible student shall lose eligibility 3 cal-

1 endar years after first receiving benefits
2 under this part.

3 (ii) SPECIAL RULE FOR CERTAIN STU-
4 DENTS.—Notwithstanding subparagraph
5 (A)(i), an otherwise eligible student whose
6 parent or guardian was denied a Federal
7 Direct PLUS loan under title IV of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1070 et seq.) after November 2011 and be-
10 fore March 29, 2015, and who subse-
11 quently withdrew from a historically black
12 college or university, or minority-serving
13 institution, and has not yet completed a
14 program of study at such historically black
15 college or university or minority-serving in-
16 stitution, shall be eligible to participate
17 under section 8121 or 8122 in order to
18 complete such program of study, subject to
19 all other requirements of section 8121 or
20 8122 (as the case may be).

21 (2) HISTORICALLY BLACK COLLEGE OR UNI-
22 VERSITY.—The term “historically black college or
23 university” means a part B institution described in
24 section 322(2) of the Higher Education Act of 1965
25 (20 U.S.C. 1061(2)).

1 (3) LOW-INCOME STUDENT.—The term “low-in-
2 come student” has the meaning given such term by
3 the Secretary, except that such term shall not ex-
4 clude any student eligible for a Federal Pell Grant
5 under section 401 of the Higher Education Act of
6 1965 (20 U.S.C. 1070a).

7 (4) MINORITY-SERVING INSTITUTION.—The
8 term “minority-serving institution” means any pub-
9 lic or not-for-profit institution of higher education—

10 (A) described in paragraphs (2) through
11 (7) of section 371(a) of the Higher Education
12 Act of 1965 (20 U.S.C. 1067q); and

13 (B) designated as a minority-serving insti-
14 tution by the Secretary.

15 **SEC. 8124. APPROPRIATIONS.**

16 (a) AUTHORIZATION AND APPROPRIATIONS FOR
17 HBCU AND MSI GRANTS.—For the purpose of carrying
18 out sections 8121 and 8122, there are authorized to be
19 appropriated, and there are appropriated—

- 20 (1) \$55,000,000 for fiscal year 2019;
21 (2) \$180,000,000 for fiscal year 2020;
22 (3) \$1,072,000,000 for fiscal year 2021;
23 (4) \$1,115,000,000 for fiscal year 2022;
24 (5) \$1,160,000,000 for fiscal year 2023;
25 (6) \$1,206,000,000 for fiscal year 2024;

1 (7) \$1,225,000,000 for fiscal year 2025;
2 (8) \$1,306,000,000 for fiscal year 2026;
3 (9) \$1,359,000,000 for fiscal year 2027; and
4 (10) \$1,414,000,000 for fiscal year 2028 and
5 each succeeding fiscal year.

6 (b) AVAILABILITY.—Funds appropriated under sub-
7 section (a) are to remain available to the Secretary until
8 expended.

9 (c) INSUFFICIENT FUNDS.—If the amount appro-
10 priated under subsection (a) for a fiscal year is not suffi-
11 cient to award each participating institution in the grant
12 programs under sections 8121 and 8122 a grant under
13 this part equal to 100 percent of the grant amount deter-
14 mined under section 8121(c), the Secretary may ratably
15 reduce the amount of each such grant or take other ac-
16 tions necessary to ensure an equitable distribution of such
17 amount.

18 **Subtitle C—Higher Education**

19 **PART 1—EARLY COLLEGE FEDERAL PELL**

20 **GRANTS**

21 **SEC. 8201. EARLY COLLEGE FEDERAL PELL GRANT.**

22 Section 401 of the Higher Education Act of 1965 (20
23 U.S.C. 1070a) is amended by adding at the end the fol-
24 lowing:

25 “(k) EARLY COLLEGE FEDERAL PELL GRANTS.—

1 “(1) IN GENERAL.—Notwithstanding the re-
2 quirement under section 484(a)(1) that a student
3 not been enrolled in an elementary or secondary
4 school to be eligible to receive a Federal Pell Grant
5 under this section, for the award years beginning on
6 July 1, 2019, and ending on June 30, 2025, the
7 Secretary shall carry out a program to award Early
8 College Federal Pell Grants to eligible students to
9 support enrollment in, and completion of, postsec-
10 ondary courses offered through an early college high
11 school.

12 “(2) MAXIMUM PERIOD FOR EARLY COLLEGE
13 FEDERAL PELL GRANTS.—An eligible student may
14 receive an Early College Federal Pell Grant under
15 this subsection in an amount equal to the cost of not
16 more than 4 full-time postsecondary semesters, or
17 the equivalent of 4 full-time postsecondary semes-
18 ters, as determined by the Secretary by regulation,
19 while enrolled in postsecondary courses offered by an
20 early college high school.

21 “(3) COUNTING OF AWARDS FOR PURPOSES OF
22 FEDERAL PELL GRANTS.—

23 “(A) IN GENERAL.—An Early College Fed-
24 eral Pell Grant received under this subsection
25 shall be counted toward the maximum period

1 for which a student may receive Federal Pell
2 Grants under this section, as provided under
3 subsection (c)(5).

4 “(B) WAIVER.—The Secretary may waive
5 the requirement under subparagraph (A) on a
6 case-by-case basis for any student dem-
7 onstrating evidence of a credible disruption or
8 redirection in course of study necessitating ad-
9 ditional time to complete a postsecondary de-
10 gree or credential.

11 “(4) TERMS AND CONDITIONS.—

12 “(A) IN GENERAL.—Except as provided in
13 this subsection, an Early College Federal Pell
14 Grant received under this subsection shall have
15 the same terms and conditions, and be awarded
16 in the same manner, as Federal Pell Grants
17 awarded under this section.

18 “(B) MINIMUM COMPLETION.—An eligible
19 student may only receive an Early College Fed-
20 eral Pell Grant under this subsection upon com-
21 pletion of a full-time postsecondary semester, or
22 the equivalent of a full-time postsecondary se-
23 mester, as determined by the Secretary by regu-
24 lation.

1 “(C) AMOUNT.—The Secretary shall pay
2 an eligible institution that is engaged in a part-
3 nership as part of an early college high school
4 an amount equal to the cost of tuition, fees,
5 and books for each postsecondary course (in-
6 cluding with respect to the postsecondary
7 courses completed to satisfy the requirement
8 under subparagraph (B)) an eligible student
9 completes through such early college high
10 school, provided such eligible student satisfies
11 the requirement under subparagraph (B).

12 “(5) REPORTING.—Each early college high
13 school shall annually submit to the Secretary a re-
14 port on the program of postsecondary courses pro-
15 vided to eligible students that includes the following
16 information that is reported for all eligible students
17 and disaggregated by each student subgroup of eligi-
18 ble students:

19 “(A) Total number and percentage of eligi-
20 ble students who enroll in and subsequently
21 complete the program at the early college high
22 school.

23 “(B) The number of postsecondary credits
24 earned by eligible students while enrolled in the
25 early college high school that may be applied to-

1 ward a postsecondary degree or credential pro-
2 gram.

3 “(C) The percentage of eligible students
4 enrolled in the early college high school who
5 concurrently earn a secondary school diploma
6 and an associate degree or equivalent.

7 “(D) The percentage of early college high
8 school graduates completing the program who
9 enroll in a postsecondary institution.

10 “(E) The total amount of Early College
11 Federal Pell Grants awarded to eligible stu-
12 dents served by the early college high school.

13 “(6) DEFINITIONS.—In this subsection:

14 “(A) EARLY COLLEGE HIGH SCHOOL.—
15 The term ‘early college high school’ has the
16 meaning given the term in section 8101 of the
17 Elementary and Secondary Education Act of
18 1965.

19 “(B) ELIGIBLE INSTITUTION.—The term
20 ‘eligible institution’ means an institution that—

21 “(i) complies with the existing re-
22 quirements of being an eligible institution
23 under this title; and

24 “(ii) demonstrates that it—

1 “(I) is participating in a state-
2 wide articulation agreement;

3 “(II) has an articulation agree-
4 ment in place with at least one public
5 institution of higher education; or

6 “(III) has a track record of stu-
7 dents successfully transferring credits
8 earned at the institution to public in-
9 stitutions of higher education.

10 “(C) ELIGIBLE STUDENT.—The term ‘eli-
11 gible student’ means a student enrolled at an
12 early college high school who, if such student
13 met the requirements of section 484 for eligi-
14 bility for a Federal Pell Grant, would be award-
15 ed a Federal Pell Grant after the determination
16 of the expected family contribution for such stu-
17 dent.

18 “(D) STUDENT SUBGROUP.—The term
19 ‘student subgroup’ means—

20 “(i) economically disadvantaged stu-
21 dents;

22 “(ii) students from major racial and
23 ethnic groups;

24 “(iii) children with disabilities; and

25 “(iv) English learners.”.

1 **PART 2—MANDATORY FUNDING FOR PELL**
2 **GRANTS**

3 **SEC. 8205. FUNDING FEDERAL PELL GRANTS THROUGH**
4 **MANDATORY FUNDING.**

5 (a) MANDATORY FUNDING; REINSTATING ELIGI-
6 BILITY FOR INCARCERATED INDIVIDUALS.—Section 401
7 of the Higher Education Act of 1965 (20 U.S.C. 1070a)
8 is amended—

9 (1) in subsection (a)(1), by striking “through
10 fiscal year 2017”;

11 (2) in subsection (b)—

12 (A) by striking paragraphs (1), (6), and
13 (7);

14 (B) by redesignating paragraph (8) as
15 paragraph (7);

16 (C) by striking subparagraph (A) of para-
17 graph (2);

18 (D) by redesignating subparagraph (B) of
19 paragraph (2) as paragraph (2);

20 (E) by inserting before paragraph (2) (as
21 redesignated by subparagraph (D)) the fol-
22 lowing:

23 “(1) AMOUNT.—The amount of the Federal Pell
24 Grant for a student eligible under this subpart shall be—

25 “(A) the maximum Federal Pell Grant de-
26 scribed in paragraph (6); less

1 “(B) the amount equal to the amount deter-
2 mined to be the expected family contribution with
3 respect to such student for such year.”;

4 (F) in paragraph (4), by striking “max-
5 imum amount of a Federal Pell Grant award
6 determined under paragraph (2)(A)” and in-
7 serting “maximum Federal Pell Grant described
8 in paragraph (6)”;

9 (G) in paragraph (5), by striking “max-
10 imum amount of a Federal Pell Grant award
11 determined under paragraph (2)(A)” and in-
12 serting “maximum amount of a Federal Pell
13 Grant award described in paragraph (6)”;

14 (H) by inserting after paragraph (5) the
15 following:

16 “(6) MAXIMUM FEDERAL PELL GRANT.—

17 “(A) AWARD YEAR 2020–2021.—For award
18 year 2020–2021, the maximum Federal Pell
19 Grant shall be \$6,420.

20 “(B) SUBSEQUENT AWARD YEARS.—For
21 award year 2021–2022 and each subsequent
22 award year, the maximum Federal Pell Grant
23 shall be equal to the total maximum Federal
24 Pell Grant for the preceding award year under
25 this paragraph—

1 “(i) increased by the annual adjust-
2 ment percentage for the award year for
3 which the amount under this subparagraph
4 is being determined; and

5 “(ii) rounded to the nearest \$5.

6 “(C) DEFINITION OF ANNUAL ADJUST-
7 MENT PERCENTAGE.—In this paragraph, the
8 term ‘annual adjustment percentage,’ as applied
9 to an award year, is equal to the estimated per-
10 centage increase in the Consumer Price Index
11 (as determined by the Secretary, using the defi-
12 nition in section 478(f)) for the most recent cal-
13 endar year ending prior to the beginning of that
14 award year.”; and

15 (I) in paragraph (7), as redesignated by
16 subparagraph (B), by striking “may exceed”
17 and all that follows through the period and in-
18 serting “may exceed the maximum Federal Pell
19 Grant available for an award year.”;

20 (3) in subsection (f)—

21 (A) in paragraph (1), by striking the mat-
22 ter preceding subparagraph (A) and inserting
23 the following: “After receiving an application
24 for a Federal Pell Grant under this subpart, the
25 Secretary (including any contractor of the Sec-

1 retary processing applications for Federal Pell
2 Grants under this subpart) shall, in a timely
3 manner, furnish to the student financial aid ad-
4 ministrators at each institution of higher edu-
5 cation that a student awarded a Federal Pell
6 Grant under this subpart is attending, the ex-
7 pected family contribution for each such stu-
8 dent. Each such student financial administrator
9 shall—”; and

10 (B) in paragraph (3)—

11 (i) by striking “after academic year
12 1986–1987”; and

13 (ii) in paragraph (3), by striking “the
14 Committee on Appropriations of the Sen-
15 ate, the Committee on Appropriations of
16 the House of Representatives, and”;

17 (4) by striking subsections (g) and (h);

18 (5) by redesignating subsections (i) and (j) as
19 subsections (g) and (h), respectively; and

20 (6) by adding at the end the following:

21 “(k) APPROPRIATION OF FUNDS.—There are author-
22 ized to be appropriated, and there are appropriated, out
23 of any money in the Treasury not otherwise appropriated,
24 such sums as may be necessary for fiscal year 2019 and
25 each subsequent fiscal year to provide the maximum Fed-

1 eral Pell Grant for which a student shall be eligible under
2 this section during an award year.”.

3 (b) REPEAL OF SCORING REQUIREMENT.—Section
4 406 of H. Con. Res. 95 (109th Congress) is amended—

5 (1) by striking subsection (b); and

6 (2) by striking “(a) IN GENERAL.—Upon” and
7 inserting the following: “Upon”.

8 **PART 3—INCLUDING PARENT PLUS LOANS IN IN-**
9 **COME-CONTINGENT AND INCOME-BASED RE-**
10 **PAYMENT PLANS**

11 **SEC. 8211. APPLICABLE RATE OF INTEREST FOR PLUS**
12 **LOANS.**

13 Section 455(b)(8) of the Higher Education Act of
14 1965 (20 U.S.C. 1087e(b)(8)) is amended—

15 (1) in subparagraph (C), by inserting “and be-
16 fore July 1, 2019,” after “, 2013,”; and

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

18 “(F) REDUCED RATE FOR PARENT PLUS
19 LOANS.—Notwithstanding the preceding para-
20 graphs of this subsection, for Federal Direct
21 PLUS Loans made on behalf of a dependent
22 student for which the first disbursement is
23 made on or after July 1, 2019, the applicable
24 rate of interest shall be determined under sub-
25 paragraph (C) of this paragraph—

1 “(i) by substituting ‘3.6 percent’ for
2 ‘4.6 percent’; and
3 “(ii) by substituting ‘9.5 percent’ for
4 ‘10.5 percent’.”.

5 **SEC. 8212. ELIMINATION OF ORIGINATION FEE FOR PAR-**
6 **ENT PLUS LOANS.**

7 Section 455(c) of the Higher Education Act of 1965
8 (20 U.S.C. 1087e(c)) is amended by adding at the end
9 the following new paragraph:

10 “(3) PLUS LOANS.—With respect to Federal
11 Direct PLUS loans made on behalf of a dependent
12 student for which the first disbursement of principal
13 is made on or after July 1, 2019, paragraph (1)
14 shall be applied by substituting ‘0.0 percent’ for ‘4.0
15 percent’.”.

16 **SEC. 8213. COUNSELING FOR PARENT PLUS BORROWERS.**

17 Section 485 of the Higher Education Act of 1965 (20
18 U.S.C. 1092) is amended by adding at the end the fol-
19 lowing:

20 “(n) COUNSELING FOR PARENT PLUS BOR-

21 ROWERS.—

22 “(1) IN GENERAL.—The Secretary, prior to dis-

23 bursement of a Federal Direct PLUS loan made on
24 behalf of a dependent student, shall ensure that the
25 borrower receives comprehensive information on the

1 terms and conditions of the loan and the responsibil-
2 ities the borrower has with respect to such loan.

3 Such information—

4 “(A) shall be provided through the use of
5 interactive programs that use mechanisms to
6 check the borrower’s understanding of the
7 terms and conditions of the borrower’s loan,
8 using simple and understandable language and
9 clear formatting; and

10 “(B) shall be provided—

11 “(i) during a counseling session con-
12 ducted in person; or

13 “(ii) online.

14 “(2) INFORMATION TO BE PROVIDED.—The in-
15 formation to be provided to the borrower under
16 paragraph (1) shall include the following:

17 “(A) Information on how interest accrues
18 and is capitalized during periods when the in-
19 terest is not paid by the borrower.

20 “(B) An explanation of when loan repay-
21 ment begins, of the options available for a bor-
22 rower who may need a deferment, and that in-
23 terest accrues during a deferment.

1 “(C) The repayment plans that are avail-
2 able to the borrower, including personalized in-
3 formation showing—

4 “(i) estimates of the borrower’s antici-
5 pated monthly payments under each repay-
6 ment plan that is available; and

7 “(ii) the difference in interest paid
8 and total payments under each repayment
9 plan.

10 “(D) The obligation of the borrower to
11 repay the full amount of the loan, regardless of
12 whether the student on whose behalf the loan
13 was made completes the program in which the
14 student is enrolled.

15 “(E) The likely consequences of default on
16 the loan, including adverse credit reports, delin-
17 quent debt collection procedures under Federal
18 law, and litigation.

19 “(F) The name and contact information of
20 the individual the borrower may contact if the
21 borrower has any questions about the bor-
22 rower’s rights and responsibilities or the terms
23 and conditions of the loan.”.

1 **SEC. 8214. INCLUSION OF PARENT PLUS LOANS IN INCOME-**
2 **CONTINGENT AND INCOME-BASED REPAY-**
3 **MENT PLANS.**

4 (a) **INCOME-CONTINGENT REPAYMENT PLAN.**—Sec-
5 tion 455(d)(1)(D) of the Higher Education Act of 1965
6 (20 U.S.C. 1087e(d)(1)(D)) is amended by striking “, ex-
7 cept that the plan described in this subparagraph shall
8 not be available to the borrower of a Federal Direct PLUS
9 loan made on behalf of a dependent student;”.

10 (b) **INCOME-BASED REPAYMENT.**—

11 (1) **SECTION 493C.**—Section 493C of the High-
12 er Education Act of 1965 (20 U.S.C. 1098e) is
13 amended—

14 (A) in subsection (a)—

15 (i) by striking “this section” and all
16 that follows through “hardship” and in-
17 serting “In this section, the term ‘partial
18 financial hardship’”; and

19 (ii) by striking, “(other than an ex-
20 cepted PLUS loan or excepted consolida-
21 tion loan)”;

22 (B) in subsection (b)—

23 (i) in paragraph (1), by striking
24 “(other than an excepted PLUS loan or
25 excepted consolidation loan)”;

1 (ii) in paragraph (6)(A), by striking
2 “(other than an excepted PLUS loan or
3 excepted consolidation loan)”; and

4 (iii) in paragraph (7), by striking
5 “(other than a loan under section 428B or
6 a Federal Direct PLUS Loan)”; and

7 (C) in subsection (e), by striking “(other
8 than an excepted PLUS loan or excepted con-
9 solidation loan),”.

10 (2) SECTION 455(d)(1)(E).—Section
11 455(d)(1)(E) of such Act (20 U.S.C.
12 1087e(d)(1)(D)) is amended by striking “, except
13 that the plan described in this subparagraph shall
14 not be available to the borrower of a Federal Direct
15 PLUS Loan made on behalf of a dependent student
16 or a Federal Direct Consolidation Loan, if the pro-
17 ceeds of such loan were used to discharge the liabil-
18 ity on such Federal Direct PLUS Loan or a loan
19 under section 428B made on behalf of a dependent
20 student”.

21 (c) APPLICATION TO REGULATIONS.—The Secretary
22 shall ensure that any Federal Direct PLUS Loan and any
23 loan under section 428B of the Higher Education Act of
24 1965 (20 U.S.C. 1078–2) made on behalf of a dependent
25 student are eligible for any repayment plan available

1 under the Higher Education Act of 1965 (20 U.S.C. 1001
2 et seq.) or regulations authorized under such Act (20
3 U.S.C. 1001 et seq.).

4 **PART 4—AMERICA RISING PROGRAM**

5 **SEC. 8221. ESTABLISHMENT OF AMERICA RISING PRO-**
6 **GRAM.**

7 (a) ESTABLISHMENT.—The Secretary of Labor and
8 the Secretary of Education shall, jointly, establish a pro-
9 gram under which—

10 (1) grants are paid to eligible employers to de-
11 fray the cost of compensation paid by such employ-
12 ers to recent college graduates; and

13 (2) grants are paid to recent college graduates
14 to enable such graduates to defray the cost of under-
15 taking further postsecondary courses at an institu-
16 tion of higher education for up to 24 months in sub-
17 jects relating to mathematics, science, engineering,
18 or technology.

19 (b) TERMS AND CONDITIONS.—

20 (1) IN GENERAL.—A grant under this section
21 may be made on such terms and conditions as the
22 Secretary may determine.

23 (2) DEFERRAL OF FEDERAL STUDENT LOAN
24 OBLIGATIONS.—Each recent college graduate partici-
25 pating in the program under this section (by benefit-

1 ting from a grant awarded under paragraph (1), or
2 receiving a grant under paragraph (2), of subsection
3 (a)) may defer payment on Federal student loans
4 made to the graduate under title IV of the Higher
5 Education Act of 1965 (20 U.S.C. 1070 et seq.) for
6 the period of the graduate's participation in the pro-
7 gram.

8 (3) GRANTS TO ELIGIBLE EMPLOYERS.—With
9 respect to a grant awarded under subsection
10 (a)(1)—

11 (A) an eligible employer—

12 (i) may use the grant to defray the
13 cost of compensation for not more than 2
14 recent college graduates; and

15 (ii) shall provide a compensation
16 amount to each recent college graduate
17 participating in the program that is equal
18 to or greater than the grant amount re-
19 ceived by the employer for the graduate;
20 and

21 (B) the Secretary may not award an eligi-
22 ble employer more than \$25,000 per recent col-
23 lege graduate.

24 (4) GRANTS TO RECENT COLLEGE GRAD-
25 UATES.—With respect to a grant awarded under

1 subsection (a)(2) to a recent college graduate, the
2 graduate shall be eligible to receive Federal student
3 aid under title IV of the Higher Education Act of
4 1965 (20 U.S.C. 1070 et seq.) without regard to
5 whether the graduate has been or is delinquent on
6 any Federal student loans made to the graduate
7 under such title IV (20 U.S.C. 1070 et seq.).

8 (c) DEFINITIONS.—In this section:

9 (1) ELIGIBLE EMPLOYER.—The term “eligible
10 employer” means an employer that—

11 (A) is a small business concern; or

12 (B) is a major corporation that has an op-
13 eration located in—

14 (i) an enterprise zone; or

15 (ii) an area in which, according to the
16 most recent data available, the unemploy-
17 ment rate exceeds the national average un-
18 employment rate by more than two per-
19 centage points.

20 (2) ENTERPRISE ZONE.—The term “enterprise
21 zone” has the meaning given the term “HUBzone”
22 in section 3 of the Small Business Act (15 U.S.C.
23 632).

24 (3) INSTITUTION OF HIGHER EDUCATION.—Ex-
25 cept as provided in paragraph (3)(B), the term “in-

1 stitution of higher education” has the meaning given
2 the term in section 101 of the Higher Education Act
3 of 1965 (20 U.S.C. 1001).

4 (4) MAJOR CORPORATION.—The term “major
5 corporation” means an employer that earns an an-
6 nual revenue of not less than \$5,000,000 and em-
7 ploys not less than 50 employees.

8 (5) RECENT COLLEGE GRADUATE.—

9 (A) IN GENERAL.—The term “recent col-
10 lege graduate” means an individual—

11 (i) who has received a baccalaureate
12 or associate degree from an institution of
13 higher education on or after the date that
14 is 24 months before the grant benefitting
15 the graduate is awarded under this section;
16 and

17 (ii) who has not previously received
18 any such baccalaureate or associate degree.

19 (B) INSTITUTION OF HIGHER EDU-
20 CATION.—In subparagraph (A), the term “insti-
21 tution of higher education” has the meaning
22 given such term in section 102 of the Higher
23 Education Act of 1965 (20 U.S.C. 1002).

24 (6) SMALL BUSINESS CONCERN.—The term
25 “small business concern” has the meaning given

1 such term in section 3 of the Small Business Act
2 (15 U.S.C. 632).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this part \$100,000,000 for
6 each of the fiscal years 2019, 2020, and 2021.

7 (2) AVAILABILITY.—Funds appropriated under
8 paragraph (1) shall remain available until expended.

9 **PART 5—SCIENCE AND TECHNOLOGY**

10 **SEC. 8231. OFFICE OF CYBERSECURITY EDUCATION AND**
11 **AWARENESS.**

12 (a) IN GENERAL.—Subtitle C of title II of the Home-
13 land Security Act of 2002 (6 U.S.C. 141 et seq.) is further
14 amended by adding at the end the following new section:

15 **“SEC. 230C. OFFICE OF CYBERSECURITY EDUCATION AND**
16 **AWARENESS.**

17 “(a) ESTABLISHMENT.—There shall be within the
18 Department an Office of Cybersecurity Education and
19 Awareness Branch (hereinafter in this section referred to
20 as the ‘Office’).

21 “(b) RESPONSIBILITIES.—The Office shall be respon-
22 sible for carrying out the duties of the Office as directed
23 by the Secretary. The Office shall also report to the Sec-
24 retary the ongoing work of the Office. Further, the Office
25 shall report on the statutory authority, Executive orders

1 or agency directives that guide the work of the Office. The
2 Office shall report to the Secretary what additional au-
3 thority is needed to fulfill the mission for the Office as
4 outlined by the section. The Office shall also conduct re-
5 search and make recommendations to the Secretary to the
6 extent that the agency can effectively engage in the fol-
7 lowing:

8 “(1) Recruiting, retaining, and sustaining the
9 skills and knowledge of information assurance, cy-
10 bersecurity and computer security professionals in
11 the Department of Homeland Security, hereinafter
12 known as the ‘Department’.

13 “(2) Supporting kindergarten through grade 12
14 science and technology and computer and informa-
15 tion safety education through grants, and training
16 programs.

17 “(3) Supporting postsecondary information as-
18 surance, cybersecurity and computer security pro-
19 grams that provide education that benefits the mis-
20 sion and objective of the Department regarding re-
21 cruitment and retention of highly trained computing
22 professionals who are work ready.

23 “(4) Promoting public knowledge of computer
24 and information security competitions to provide
25 computer and information security competition ad-

1 administrators, participants, and sponsors with infor-
2 mation necessary to further broader public participa-
3 tion in these activities.

4 “(5) Developing a guest lecturer program or
5 part-time lecturer program comprised of information
6 assurance, cybersecurity and computer security ex-
7 perts in the Federal Government, academia and pri-
8 vate sector to support education of students at insti-
9 tutions of higher education who are pursuing de-
10 grees in computing science.

11 “(6) Managing a Computer and Information
12 Security Youth Training Pathway Program for sec-
13 ondary school and postsecondary school students to
14 work in part-time or summer positions along with
15 Federal agency computer and information security
16 professionals.

17 “(7) Developing programs that increase the ca-
18 pacity of institutions defined in section 371 of the
19 Higher Education Act of 1965—

20 “(A) Historically Black Colleges and Uni-
21 versities;

22 “(B) professional and academic areas in
23 which African-Americans are under represented;

24 “(C) Hispanic-serving institutions;

25 “(D) Native American colleges; and

1 “(E) rural colleges and universities.

2 “(8) Conduct research and make recommenda-
3 tions to the Secretary on what the agency can do to
4 increase participation of professional and academic
5 under represented areas at minority institutions.

6 “(9) Providing support to the institutions of
7 higher education described in subparagraphs (A)
8 through (E) of paragraph (7) to provide course work
9 and education in computer and information security
10 designed to raise the number and diversity of stu-
11 dents in the field. The Office may use the institu-
12 tions defined under section 371 of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1067q) minority-serv-
14 ing institutions are defined as follows:

15 “(A) A part B institution (as defined in
16 section 322 (20 U.S.C. 1061)).

17 “(B) A Hispanic-serving institution (as de-
18 fined in section 502 (20 U.S.C. 1101a)).

19 “(C) A Tribal College or University (as de-
20 fined in section 316 (20 U.S.C. 1059)).

21 “(D) An Alaska Native-serving institution
22 or a Native Hawaiian-serving institution (as de-
23 fined in section 317(b) (20 U.S.C. 1059d(b))).

24 “(E) A Predominantly Black Institution
25 (as defined in subsection (c)).

1 “(F) An Asian American and Native
2 American Pacific Islander-serving institution
3 (as defined in subsection (c)).

4 “(G) A Native American-serving nontribal
5 institution (as defined in subsection (c)).

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘information assurance, cyberse-
8 curity and computer security program’ has the
9 meaning given by the Secretary in consultation with
10 the computing and information Security Post Sec-
11 ondary Education Working Group under the bill.

12 “(2) The term ‘K–12’ may be defined by the
13 Secretary in consultation with the K–12 Science and
14 Technology Education Board of Advisors under sec-
15 tion 105 of the Cyber Security Education and Fed-
16 eral Workforce Enhancement Act.

17 “(3) The Secretary may define higher education
18 institutions under this title using definitions found
19 in section 371 of the Higher Education Act of 1965.

20 “(4) The term ‘professional and academic
21 under represented areas’ means areas in which Afri-
22 can-Americans, Hispanics, and women are under
23 represented has the meaning given such term by the
24 Secretary, who may consult with the Commissioner
25 for Education Statistics and the Commissioner of

1 the Bureau of Labor Statistics. The basis of the de-
2 termining the means should be based on most recent
3 available satisfactory data, as computing and infor-
4 mation security professional and academic areas in
5 which the percentage of African-Americans, His-
6 panics, and females who have been educated,
7 trained, and employed is less than the percentage of
8 African-Americans, Hispanics, and women in the
9 general population.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of such Act is amended by inserting after
12 the item relating to section 230B the following new item:

“Sec. 230C. Office of Cybersecurity Education and Awareness.”.

13 **SEC. 8232. SCIENCE AND TECHNOLOGY INITIATIVE**
14 **GRANTS.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-
16 rity shall consider existing authority to make grants to
17 secondary schools under this section, which shall be known
18 as “Science and Technology Educators Initiative Grants”.

19 (b) SELECTION OF SCHOOLS.—If the Secretary de-
20 termines that the Secretary has the authority to select a
21 secondary school to receive grants under this section, the
22 Secretary may consider the following factors:

23 (1) Whether more than 40 percent of the stu-
24 dents at the secondary school are eligible for free or
25 reduced price school meal programs under the Rich-

1 ard B. Russell National School Lunch Act and the
2 Child Nutrition Act of 1966.

3 (2) The location of the secondary school is in
4 a rural area.

5 (3) The participation of representation of pro-
6 fessions and academic area among students which
7 will also include home schooled, individuals residing
8 in rural areas, and individuals attending underper-
9 forming secondary schools.

10 (4) The location of the school in an area where
11 the unemployment rate was not more than one per-
12 cent higher than the national average unemployment
13 rate during the 24-month period preceding the de-
14 termination of eligibility under this subsection.

15 (5) The location of the secondary school in an
16 area where the per capita income is of 80 percent
17 or less of the national per capita income.

18 **SEC. 8233. PROJECT-BASED LEARNING PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary of Homeland
20 Security shall direct the Office of Cybersecurity Education
21 and Awareness to conduct research to investigate and
22 make recommendations regarding the feasibility and exist-
23 ing authority to establish a national project-based science
24 and technology learning program, to be known as the “K–
25 12 Science and Technology Learning Program” and make

1 a report to both House and Senate Oversight Committees.

2 Under such research program, the Secretary shall deter-

3 mine existing authority to—

4 (1) create State and regional workshops to
5 train teachers in science and technology project-
6 based learning;

7 (2) establish between institutions of higher edu-
8 cation, businesses, and local public and private edu-
9 cational agencies that serve students comprised of
10 40 percent or more of professional and academic
11 under represented areas to provide materials and
12 teaching aids to teachers who successfully complete
13 the science and technology project-based learning
14 program under this section;

15 (3) identify no cost or low cost summer and
16 after school science and technology education pro-
17 grams and broadly disseminate that information to
18 the public; and

19 (4) make grants to local educational agencies to
20 support the participation of teachers of elementary
21 school and secondary school in science and tech-
22 nology training programs by providing travel and en-
23 rollment expenses, with a priority given to teachers
24 who work in schools serving neglected, delinquent,
25 migrant students, English learners, at-risk students,

1 and Native Americans, as determined by the Sec-
2 retary.

3 (b) **AUTHORITY.**—The Secretary shall have the au-
4 thority under this statute to conduct a limited pilot project
5 to test recommendations on possible programs that would
6 be low-cost but have the greatest impact on instilling the
7 importance of technology and science education.

8 (c) **REPORT TO CONGRESS.**—The Secretary shall
9 submit to Congress an annual report on the program es-
10 tablished under this section.

11 (d) **PROJECT-BASED SCIENCE AND TECHNOLOGY**
12 **LEARNING DEFINED.**—In this section, the term “project-
13 based science and technology learning” means a system-
14 atic teaching method that engages students in learning es-
15 sential science, technology, engineering and mathematics
16 through knowledge and life-enhancing skills through an
17 extended, student-influenced inquiry process structured
18 around complex, authentic questions and carefully de-
19 signed products and tasks developed specifically for edu-
20 cation.

21 **SEC. 8234. MATCHING FUNDS FOR STATE AND PRIVATELY**
22 **FINANCED SCIENCE AND TECHNOLOGY**
23 **AFTER-SCHOOL PROGRAMS.**

24 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
25 rity shall provide matching funds to local educational

1 agencies for after-school programs dedicated to science,
2 technology, engineering, and math in an amount equal to
3 the amount provided to the program by a State, local, trib-
4 al, or territorial government or by a nonprofit or private
5 entity.

6 (b) CRITERIA.—In selecting programs for which to
7 provide funds under this section, the Secretary shall con-
8 sider—

9 (1) the number of students served by the pro-
10 grams; and

11 (2) the participation in the programs of stu-
12 dents from populations referred to in section 230C
13 of the Homeland Security Act of 2002, as added by
14 section 8231 of this Act.

15 (c) LIMITATION ON AMOUNT OF FUNDING.—For any
16 fiscal year, no individual school’s after-school program
17 shall receive more than \$5,000 under this section.

18 **SEC. 8235. SCIENCE AND TECHNOLOGY BOARD OF ADVI-**
19 **SORS.**

20 (a) ESTABLISHMENT.—There is established in the
21 Department of Homeland Security the “Research K–12
22 Science and Technology Education Board of Advisors”
23 (hereinafter in this section referred to as the “Board”).

24 (b) MEMBERSHIP.—

1 (1) COMPOSITION.—The Board shall be com-
2 posed of 15 members appointed by the Secretary of
3 Homeland Security, all of whom shall have K–12
4 education expertise in programs. The Secretary shall
5 appoint members based on the following qualifica-
6 tions:

7 (A) Members of the Board shall have expe-
8 rience in K–12 science, technology, engineering,
9 and mathematics education programs.

10 (B) Members of the Board shall have expe-
11 rience in training K–12 educators on providing
12 science and technology instruction.

13 (C) Members of the Board shall have expe-
14 rience in the promotion of science and tech-
15 nology education among under represented pop-
16 ulations, as defined by section 230C of the
17 Homeland Security Act of 2002, as added by
18 section 8231 of this Act.

19 (2) DEADLINE FOR APPOINTMENT.—All mem-
20 bers of the Board shall be appointed not later than
21 60 days after the date of the enactment of this Act.

22 (3) VACANCIES.—Any vacancy in the member-
23 ship of the Board shall not affect its powers and
24 shall be filled in the same manner in which the origi-
25 nal appointment was made.

1 (4) COMPENSATION.—

2 (A) IN GENERAL.—Members of the Board
3 shall not receive any compensation for their
4 service.

5 (B) TRAVEL EXPENSES.—While away from
6 their homes or regular places of business in the
7 performance of services for the Board, members
8 of the Board shall be allowed travel expenses,
9 including per diem in lieu of subsistence, in the
10 same manner as persons employed intermit-
11 tently in the Government service are allowed ex-
12 penses under section 5703(b) of title 5, United
13 States Code.

14 (C) PROHIBITION OF CONSULTANT OR
15 CONTRACTING WORK.—No member of the
16 Board while serving in this capacity or for 1
17 year following departure from the Board may
18 work as a consultant or contract worker for the
19 Department of Homeland Security in a position
20 related to the work of the Board or member
21 agency that participates as a member of the
22 Board.

23 (e) RESPONSIBILITIES.—The responsibilities of the
24 Board are to research and make recommendations to the
25 Secretary on—

1 (1) the status of K–12 science and technology
2 education domestically and internationally;

3 (2) how to increase the quality and diversity of
4 science and technology curriculum;

5 (3) promoting K–12 science and technology
6 competitions;

7 (4) establishing a virtual network to support
8 teacher and student science and technology edu-
9 cation and development;

10 (5) ascertaining, evaluating, and reporting on
11 best practices for project-based science and tech-
12 nology learning (as such term is defined in section
13 103(c)); and

14 (6) identifying K–12 science and technology
15 education efforts that are successful in engaging
16 youth, with proven competence in engaging females,
17 minorities, individuals residing in rural areas, indi-
18 viduals residing in majority minority districts, home
19 schooled students.

20 (d) CHAIR.—The Chair of the Board shall be des-
21 ignated by the Secretary from among the members of the
22 Board.

23 (e) MEETINGS.—

24 (1) INITIAL MEETING.—The Board shall meet
25 and begin the operations of the Board by not later

1 than 90 days after the date of the enactment of this
2 Act.

3 (2) SUBSEQUENT MEETINGS.—After its initial
4 meeting, the Board shall set the time and place of
5 its next meeting. The Board can upon the call of the
6 chairman or a majority of its members meet.

7 (3) QUORUM.—A majority of the Board shall
8 constitute a quorum.

9 (4) VOTING.—Proxy voting shall be allowed on
10 behalf of a member of the Board.

11 (5) RULES OF PROCEDURE.—The Board may
12 establish rules for the conduct of the Board's busi-
13 ness, if such rules are not inconsistent with this sec-
14 tion or other applicable law.

15 (f) POWERS.—

16 (1) HEARINGS AND EVIDENCE.—The Board or,
17 on the authority of the Board, any subcommittee or
18 member thereof, may, for the purpose of carrying
19 out this title hold such hearings and sit and act at
20 such times and places, take such testimony, receive
21 such evidence, administer such oaths.

22 (2) FEDERAL AGENCY STAFF.—The Secretary
23 shall make decisions regarding Federal agency staff
24 to be detailed to support the work of the Board.

1 (3) CONTRACT AUTHORITY.—The Board may
2 enter into contracts with the approval of the Sec-
3 retary to such extent and in such amounts as nec-
4 essary for the Board to discharge its duties under
5 this section.

6 (4) INFORMATION FROM FEDERAL AGENCIES.—

7 (A) IN GENERAL.—After providing notice
8 to the Secretary who may provide staff from
9 the Department to meet the staffing needs of
10 the Board. After 10 working days following no-
11 tice to the Secretary the Board is authorized to
12 secure directly from any executive department,
13 bureau, agency, board, office, independent es-
14 tablishment, or instrumentality of the Govern-
15 ment, information, suggestions, estimates, and
16 statistics for the purposes of this title. Each de-
17 partment, bureau, agency, board, office, inde-
18 pendent establishment, or instrumentality shall,
19 to the extent authorized by law, furnish such
20 information, suggestions, estimates, and statis-
21 tics directly to the Board, upon request made
22 by the chairman, the chairman of any sub-
23 committee created by a majority of the Board,
24 or any member designated by a majority of the
25 Board.

1 (B) RECEIPT, HANDLING, STORAGE, AND
2 DISSEMINATION.—Information shall only be re-
3 ceived, handled, stored, and disseminated by
4 members of the Board and its staff consistent
5 with all applicable statutes, regulations, and
6 Executive orders.

7 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

8 (A) GENERAL SERVICES ADMINISTRA-
9 TION.—The Administrator of General Services
10 shall provide to the Board on a reimbursable
11 basis administrative support and other services
12 for the performance of the Board's functions.

13 (B) OTHER DEPARTMENTS AND AGEN-
14 CIES.—In addition to the assistance prescribed
15 in subparagraph (A), departments and agencies
16 of the United States may provide to the Board
17 such services, funds, facilities, staff, and other
18 support services as they may determine advis-
19 able and as may be authorized by law.

20 (C) POSTAL SERVICES.—The Board may
21 use the United States mails in the same man-
22 ner and under the same conditions as depart-
23 ments and agencies of the United States.

24 (g) STAFF.—

25 (1) IN GENERAL.—

1 (A) APPOINTMENT AND COMPENSATION.—

2 The Chair, in accordance with rules agreed
3 upon by the Board, may appoint and fix the
4 compensation of a staff director and such other
5 personnel as may be necessary to enable the
6 Board to carry out its functions, without regard
7 to the provisions of title 5, United States Code,
8 governing appointments in the competitive serv-
9 ice, and without regard to the provisions of
10 chapter 51 and subchapter III of chapter 53 of
11 such title relating to classification and General
12 Schedule pay rates, except that no rate of pay
13 fixed under this subsection may exceed the
14 equivalent of that payable for a position at level
15 V of the Executive Schedule under section 5316
16 of title 5, United States Code.

17 (B) PERSONNEL AS FEDERAL EMPLOY-
18 EES.—

19 (i) IN GENERAL.—The executive di-
20 rector and any personnel of the Board who
21 are employees shall be employees under
22 section 2105 of title 5, United States
23 Code, for purposes of chapters 63, 81, 83,
24 84, 85, 87, 89, and 90 of that title.

1 (ii) MEMBERS OF THE BOARD.—

2 Clause (i) shall not be construed to apply
3 to members of the Board.

4 (2) DETAILEES.—Any Federal Government em-
5 ployee may be detailed to the Board without reim-
6 bursement from the Board, and such detailee shall
7 retain the rights, status, and privileges of his or her
8 regular employment without interruption.

9 (3) ADMINISTRATIVE SUPPORT FROM THE DE-
10 PARTMENT.—At the request of the Board, the Sec-
11 retary of Homeland Security shall provide the Board
12 with Administrative support necessary for the Board
13 to carry out its duties under this title.

14 (h) REPORTS.—

15 (1) QUARTERLY REPORTS.—The Board shall
16 submit to the Secretary of Homeland Security quar-
17 terly reports on the activities of the Board.

18 (2) FINAL REPORT.—Not later than two years
19 after the date of the enactment of this Act, the
20 Board shall submit to the Secretary a final report
21 containing such findings conclusions, and rec-
22 ommendations as have been agreed to by a majority
23 of Board members.

24 (i) APPLICABILITY OF FACCA.—

1 (1) IN GENERAL.—Nothing in the Federal Ad-
2 visory Committee Act (5 U.S.C. App.) shall apply to
3 the Board.

4 (2) PUBLIC MEETINGS AND RELEASE OF PUB-
5 LIC VERSIONS OF REPORTS.—The Board shall—

6 (A) hold public hearings and meetings to
7 the extent appropriate; and

8 (B) release public versions of the reports
9 required under subsection (h).

10 (3) PUBLIC HEARINGS.—Any public hearings of
11 the Board shall be conducted in a manner consistent
12 with the protection of information provided to or de-
13 veloped for or by the Board as required by any ap-
14 plicable statute, regulation, or Executive order.

15 (j) TERMINATION.—The Board, and all the authori-
16 ties of this title, shall terminate two years after the date
17 of the Board's first meeting, which shall take place 90
18 days following its appointment.

19 (1) IN GENERAL.—The Board and all the au-
20 thorities under this section shall terminate 60 days
21 after the date on which the final report is submitted
22 under subsection (h)(2).

23 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
24 MINATION.—The Board may use the 60-day period
25 referred to in paragraph (1) for the purpose of con-

1 including its activities, including providing testimony
2 to committees of Congress concerning its reports
3 and disseminating the final report.

4 (k) FUNDING.—There is authorized to be appro-
5 priated such sums as may be necessary to carry out this
6 section. Amounts made available pursuant to this sub-
7 section shall remain available until the termination of the
8 Board.

9 **SEC. 8236. LABORATORIES FOR SCIENCE AND TECH-**
10 **NOLOGY EXCELLENCE.**

11 The Secretary of Homeland Security shall determine
12 if existing authority allows the agency to make grants to
13 local education agencies for the purpose of supplying lab-
14 oratory facilities at secondary schools to promote the
15 teaching of science, technology, engineering, and mathe-
16 matics. If the Secretary determines that the authority does
17 not exist shall make a report to congressional oversight
18 committees detailing the limitation in agency authority to
19 conduct activity under this section and make recommenda-
20 tions on the benefits if any should the agency have the
21 authority to engage in the activity outlined in this section.

22 **SEC. 8237. COMPUTING AND INFORMATION RESEARCH**
23 **WORKING GROUP.**

24 (a) ESTABLISHMENT.—There is hereby established in
25 the Department of Homeland Security the Computing and

1 Information Security Post-Secondary Education Working
2 Group, hereafter in this section referred to as the “Work-
3 ing Group”.

4 (b) RESPONSIBILITIES.—The Working Group shall
5 conduct research and—

6 (1) assist the Secretary in developing voluntary
7 guidelines that could serve as guidance to Federal
8 civil agency training programs, computer and infor-
9 mation security certification authorities, and accredi-
10 tation bodies seeking guidance on developing, en-
11 hancing, or sustaining competitive information secu-
12 rity; and

13 (2) make recommendations to the Secretary re-
14 garding—

15 (A) the state of the computing and infor-
16 mation security workforce development;

17 (B) evaluations and reports on the advan-
18 tages, disadvantages, and approaches to profes-
19 sionalizing the Nation’s computing and infor-
20 mation security workforce;

21 (C) criteria that can be used to identify
22 which, if any, specialty areas may require
23 professionalization;

24 (D) criteria for evaluating different ap-
25 proaches and tools for professionalization;

1 (E) techniques that enhance the efficiency
2 and effectiveness of computing and information
3 security workers;

4 (F) better tools and approaches for risk
5 identification and assessment;

6 (G) improved system design and develop-
7 ment;

8 (H) creation of better incentives for de-
9 ployment of better computing and information
10 security technologies;

11 (I) improvements in end user behaviors
12 through training and better coordination among
13 network managers;

14 (J) core curriculum requirements for com-
15 puting and information security training;

16 (K) efficacy and efficiencies of taxonomy
17 and definitions for computer and information
18 security;

19 (L) guidelines for accreditations and cer-
20 tification of computing and information security
21 college and university programs;

22 (M) identifying the role of mentors in the
23 retention of students enrolled in computing and
24 technology programs at institutions of higher
25 education who complete degree programs;

1 (N) remote access to computing and infor-
2 mation security education and training through
3 the Internet; and

4 (O) institution of higher education funding
5 and research needs.

6 (c) DEADLINE FOR SUBMITTAL OF RESEARCH
7 FUNDING AND RECOMMENDATIONS.—

8 (1) INITIAL RESEARCH.—The Working Group
9 shall submit to the Secretary an initial research plan
10 that will guide the work of the Working Group.

11 (2) OTHER RESEARCH RECOMMENDATIONS.—
12 The Working Group shall provide the Secretary a
13 list of other areas that require research to accom-
14 plish the purpose of the agency's goal of providing
15 cyber security protection for the agency. The Work-
16 ing Group shall provide a description of the pro-
17 posed research and the purpose of the research as
18 it relates to the goals of cybersecurity of the agency.

19 (3) INITIAL RECOMMENDATIONS.—The Work-
20 ing Group shall submit to the Secretary initial rec-
21 ommendations under this section by not later than
22 nine months after the date on which all of the mem-
23 bers of the Working Group are appointed.

24 (4) OTHER RECOMMENDATIONS.—Not later
25 than six months after all members of the Working

1 Group are appointed, the Working Group shall sub-
2 mit to the Secretary research and recommendations
3 on the effectiveness of Federal civil agency computer
4 and information security training programs, includ-
5 ing an evaluation of certification authorities and
6 their role in providing work ready staff to fill posi-
7 tions with the agency.

8 (5) SUBSEQUENT RESEARCH AND REC-
9 OMMENDATIONS.—Not later than one year after the
10 date of the submittal of the initial research and rec-
11 ommendations under paragraph (1), and annually
12 thereafter, the Working Group shall submit to the
13 Secretary subsequent research and recommendations
14 under this section and an update on the progress
15 made toward a well trained and sustainable Depart-
16 ment computer and information workforce.

17 (d) MEMBERSHIP.—

18 (1) CHAIR.—The Chair of the Working Group
19 shall be the Director of the National Institute of
20 Standards and Technology or the Director's des-
21 ignee.

22 (2) OTHER MEMBERS.—The Working Group
23 shall be composed of 21 members, who are ap-
24 pointed by the Secretary of Homeland Security in

1 consultation with the Director of NIST and the head
2 of the entity represented by the member.

3 (3) APPOINTMENT.—All appointments are for a
4 term of 2 years with one reappointment for an addi-
5 tional 2 years.

6 (4) QUORUM.—A majority of the members of
7 the Working Group shall constitute a quorum.

8 (e) NO COMPENSATION FOR SERVICE.—While away
9 from their homes or regular places of business in the per-
10 formance of services for the Commission, members of the
11 Commission shall be allowed travel expenses, including per
12 diem in lieu of subsistence, in the same manner as persons
13 employed intermittently in the Government service are al-
14 lowed expenses under section 5703(b) of title 5, United
15 States Code.

16 (f) TECHNICAL SUPPORT FROM THE DEPARTMENT
17 OF HOMELAND SECURITY.—At the request of the Work-
18 ing Group, the Secretary of Homeland Security shall pro-
19 vide the Working Group with technical support necessary
20 for the Working Group to carry out its duties under this
21 section.

22 (g) INTELLECTUAL PROPERTY RIGHTS.—No private-
23 sector individual or entity shall obtain any intellectual
24 property rights to any guidelines or recommendations nor

1 the contents of any guideline (or any modification to any
2 guideline) adopted by the Secretary under this section.

3 (h) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Working Group shall sub-
5 mit to the Secretary a report containing researching find-
6 ings, an outline for other areas requiring research and why
7 as well as recommendations of the Working Group.

8 (i) SUBMITTAL OF RECOMMENDATIONS TO CON-
9 GRESS.—Not later than 18 months after the date of the
10 enactment of this Act, the Secretary shall submit to the
11 Committee on Homeland Security of the House of Rep-
12 resentatives and the Committee on Homeland Security
13 and Governmental Affairs of the Senate a report on the
14 research findings, an outline of other areas requiring re-
15 search and why and recommendations for furthering the
16 cybersecurity of the agency.

17 (j) TREATMENT OF RECOMMENDATIONS.—The Sec-
18 retary has the benefit of the Working Group’s work which
19 the Secretary may accept, reject, or modify. The Secretary
20 shall not be bound by the recommendations of the Work-
21 ing Group.

22 (k) PUBLICATION OF RECOMMENDATIONS IN FED-
23 ERAL REGISTER.—The Secretary shall approve the publi-
24 cation of grant application guidelines in the Federal Reg-

1 ister by not later than 90 days after receiving the report
2 submitted under subsection (h).

3 (l) **APPLICABILITY OF FACA.**—Nothing in the Fed-
4 eral Advisory Committee Act (5 U.S.C. App.; relating to
5 the termination of advisory committees) shall apply to the
6 Working Group.

7 **SEC. 8238. PROCESS FOR ADOPTION RESEARCH AND A**
8 **BEST PRACTICES VOLUNTARY GUIDELINES**
9 **FOR LABORATORY FACILITIES.**

10 (a) **ESTABLISHMENT OF THE POST-SECONDARY**
11 **LABORATORY DEVELOPMENT TASK FORCE.**—The Sec-
12 retary of Homeland Security shall establish a “Post-Sec-
13 ondary Laboratory Research Development Task Force”
14 (hereinafter in this section referred to as the “Develop-
15 ment Task Force”).

16 (b) **RESPONSIBILITIES.**—The Development Task
17 Force shall conduct research for and make recommenda-
18 tions to the Secretary regarding best practices voluntary
19 guidelines for college and university laboratory facilities
20 for education and research purposes related to information
21 assurance, cybersecurity and computing security. Such re-
22 search on what baseline equipment, capacity, skilled in-
23 struction, and certification may be needed for a set of best
24 practices voluntary guidelines for colleague or university
25 laboratories and make recommendations on the best meth-

1 ods of assuring that the greatest number of institutions
2 have access to facilities that meet the baseline best prac-
3 tices regarding—

4 (1) qualifications for laboratories for the pur-
5 pose of providing education or instruction in com-
6 puting security, computer networks, enterprises,
7 informatics, and other systems designated by the
8 Secretary;

9 (2) types of software;

10 (3) types of hardware;

11 (4) types of firmware;

12 (5) security applications, including firewalls,
13 whole hat hackers, red teams, and blue teams;

14 (6) security protocols needed to protect the
15 physical and computer resources of the laboratory;

16 (7) accreditation and certification of college and
17 university computer and information security labora-
18 tories;

19 (8) best practices for—

20 (A) public-private collaborations to support
21 secondary and post-secondary laboratory facili-
22 ties for computer or information security;

23 (B) visiting guest lecture programs for
24 business and Government information tech-
25 nology security experts; and

1 (C) developing real world laboratory exer-
2 cise and proficiency measures; and

3 (9) how best to recruit and retain instructors
4 with requisite degrees to teach computer and infor-
5 mation security courses to undergraduate and grad-
6 uate students.

7 (c) MEMBERSHIP.—

8 (1) MEMBERS.—The Development Task Force
9 shall be composed of 19 members, including the
10 Chair. The Secretary of Homeland Security, in con-
11 sultation with the head of the entity represented by
12 the member agencies, shall appoint members. The
13 Secretary shall appoint a chair from among the
14 members of the Development Task Force. Such
15 members shall consist of one representative of each
16 of the following agencies:

17 (A) The White House Office of Science
18 and Technology Policy.

19 (B) The Office of the Director of National
20 Intelligence.

21 (C) The Department of Energy.

22 (D) The Defense Advanced Research
23 Projects Agency.

24 (E) The Department of Commerce.

25 (F) The National Institutes of Health.

1 (G) The National Institute of Science and
2 Technology.

3 (H) The National Science Foundation.

4 (I) The Director of the Office of Personnel
5 Management.

6 (2) OTHER MEMBERS.—The Secretary shall
7 consider for the other members of the Development
8 Task Force representatives from organizations that
9 advocate and promote professional development of
10 professional and academic under represented areas
11 and organizations with the mission of promoting
12 professional development and academic excellence in
13 information assurance, cybersecurity and computing
14 security:

15 (A) Organizations with the mission of ad-
16 vancing computing as a science and profession.

17 (B) Organizations that promote informa-
18 tion system security education.

19 (C) Professional associations that are well
20 established and broadly recognized for the ad-
21 vancement of technology.

22 (D) Professional associations that rep-
23 resent professionals and academics referred to
24 in section 230C of the Homeland Security Act
25 of 2002, as added by section 8231 of this Act.

1 (E) K–12 science and technology programs
2 that conduct successful after school and sum-
3 mer programs for under represented popu-
4 lations, rural communities and serve commu-
5 nities where unemployment is at least two per-
6 cent higher than the national average.

7 (F) Organizations that promote education
8 of Native Americans or other indigenous peo-
9 ples of the United States or its territories.

10 (G) Regional diversity of public and pri-
11 vate school districts that excel at science and
12 technology education.

13 (3) QUORUM.—A majority of the members of
14 the Development Task Force shall constitute a
15 quorum.

16 (4) VOTING.—Proxy voting shall be allowed on
17 behalf of a member of the Development Task Force.

18 (5) RULES OF PROCEDURE.—The Development
19 Task Force may establish rules for the conduct of
20 the Development Task Force’s business, if such
21 rules are not inconsistent with this section or other
22 applicable law.

23 (d) POWERS.—

24 (1) HEARINGS AND EVIDENCE.—The Develop-
25 ment Task Force or, on the authority of the Devel-

1 opment Task Force, or any subcommittee or mem-
2 ber thereof, may, for the purpose of carrying out
3 this section hold such hearings and sit and act at
4 such times and places, take such testimony, receive
5 such evidence, and administer such oaths.

6 (2) CONTRACT AUTHORITY.—After giving no-
7 tice to the Secretary who may substitute agency
8 staff with the requisite skills to fill a position needed
9 by the Board at no additional cost to the Board.
10 After 10 working days following notice to the Sec-
11 retary the Development Task Force may enter into
12 contracts to such extent and in such amounts as
13 necessary for the Development Task Force to dis-
14 charge its duties under this section.

15 (3) INFORMATION FROM FEDERAL AGENCIES.—

16 (A) IN GENERAL.—The Development Task
17 Force is authorized to secure directly from any
18 executive department, bureau, agency, board,
19 office, independent establishment, or instrumen-
20 tality of the Government information, sugges-
21 tions, estimates, and statistics for the purposes
22 of this section. Each department, bureau, agen-
23 cy, board, office, independent establishment, or
24 instrumentality shall, to the extent authorized
25 by law, furnish such information, suggestions,

1 estimates, and statistics directly to the Board,
2 upon request made by the chairman, the chair-
3 man of any subcommittee created by a majority
4 of the Board, or any member designated by a
5 majority of the Board.

6 (B) RECEIPT, HANDLING, STORAGE, AND
7 DISSEMINATION.—Information shall only be re-
8 ceived, handled, stored, and disseminated by
9 members of the Board and its staff consistent
10 with all applicable statutes, regulations, and
11 Executive orders.

12 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

13 (A) GENERAL SERVICES ADMINISTRA-
14 TION.—The Administrator of General Services
15 shall provide to the Development Task Force on
16 a reimbursable basis administrative support and
17 other services for the performance of the
18 Board's functions.

19 (B) OTHER DEPARTMENTS AND AGEN-
20 CIES.—In addition to the assistance prescribed
21 in subparagraph (A), departments and agencies
22 of the United States may provide to the Board
23 such services, funds, facilities, staff, and other
24 support services as they may determine advis-
25 able and as may be authorized by law.

1 (C) POSTAL SERVICES.—The Development
2 Task Force may use the United States mails in
3 the same manner and under the same condi-
4 tions as departments and agencies of the
5 United States.

6 (e) STAFF.—

7 (1) IN GENERAL.—While away from their
8 homes or regular places of business in the perform-
9 ance of services for the Commission, members of the
10 Commission shall be allowed travel expenses, includ-
11 ing per diem in lieu of subsistence, in the same man-
12 ner as persons employed intermittently in the Gov-
13 ernment service are allowed expenses under section
14 5703(b) of title 5, United States Code.

15 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

16 (A) IN GENERAL.—The executive director
17 and any personnel of the Development Task
18 Force who are employees shall be employees
19 under section 2105 of title 5, United States
20 Code, for purposes of chapters 63, 81, 83, 84,
21 85, 87, 89, and 90 of that title.

22 (B) MEMBERS OF THE DEVELOPMENT
23 TASK FORCE.—Subparagraph (A) shall not be
24 construed to apply to members of the Develop-
25 ment Task Force.

1 (3) DETAILEES.—Any Federal Government em-
2 ployee may be detailed to the Board without reim-
3 bursement from the Development Task Force, and
4 such detailee shall retain the rights, status, and
5 privileges of his or her regular employment without
6 interruption.

7 (f) NO COMPENSATION FOR SERVICE.—Members of
8 the Development Task Force shall not receive any com-
9 pensation for their service, but shall be paid travel ex-
10 penses, including per diem in lieu of subsistence, at rates
11 authorized for employees of agencies under subchapter I
12 of chapter 57 of title 5, United States Code, while away
13 from their homes or regular places of business in the per-
14 formance of services for the Development Task Force.

15 (g) PROHIBITION OF CONSULTANT OR CONTRACTING
16 WORK.—No member of the Development Task Force
17 while serving in this capacity or for 1 year following depart-
18 ure from the Development Task Force may work as a
19 consultant or contract worker for the Department of
20 Homeland Security in a position related to the work of
21 the Development Task Force or member agency that par-
22 ticipates as a member of the Development Task Force.

23 (h) REPORT.—The Development Task Force shall
24 submit a report to the Secretary of Homeland Security;
25 a report on research findings, best practices voluntary

1 guidelines and recommendations to the Secretary. The re-
2 port shall be in unclassified form but may include a classi-
3 fied annex.

4 (i) SECRETARY OF HOMELAND SECURITY REPORT.—
5 The Secretary shall submit to Congress a report on the
6 work of the Development Task Force’s research into best
7 practices voluntary guidelines, areas that require addi-
8 tional study and a set of recommendations. The Secretary
9 shall indicate to the Congress which Development Task
10 Force recommendations have been implemented, which
11 will be implemented, or which will be rejected and why.

12 (j) TECHNICAL SUPPORT FROM THE DEPART-
13 MENT.—At the request of Development Task Force the
14 Secretary of Homeland Security shall provide the Develop-
15 ment Task Force with technical support necessary for the
16 Development Task Force to carry out its duties under this
17 section.

18 (k) INTELLECTUAL PROPERTY.—No private-sector
19 individual or entity serving on the Development Task
20 Force shall obtain any intellectual property rights to any
21 guidelines or recommendations that derive from the work
22 of the Development Task Force or any guidelines (or any
23 modification to any guidelines) based on the work of the
24 Development Task Force.

1 (l) PROHIBITION OF CONSULTANT OR CONTRACTING
2 WORK.—No member of the Development Task Force
3 while serving in this capacity or for 1 year following depart-
4 ture from the Development Task Force may work as a
5 consultant or contract worker in a position related to the
6 direct work of the Development Task Force to the Depart-
7 ment of Homeland Security or member agency that par-
8 ticipates as a member of the Development Task Force.

9 **SEC. 8239. COMPUTING AND INFORMATION SECURITY MEN-**
10 **TORING PROGRAMS FOR COLLEGE STU-**
11 **DENTS.**

12 (a) OFFICE OF CYBERSECURITY AND INFORMATION
13 SECURITY PROFESSIONAL’S MENTORING PROGRAM.—

14 (1) IN GENERAL.—Subtitle C of title II of the
15 Homeland Security Act of 2002 (6 U.S.C. 141 et
16 seq.) is further amended by adding at the end the
17 following new section:

18 **“SEC. 230D. OFFICE OF COMPUTING AND INFORMATION SE-**
19 **CURITY PROFESSIONAL’S MENTORING PRO-**
20 **GRAM.**

21 “(a) ESTABLISHMENT.—There is in the Department
22 an Office of Computing and Information Security Profes-
23 sional’s Mentoring Program. The head of the office is the
24 Mentoring Coordinator, who shall be appointed by the Sec-
25 retary.

1 “(b) RESPONSIBILITIES.—The Mentoring Coordi-
2 nator shall be responsible for working with outreach to
3 institution of higher education, critical infrastructure own-
4 ers, and the heads of Federal departments and agencies
5 to develop and promote the participation of professionals
6 as volunteer mentors to—

7 “(1) undergraduate students at institutions of
8 higher education who are enrolled in the third or
9 fourth year of a program of education leading to a
10 degree in computing or information security;

11 “(2) students enrolled in a program of edu-
12 cation leading to a doctoral degree in computing or
13 information security; and

14 “(3) new employees of Federal departments and
15 agencies whose primary responsibilities relate to
16 computing or information security.”.

17 (2) CLERICAL AMENDMENT.—The table of con-
18 tents in section 1(b) of such Act is further amended
19 by inserting after the item relating to section 230C
20 the following new item:

“Sec. 230D. Office of Computing and Information Security Professional’s Men-
toring Program.”.

21 (b) GRANT PROGRAM.—

22 (1) IN GENERAL.—The Secretary of Homeland
23 Security shall determine existing authority to make
24 grants to covered institutions of higher learning for

1 the establishment of mentoring programs for under-
2 graduates enrolled in programs or courses of edu-
3 cation in information assurance, cybersecurity or
4 computing security programs.

5 (2) COVERED INSTITUTIONS OF HIGHER
6 LEARNING.—For purposes of this subsection, the
7 term “covered institution of higher learning” means
8 those institutions as defined in section 371 of the
9 Higher Education Act of 1965 and listed in section
10 101 of this bill.

11 **SEC. 8240. GRANTS FOR COMPUTER EQUIPMENT.**

12 (a) GRANTS.—The Secretary of Homeland Security
13 may make grants to post-secondary institutions that offer
14 courses or degrees in computing or information security
15 to be used to establish or equip a computer laboratory to
16 be made available to students and faculty for both teach-
17 ing and research purposes.

18 (b) TECHNICAL SUPPORT.—The Secretary shall en-
19 sure that each recipient of a grant under this section also
20 receives technical support on the use and proper function
21 of equipment and software.

22 (c) PUBLICATION IN FEDERAL REGISTER.—The Sec-
23 retary shall publish the name of each institution of higher
24 education that receives a grant under this section and the
25 amount of such grant.

1 (d) QUALIFICATION.—In making grants under this
2 section, the Secretary—

3 (1) shall take into consideration whether more
4 than 50 percent of the students at an institution are
5 taking online or distance learning computer science
6 and information security courses; and

7 (2) may establish guidance to institutions for
8 entering into laboratory facilities sharing agreements
9 to allow institutions to qualify for grants under this
10 section.

11 **SEC. 8241. CENTERS OF ACADEMIC COMPUTING AND IN-**
12 **FORMATION ASSURANCE.**

13 (a) PROGRAM ESTABLISHED.—The Secretary of
14 Homeland Security shall establish a program for Centers
15 of Academic Computer and Information Assurance Dis-
16 tinction.

17 (b) DESIGNATION OF CENTERS.—

18 (1) IN GENERAL.—The Secretary may des-
19 ignate five colleges or universities as Centers of Dis-
20 tinction for Academic Computing and Information
21 Security Assurance each year with no limit to the
22 total number of such Centers that may be estab-
23 lished. The Secretary may make public the Centers
24 for Distinction in Academic Computing and Infor-
25 mation Security Assurance.

1 (2) REVOCATION OF DESIGNATIONS.—The Sec-
2 retary may revoke the designation of a Center of
3 Distinction for Academic Computing and Informa-
4 tion Security Assurance.

5 (3) CRITERIA.—The Secretary shall make avail-
6 able information regarding the criteria for desig-
7 nating an institution as a Center of Distinction for
8 Academic Computing and Information Security As-
9 surance under this section.

10 (4) DISTANCE LEARNING.—In designating Cen-
11 ters under this section, the Secretary shall consider
12 the number of students who are enrolled in distance
13 learning computer or information security courses
14 and whether collaborations for in laboratory instruc-
15 tion through shared arrangements with established
16 information assurance, cybersecurity computing se-
17 curity programs at secondary education programs
18 that laboratory facilities that meet best practices as
19 outlined by the Secretary would be sufficient to meet
20 the requirements established under this section.

21 (c) OUTREACH.—The Secretary shall identify and re-
22 port on the success of efforts to reach under represented
23 populations in the field of computing and information se-
24 curity through work with institutions as defined under sec-
25 tion 371 of the Higher Education Act of 1965.

1 (d) REPORT.—Not later than 220 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to Congress recommendations regarding distance learning
4 computer and information security programs for meeting
5 the cybersecurity professional requirements of the agency.

6 (e) CONSIDERATION OF PROGRAMS.—The Secretary
7 may consider the following when making grants to post-
8 secondary education institutions and private sector enti-
9 ties who are contracted, provided grants or funds to con-
10 duct research on information assurance, cybersecurity and
11 computing security to advance the agency’s cybersecurity
12 capacity:

13 (1) Institutions designated as a Center of Dis-
14 tinction for Academic Computing and Information
15 Security Assurance.

16 (2) Institutions who have established academic
17 mentoring and program development partnerships
18 related to information assurance, cybersecurity, and
19 computing security academic programs with institu-
20 tions defined under section 371 of the Higher Edu-
21 cation Act of 1965.

22 **SEC. 8242. LIFELONG LEARNING IN COMPUTER AND INFOR-**
23 **MATION SECURITY STUDY.**

24 (a) ESTABLISHMENT.—The Secretary of Homeland
25 Security shall establish a program to be known as the

1 “Lifelong Computer and Information Security Study”.
2 Such program shall be designed to promote computer and
3 information security professionals among Federal civilian
4 agencies, critical infrastructure, and the general public by
5 supporting post-employment education and training.

6 (b) DISCRETION OF SECRETARY.—The Secretary
7 shall have the discretion to determine the best methods
8 for accomplishing the objective of this section.

9 (c) REPORTS.—The Secretary shall periodically sub-
10 mit to Congress a report on the implementation of this
11 section.

12 **SEC. 8243. COMPUTER AND INFORMATION SECURITY JOB**
13 **OPPORTUNITIES PROGRAM.**

14 (a) IN GENERAL.—The Secretary of Homeland Secu-
15 rity, acting through the Deputy Assistant Secretary for
16 Cybersecurity Education and Awareness, shall establish,
17 in conjunction with the National Science Foundation, a
18 program to award grants to institutions of higher edu-
19 cation (and consortia thereof) for—

20 (1) the establishment or expansion of computer
21 and information security professional development
22 programs;

23 (2) the establishment or expansion (or both) of
24 associate degree programs in computer and informa-
25 tion security; and

1 (3) the purchase of equipment to provide train-
2 ing in computer and information security for either
3 professional development programs or degree pro-
4 grams.

5 (b) GOALS AND CRITERIA.—The Secretary, acting
6 through the Deputy Assistant Secretary and in consulta-
7 tion with the Working Group established under section
8 8237, shall establish the goals for the program under this
9 section and the criteria for awarding grants.

10 (c) AWARDS.—

11 (1) PEER REVIEW.—All awards under this sec-
12 tion shall be provided on a competitive, merit-re-
13 viewed basis. The peer review process shall be pub-
14 lished in the Federal Register. Those serving in a
15 peer review role shall do so for 2 years with an op-
16 tion for 1 additional term. Applicants in the event
17 of a denial of an award shall be provided with a de-
18 tailed explanation for the denial.

19 (2) FOCUS.—In making awards under this sec-
20 tion, the Deputy Assistant Secretary shall, to the ex-
21 tent practicable, ensure geographic diversity and the
22 participation of women and under represented mi-
23 norities.

24 (3) PREFERENCE.—In making awards under
25 this section, the Deputy Assistant Secretary shall—

1 (A) give preference to applications sub-
2 mitted by consortia of institutions, to encourage
3 as many students and professionals as possible
4 to benefit from the program established under
5 this section;

6 (B) give preference to any application sub-
7 mitted by a consortium of institutions that in-
8 cludes at least one institution that is eligible to
9 receive funds under title III or V of the Higher
10 Education Act of 1965; and

11 (C) consider the enrollment of students in
12 online and distance learning courses.

13 (d) INSTITUTION OF HIGHER EDUCATION DE-
14 FINED.—In this section the term “institution of higher
15 education” has the meaning given that term in section
16 101(a) of the Higher Education Act of 1965 (20 U.S.C.
17 1001(a)).

18 **SEC. 8244. DEPARTMENT OF HOMELAND SECURITY CYBER-**
19 **SECURITY TRAINING PROGRAMS AND EQUIP-**
20 **MENT.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-
22 rity, acting through the Assistant Secretary of Cybersecu-
23 rity, shall establish, in conjunction with the National
24 Science Foundation, a program to award grants to institu-
25 tions of higher education (and consortia thereof) for—

1 (1) the establishment or expansion of cyberse-
2 curity professional development programs;

3 (2) the establishment or expansion (or both) of
4 associate degree programs in cybersecurity; and

5 (3) the purchase of equipment to provide train-
6 ing in cybersecurity for either professional develop-
7 ment programs or degree programs.

8 (b) ROLES.—

9 (1) DEPARTMENT OF HOMELAND SECURITY.—

10 The Secretary, acting through the Assistant Sec-
11 retary and in consultation with the Director of the
12 National Science Foundation, shall establish the
13 goals for the program established under this section
14 and the criteria for awarding grants.

15 (2) NATIONAL SCIENCE FOUNDATION.—The Di-
16 rector of the National Science Foundation shall op-
17 erate the program established under this section
18 consistent with the goals and criteria established
19 under paragraph (1), including soliciting applicants,
20 reviewing applications, and making and admin-
21 istering awards. The Director may consult with the
22 Assistant Secretary in selecting awardees.

23 (3) FUNDING.—The Secretary shall transfer to
24 the National Science Foundation the funds nec-
25 essary to carry out this section.

1 (c) AWARDS.—

2 (1) PEER REVIEW.—All awards under this sec-
3 tion shall be provided on a competitive, merit-re-
4 viewed basis.

5 (2) FOCUS.—In making awards under this sec-
6 tion, the Director shall, to the extent practicable, en-
7 sure geographic diversity and the participation of
8 women and under represented minorities.

9 (3) PREFERENCE.—In making awards under
10 this section, the Director—

11 (A) shall give preference to applications
12 submitted by consortia of institutions, to en-
13 courage as many students and professionals as
14 possible to benefit from the program established
15 under this section; and

16 (B) shall give preference to any application
17 submitted by a consortium of institutions that
18 includes at least one institution that is eligible
19 to receive funds under title III or V of the
20 Higher Education Act of 1965.

21 (d) INSTITUTION OF HIGHER EDUCATION DE-
22 FINED.—In this section the term “institution of higher
23 education” has the meaning given that term in section
24 101(a) of the Higher Education Act of 1965 (20 U.S.C.
25 1001(a)).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary for car-
3 rying out this section \$3,700,000 for each of fiscal years
4 2019 and 2020.

5 **SEC. 8245. E-SECURITY FELLOWS PROGRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—Subtitle C of
7 title II of the Homeland Security Act of 2002 (6 U.S.C.
8 121 et seq.) is further amended by adding at the end the
9 following:

10 **“SEC. 230E. E-SECURITY FELLOWS PROGRAM.**

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a fellowship program in accordance with this
14 section for the purpose of bringing State, local, trib-
15 al, and private sector officials to participate in the
16 work of the National Cybersecurity Division in order
17 to become familiar with the Department’s stated cy-
18 bersecurity missions and capabilities, including but
19 not limited to—

20 “(A) enhancing Federal, State, local, and
21 tribal government cybersecurity;

22 “(B) developing partnerships with other
23 Federal agencies, State, local, and tribal gov-
24 ernments, and the private sector;

1 “(C) improving and enhancing public/pri-
2 vate information sharing involving cyber at-
3 tacks, threats, and vulnerabilities;

4 “(D) providing and coordinating incident
5 response and recovery planning efforts; and

6 “(E) fostering training and certification.

7 “(2) PROGRAM NAME.—The program under
8 this section shall be known as the E-Security Fel-
9 lows Program.

10 “(b) ELIGIBILITY.—In order to be eligible for selec-
11 tion as a fellow under the program, an individual must—

12 “(1) have cybersecurity-related responsibilities;
13 and

14 “(2) be eligible to possess an appropriate na-
15 tional security clearance.

16 “(c) LIMITATIONS.—The Secretary—

17 “(1) may conduct up to 2 iterations of the pro-
18 gram each year, each of which shall be 180 days in
19 duration; and

20 “(2) shall ensure that the number of fellows se-
21 lected for each iteration does not impede the activi-
22 ties of the Division.

23 “(d) CONDITION.—As a condition of selecting an in-
24 dividual as a fellow under the program, the Secretary shall
25 require that the individual’s employer agree to continue

1 to pay the individual's salary and benefits during the pe-
2 riod of the fellowship.

3 “(e) STIPEND.—During the period of the fellowship
4 of an individual under the program, the Secretary shall,
5 subject to the availability of appropriations, provide to the
6 individual a stipend to cover the individual's reasonable
7 living expenses during the period of the fellowship.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by adding at the
10 end of the items relating to such subtitle the following:
“Sec. 230E. E-Security Fellows Program.”.

11 **SEC. 8246. NATIONAL SCIENCE FOUNDATION STUDY ON**
12 **SCIENCE AND TECHNOLOGY STUDENT RE-**
13 **TENTION.**

14 (a) STUDY.—The National Science Foundation shall
15 conduct a study on the causes of the high dropout rates
16 of women and minority students enrolled in programs of
17 education leading to degrees in science, technology, engi-
18 neering, and mathematics and the effects of such dropout
19 rates on the cost of education for such students and the
20 shortage of workers qualified for jobs in science and tech-
21 nology.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the National Science Foun-
24 dation shall submit to Congress a report on the study con-

1 ducted under subsection (a) together with any rec-
2 ommendations of the National Science Foundation.

3 **SEC. 8247. CHALLENGE GRANTS.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity shall make grants to the Center of Distinction for
6 Academic Computing and Information Security Assur-
7 ance, which shall be known as “Challenge Grants”. The
8 recipient of a grant under this section shall use the grant
9 to form a partnership with the Office of Cybersecurity
10 Education and Awareness to assist in improving the com-
11 puting programs of such colleges and universities and
12 meeting the requirements to become a Center of Distinc-
13 tion for Academic Computing and Information Security.
14 The Secretary shall ensure that the institutions that re-
15 ceive assistance under this subsection are the institutions
16 as defined under section 371 of the Higher Education Act
17 of 1965 (20 U.S.C. 1067q).

18 (b) REPORT.—The Secretary shall submit to Con-
19 gress a report on the outcomes of the partnerships funded
20 by grants under this section and shall include in such re-
21 port the recommendations of the Secretary regarding im-
22 proving the access of the population served by the institu-
23 tions of higher education described in subsection (a).

1 **SEC. 8248. E-SECURITY FELLOWS PROGRAM.**

2 (a) ESTABLISHMENT OF PROGRAM.—Subtitle C of
3 title II of the Homeland Security Act of 2002 (6 U.S.C.
4 121 et seq.) is further amended by adding at the end the
5 following:

6 **“SEC. 230F. E-SECURITY FELLOWS PROGRAM.**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a fellowship program in accordance with this
10 section for the purpose of bringing State, local, trib-
11 al, and private sector officials to participate in the
12 work of the National Cybersecurity Division in order
13 to become familiar with the Department’s stated cy-
14 bersecurity missions and capabilities, including but
15 not limited to—

16 “(A) developing partnerships with other
17 Federal agencies, State, local, and tribal gov-
18 ernments, and the private sector; and

19 “(B) fostering training and certification.

20 “(2) PROGRAM NAME.—The program under
21 this section shall be known as the ‘E-Security Fel-
22 lows Program’.

23 “(b) ELIGIBILITY.—In order to be eligible for selec-
24 tion as a fellow under the program, an individual must—

25 “(1) have computer and information security-
26 related responsibilities; and

1 “(2) be eligible to possess an appropriate na-
2 tional security clearance.

3 “(c) LIMITATIONS.—The Secretary—

4 “(1) may conduct up to 2 iterations of the pro-
5 gram each year, each of which shall be 180 days in
6 duration; and

7 “(2) shall ensure that the number of fellows se-
8 lected for each iteration does not impede the activi-
9 ties of the Division.

10 “(d) CONDITION.—As a condition of selecting an in-
11 dividual as a fellow under the program, the Secretary shall
12 require that the individual’s employer agree to continue
13 to pay the individual’s salary and benefits during the pe-
14 riod of the fellowship.

15 “(e) STIPEND.—During the period of the fellowship
16 of an individual under the program, the Secretary shall,
17 subject to the availability of appropriations, provide to the
18 individual a stipend to cover the individual’s reasonable
19 living expenses during the period of the fellowship.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is further amended by adding
22 at the end of the items relating to such subtitle the fol-
23 lowing:

“Sec. 230F. E-Security Fellows Program.”.

1 **PART 6—SUPPLEMENTAL NUTRITION**

2 **ASSISTANCE PROGRAM**

3 **SEC. 8251. ELIGIBILITY OF STUDENTS TO PARTICIPATE IN**
4 **THE SUPPLEMENTAL NUTRITION ASSIST-**
5 **ANCE PROGRAM.**

6 (a) **AMENDMENTS.**—Section 6(e) of the Food and
7 Nutrition Act of 2008 (7 U.S.C. 2015(e)) is amended—

8 (1) in paragraph (7) by striking “or” at the
9 end;

10 (2) in paragraph (8) by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(9) has an expected family contribution of
14 zero, as determined by the procedures established in
15 part F of title IV of the Higher Education Act of
16 1965 (20 U.S.C. 1087kk–1087vv); or

17 “(10) is determined to be ‘independent’ based
18 on one of the criteria specified in subparagraphs
19 (B), (C), (D), (G), and (H) of section 480(d)(1) of
20 the Higher Education Act (20 U.S.C. 1087vv).”.

21 (b) **EFFECTIVE DATE.**—This section and the amend-
22 ments made by this section shall take effect on October
23 1, 2019.

1 **PART 7—STRENGTHENING PREVENTION AND RE-**
2 **SPONSE MEASURES FOR HATE CRIMES ON**
3 **COLLEGE CAMPUSES**

4 **SEC. 8261. HATE CRIME PREVENTION AND RESPONSE.**

5 Part B of title I of the Higher Education Act of 1965
6 is amended by adding at the end the following:

7 **“SEC. 124. HATE CRIME PREVENTION AND RESPONSE.**

8 “(a) RESTRICTION ON ELIGIBILITY.—Notwithstand-
9 ing any other provision of law, no institution of higher
10 education shall be eligible to receive funds or any other
11 form of financial assistance under any program under title
12 IV, unless the institution certifies to the Secretary that
13 the institution has adopted and has implemented a pro-
14 gram to prevent and adequately respond to hate crimes
15 within the jurisdiction of the institution or by students
16 and employees that, at a minimum, includes—

17 “(1) the annual distribution to each student
18 and employee of—

19 “(A) standards of conduct and the applica-
20 ble sanctions that clearly prohibit, at a min-
21 imum, the acts or threats of violence, property
22 damage, harassment, intimidation, or other
23 crimes that specifically target an individual
24 based on their race, religion, ethnicity, handi-
25 cap, sexual orientation, gender, or gender iden-
26 tification by students and employees on the in-

1 stitution’s property or as a part of any of the
2 institution’s activities;

3 “(B) a clear definition of what constitutes
4 a hate crime or hate incident under Federal
5 and State law or other applicable authority;

6 “(C) a description of the applicable legal
7 sanctions under local, State, or Federal law for
8 perpetrating a hate crime;

9 “(D) a description of any counseling, med-
10 ical treatment, or rehabilitation programs that
11 are available to students or employees that are
12 victims of hate crimes or other hate-based
13 incidences;

14 “(E) a description of applicable services
15 for students to be able to switch dorms, classes,
16 or make other arrangements should they feel
17 unsafe in those spaces due to a hate crime
18 which affects such space; and

19 “(F) a distinct statement that the institu-
20 tion will impose sanctions on students and em-
21 ployees (consistent with local, State, and Fed-
22 eral law), and a description of those sanctions,
23 up to and including expulsion or termination of
24 employment and referral for prosecution, for

1 violations of the standards of conduct required
2 by subparagraph (A); and

3 “(2) a quadrennial review by the institution of
4 the institution’s program to—

5 “(A) determine the program’s effectiveness
6 and implement changes to the program if the
7 changes are needed;

8 “(B) determine the number of hate crimes
9 and fatalities that—

10 “(i) occur on the institution’s campus
11 (as defined in section 485(f)(6)), or as
12 part of any of the institution’s activities;
13 and

14 “(ii) are reported to campus officials
15 or nonaffiliated local law enforcement
16 agencies with jurisdiction over the incident;

17 “(C) determine the number, type, and se-
18 verity of sanctions described in paragraph
19 (1)(F) that are imposed by the institution as a
20 result of hate crimes and fatalities on the insti-
21 tution’s campus or as part of any of the institu-
22 tion’s activities; and

23 “(D) ensure that sanctions required by
24 paragraph (1)(F) are consistently enforced.

1 “(b) INFORMATION AVAILABILITY.—Each institution
2 of higher education that provides the certification required
3 by subsection (a) shall, upon request, make available to
4 the Secretary and to the public a copy of each item re-
5 quired by subsection (a)(1) as well as the results of the
6 biennial review required by subsection (a)(2).

7 “(1) REGULATIONS.—

8 “(A) IN GENERAL.—The Secretary shall
9 publish regulations to implement and enforce
10 the provisions of this section, including regula-
11 tions that provide for—

12 “(i) the periodic review of a represent-
13 ative sample of programs required by sub-
14 section (a); and

15 “(ii) a range of responses and sanc-
16 tions for institutions of higher education
17 that fail to implement their programs or to
18 consistently enforce their sanctions, includ-
19 ing information and technical assistance,
20 the development of a compliance agree-
21 ment, and the termination of any form of
22 Federal financial assistance.

23 “(B) INCLUSIVITY PROGRAM.—The sanc-
24 tions required by subsection (a)(1)(F) that are
25 imposed by the institution of higher education,

1 may include an inclusivity program as an ex-
2 plicit condition of remaining enrolled at the in-
3 stitution of higher education, that the defend-
4 ant successfully undertake educational classes
5 or community service directly related to the
6 community harmed by the respondent’s offense.

7 “(2) APPEALS.—Upon determination by the
8 Secretary to terminate financial assistance to any in-
9 stitution of higher education under this section, the
10 institution may file an appeal with an administrative
11 law judge before the expiration of the 30-day period
12 beginning on the date such institution is notified of
13 the decision to terminate financial assistance under
14 this section. Such judge shall hold a hearing with re-
15 spect to such termination of assistance before the
16 expiration of the 45-day period beginning on the
17 date that such appeal is filed. Such judge may ex-
18 tend such 45-day period upon a motion by the insti-
19 tution concerned. The decision of the judge with re-
20 spect to such termination shall be considered to be
21 a final agency action.

22 “(3) HATE CRIME PREVENTION AND RESPONSE
23 GRANTS.—

24 “(A) PROGRAM AUTHORITY.—The Sec-
25 retary may make grants to institutions of high-

1 er education or consortia of such institutions,
2 and enter into contracts with such institutions,
3 consortia, and other organizations, to develop,
4 implement, operate, improve, and disseminate
5 programs of prevention, and education to re-
6 duce and eliminate hate crimes. Such grants or
7 contracts may also be used for the support of
8 a higher education center for hate crime pre-
9 vention and response that will provide training,
10 technical assistance, evaluation, dissemination,
11 and associated services and assistance to the
12 higher education community as determined by
13 the Secretary and institutions of higher edu-
14 cation.

15 “(B) AWARDS.—Grants and contracts
16 shall be awarded under subparagraph (A) on a
17 by needs basis.

18 “(C) APPLICATIONS.—An institution of
19 higher education or a consortium of such insti-
20 tutions that desires to receive a grant or con-
21 tract under paragraph (A) shall submit an ap-
22 plication to the Secretary at such time, in such
23 manner, and containing or accompanied by
24 such information as the Secretary may reason-
25 ably require by regulation.

1 “(D) ADDITIONAL REQUIREMENTS.—

2 “(i) PARTICIPATION.—In awarding
3 grants and contracts under this subsection
4 the Secretary shall make every effort to
5 ensure—

6 “(I) the equitable participation of
7 private and public institutions of high-
8 er education (including community
9 and junior colleges); and

10 “(II) the equitable geographic
11 participation of such institutions.

12 “(ii) CONSIDERATION.—In awarding
13 grants and contracts under this subsection
14 the Secretary shall give appropriate consid-
15 eration to institutions of higher education
16 with limited enrollment.

17 “(E) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appro-
19 priated to carry out this subsection such sums
20 as may be necessary for fiscal year 2019 and
21 each of the 5 succeeding fiscal years.

22 “(4) DEFINITION.—The term ‘hate crime’
23 means any criminal offense perpetrated against a
24 person or property that was motivated in whole or
25 in part by an offender’s bias against a race, religion,

1 disability, sexual orientation, ethnicity, gender, or
2 gender identity.”.

3 **SEC. 8262. CLERY ACT AMENDMENTS.**

4 Section 485(f) of the Higher Education Act of 1965
5 (20 U.S.C. 1092(f)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (C)—

8 (i) by striking “and” at the end of
9 clause (ii);

10 (ii) in clause (iii)—

11 (I) by striking “encourage” and
12 inserting “require”;

13 (II) by inserting “, including hate
14 crimes,” after “all crimes”; and

15 (III) by striking the period at the
16 end and inserting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(i) policies encourage officer develop-
20 ment training to specifically recognize, pre-
21 vent, and respond to hate crimes.”; and

22 (B) by adding at the end the following:

23 “(K) A statement of policy regarding hate-
24 based crimes and the enforcement of Federal and
25 State hate crime laws and a description of any hate

1 crime prevention and response programs required
2 under section 124.”; and

3 (2) in paragraph (6)(A), by adding at the end
4 the following:

5 “(vi) The term ‘hate crime’ has the
6 meaning given the term in section
7 124(b)(4).”.

8 **SEC. 8263. PROGRAM PARTICIPATION AGREEMENTS.**

9 Section 487(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1094(a)) is amended by adding at the end the
11 following:

12 “(30) The institution will have hate
13 crime prevention and response programs
14 that the institution has determined to be
15 accessible to any officer, employee, or stu-
16 dent at the institution and which meets the
17 requirements of section 124.”.

18 **SEC. 8264. ACCREDITING AGENCY RECOGNITION.**

19 Section 496(a)(5) of the Higher Education Act of
20 1965 (20 U.S.C. 1099b(a)(5)) is amended—

21 (1) in subparagraph (I), by striking “and” at
22 the end;

23 (2) in subparagraph (J), by inserting “and”
24 after the semicolon; and

1 (3) by inserting after subparagraph (J) and be-
2 fore the flush text, the following:

3 “(K) safety objectives with respect to hate
4 crimes (defined in section 124(b)(4)) and the
5 established measures and policies to combat
6 such crimes;”.

7 **Subtitle D—Historically Black** 8 **Colleges and Universities**

9 **SEC. 8301. BOND INSURANCE.**

10 Section 343 of the Higher Education Act of 1965 (20
11 U.S.C. 1066b) is amended—

12 (1) by striking “escrow account” each place it
13 appears and inserting “bond insurance fund”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “an” and
16 inserting “a”; and

17 (B) in paragraph (8), in the matter pre-
18 ceding subparagraph (A), by striking “an” and
19 inserting “a”.

20 **SEC. 8302. STRENGTHENING TECHNICAL ASSISTANCE.**

21 Paragraph (9) of section 345 of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1066d) is amended to read
23 as follows:

24 “(9) may, directly or by grant or contract, pro-
25 vide financial counseling and technical assistance to

1 eligible institutions to prepare the institutions to
 2 qualify, apply for, and maintain a capital improve-
 3 ment loan, including a loan under this part; and”.

4 **SEC. 8303. HBCU CAPITAL FINANCING ADVISORY BOARD.**

5 Paragraph (2) of section 347(c) of the Higher Edu-
 6 cation Act of 1965 (20 U.S.C. 1066f(c)) is amended to
 7 read as follows:

8 “(2) REPORT.—On an annual basis, the Advi-
 9 sory Board shall prepare and submit to the author-
 10 izing committees a report on the status of the his-
 11 torically Black colleges and universities described in
 12 paragraph (1)(A). That report shall also include—

13 “(A) an overview of all loans in the capital
 14 financing program, including the most recent
 15 loans awarded in the fiscal year in which the re-
 16 port is submitted; and

17 “(B) administrative and legislative rec-
 18 ommendations, as needed, for addressing the
 19 issues related to construction financing facing
 20 historically Black colleges and universities.”.

21 **Subtitle E—Mentoring**

22 **SEC. 8401. TRANSITION-TO-SUCCESS MENTORING PRO-**
 23 **GRAM.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 25 1002(d) of the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6553) is amended to read as follows:

2 “There are authorized to be appropriated to carry out the
3 activities described in part D, \$50,000,000 for fiscal year
4 2019 and such sums as may be necessary for each suc-
5 ceeding fiscal year.”.

6 (b) TRANSITION-TO-SUCCESS MENTORING PRO-
7 GRAM.—Part D of title I of such Act (20 U.S.C. 6421
8 et seq.) is amended by adding at the end the following:

9 **“Subpart 4—Transition-to-Success Mentoring**

10 **Program**

11 **“SEC. 1441. TRANSITION-TO-SUCCESS MENTORING PRO-**
12 **GRAM.**

13 “(a) IN GENERAL.—From the amounts appropriated
14 to carry out this section, the Secretary shall award grants
15 to eligible entities to establish, expand, or support school-
16 based mentoring programs to assist eligible students with
17 the transition from middle school to high school.

18 “(b) APPLICATION.—To receive a grant under this
19 section, an eligible entity shall submit an application to
20 the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may require.

22 “(c) USES OF FUNDS.—

23 “(1) REQUIRED USES OF FUNDS.—An eligible
24 entity that receives a grant under this section shall
25 use the grant funds to establish a mentoring pro-

1 gram, or to expand or provide technical support to
2 an existing mentoring program, in all middle schools
3 served by the entity, under which each eligible stu-
4 dent is assigned to a success coach who—

5 “(A) creates a plan for success for the stu-
6 dent that—

7 “(i) is created with the student, teach-
8 ers, mentor, and parents of the student;

9 “(ii) includes, for each academic year,
10 the student’s academic, personal, and ca-
11 reer exploration goals, and a strategy on
12 how to accomplish such goals; and

13 “(iii) identifies the student’s
14 strengths, weaknesses, and academic
15 progress;

16 “(B) enters into a signed, written agree-
17 ment with the parents of the student that de-
18 scribes how the parents should assist the stu-
19 dent in carrying out the plan for success;

20 “(C) meets with the student at least once
21 per month to—

22 “(i) assist the student in achieving the
23 goals under the plan for success;

24 “(ii) identify the student’s academic
25 areas of weaknesses;

1 “(iii) provide the student with the
2 tools necessary to improve the student’s
3 potential for academic excellence, and en-
4 sure the student’s successful transition
5 from middle school to high school by iden-
6 tifying improved attitude, behavior,
7 coursework, and social involvement; and

8 “(iv) in the case of a student with be-
9 havioral issues, assist the student in behav-
10 ior management techniques;

11 “(D) at least monthly, meets with the stu-
12 dent and the parents, teachers, or counselors of
13 the student to—

14 “(i) evaluate the student’s progress in
15 achieving the goals under the plan for the
16 current academic year; and

17 “(ii) revise or establish new goals for
18 the next academic year; and

19 “(E) serves as the student’s advocate be-
20 tween the teachers and parents of the student
21 to ensure that the teachers and parents under-
22 stand the student’s plan.

23 “(2) AUTHORIZED USES OF FUNDS.—An eligi-
24 ble entity that receives a grant under this section
25 may use such funds to—

1 “(A) develop and carry out a training pro-
2 gram for success coaches, including providing
3 support to match success coaches with eligible
4 students;

5 “(B) cover the cost of any materials used
6 by success coaches under the mentoring pro-
7 gram; and

8 “(C) hire staff to perform or support the
9 program objectives.

10 “(d) GRANT DURATION.—A grant under this section
11 shall be awarded for a period of not more than 5 years.

12 “(e) REPORTING REQUIREMENTS.—

13 “(1) ELIGIBLE ENTITIES.—An eligible entity
14 receiving a grant under this section shall submit to
15 the Secretary, at the end of each academic year dur-
16 ing the grant period, a report that includes—

17 “(A) the number of students who partici-
18 pated in the school-based mentoring program
19 that was funded in whole or in part with the
20 grant funds under this section;

21 “(B) data on the academic achievement of
22 such students;

23 “(C) the number of contact hours between
24 such students and their success coaches; and

1 “(D) any other information that the Sec-
2 retary may require to evaluate the success of
3 the school-based mentoring program.

4 “(2) SECRETARY.—

5 “(A) INTERIM REPORT.—At the end of the
6 third fiscal year for which funds are made
7 available to carry out this section, the Secretary
8 shall submit to Congress an interim report on
9 the success of the school-based mentoring pro-
10 grams funded under this section that includes
11 the information received under paragraph (1).

12 “(B) FINAL REPORT.—At the end of the
13 fifth fiscal year for which funds are made avail-
14 able to carry out this section, the Secretary
15 shall submit to Congress a final report on the
16 success of the school-based mentoring programs
17 funded under this section that includes the in-
18 formation received under paragraph (1).

19 “(f) DEFINITIONS.—In this section:

20 “(1) AT-RISK STUDENT.—The term ‘at-risk stu-
21 dent’ means a student who has been identified as a
22 student who has below a 2.0 grade point average or
23 the equivalent or who has been determined by par-
24 ents, teachers, or other school officials to—

25 “(A) be at-risk of academic failure;

1 “(B) have expressed interest in dropping
2 out of school;

3 “(C) show signs of a drug or alcohol prob-
4 lem;

5 “(D) be pregnant or a parent;

6 “(E) have come into contact with the juve-
7 nile justice system in the past;

8 “(F) have limited English proficiency;

9 “(G) be a gang member; or

10 “(H) have a high absenteeism rate at
11 school.

12 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means—

14 “(A) a local educational agency that—

15 “(i) receives, or is eligible to receive,
16 funds under part A of this title; or

17 “(ii) is a high-need local educational
18 agency; or

19 “(B) a partnership between a local edu-
20 cational agency described in subparagraph (A)
21 and a nonprofit, community-based organization.

22 “(3) ELIGIBLE STUDENT.—The term ‘eligible
23 student’ means a student who—

24 “(A) is enrolled in a middle school served
25 by an eligible entity; and

1 “(B) is an at-risk student.

2 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
3 CY.—The term ‘high-need local educational agency’
4 means a local educational agency that serves at least
5 one high-need school.

6 “(5) HIGH-NEED SCHOOL.—The term ‘high-
7 need school’ has the meaning given the term in sec-
8 tion 2211(b)(2).

9 “(6) MIDDLE SCHOOL.—The term ‘middle
10 school’ means a nonprofit institutional day or resi-
11 dential school, including a public charter school, that
12 provides middle school education, as determined
13 under State law, except that the term does not in-
14 clude any education below grade 6 or beyond grade
15 9.

16 “(7) SCHOOL-BASED MENTORING.—The term
17 ‘school-based mentoring’ refers to mentoring activi-
18 ties that—

19 “(A) are closely coordinated with a school
20 by involving teachers, counselors, and other
21 school staff who may identify and refer stu-
22 dents for mentoring services; and

23 “(B) assist at-risk students in improving
24 academic achievement, reducing disciplinary re-

1 ferrals, and increasing positive regard for
2 school.

3 “(8) SUCCESS COACH.—The term ‘success
4 coach’ means an individual who—

5 “(A) is—

6 “(i) an employee or volunteer of a
7 local educational agency in which a men-
8 toring program receiving support under
9 this section is being carried out; or

10 “(ii) a volunteer or employee from a
11 nonprofit, community-based organization
12 that provides volunteers for mentoring pro-
13 grams in secondary schools; and

14 “(B) prior to becoming a success coach—

15 “(i) received training and support in
16 mentoring from an eligible entity, which, at
17 a minimum, was 2 hours in length and
18 covered the roles and responsibilities of a
19 success coach; and

20 “(ii) underwent a screening by an eli-
21 gible entity that included—

22 “(I) appropriate job reference
23 checks;

24 “(II) child and domestic abuse
25 record checks; and

1 “(III) criminal background
2 checks.”.

3 **SEC. 8402. TABLE OF CONTENTS.**

4 The table of contents in section 2 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 6301
6 et seq.) is amended by inserting after the item relating
7 to section 1432 the following:

 “SUBPART 4—TRANSITION-TO-SUCCESS MENTORING PROGRAM

“Sec. 1441. Transition-to-success mentoring program.”.

8 **Subtitle F—Civil Rights**

9 **SEC. 8501. RESTORATION OF RIGHT TO CIVIL ACTION IN**
10 **DISPARATE IMPACT CASES UNDER TITLE VI**
11 **OF THE CIVIL RIGHTS ACT OF 1964.**

12 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
13 2000d et seq.) is amended by adding at the end the fol-
14 lowing:

15 “SEC. 607. The violation of any regulation relating
16 to disparate impact issued under section 602 shall give
17 rise to a private civil cause of action for its enforcement
18 to the same extent as does an intentional violation of the
19 prohibition of section 601.”.

20 **SEC. 8502. DESIGNATION OF MONITORS UNDER TITLE VI OF**
21 **THE CIVIL RIGHTS ACT OF 1964.**

22 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
23 2000d et seq.) is further amended by adding at the end
24 the following:

1 “SEC. 608. (a) Each recipient shall—

2 “(1) designate at least one employee to coordi-
3 nate its efforts to comply with requirements adopted
4 pursuant to section 602 and carry out the respon-
5 sibilities of the recipient under this title, including
6 any investigation of any complaint alleging the non-
7 compliance of the recipient with such requirements
8 or alleging any actions prohibited under this title;
9 and

10 “(2) notify its students and employees of the
11 name, office address, and telephone number of each
12 employee designated under paragraph (1).

13 “(b) In this section, the term ‘recipient’ means a re-
14 cipient referred to in section 602 that operates an edu-
15 cation program or activity receiving Federal financial as-
16 sistance authorized or extended by the Secretary of Edu-
17 cation.”.

18 **SEC. 8503. SPECIAL ASSISTANT FOR EQUITY AND INCLU-**
19 **SION.**

20 Section 202(b) of the Department of Education Or-
21 ganization Act (20 U.S.C. 3412(b)) is amended—

22 (1) by redesignating paragraph (4) as para-
23 graph (5); and

24 (2) by inserting after paragraph (3), the fol-
25 lowing:

1 “(4) There shall be in the Department, a Spe-
2 cial Assistant for Equity and Inclusion who shall be
3 appointed by the Secretary. The Special Assistant
4 shall promote, coordinate, and evaluate equity and
5 inclusion programs, including the dissemination of
6 information, technical assistance, and coordination
7 of research activities. The Special Assistant shall ad-
8 vise the Secretary and Deputy Secretary on all mat-
9 ters relating to equity and inclusion in a manner
10 consistent with title VI of the Civil Rights Act of
11 1964 (42 U.S.C. 2000d et seq.).”.

12 **DIVISION B—JUSTICE**

13 **TITLE I—POLICE REFORM**

14 **SEC. 1001. DEFINITIONS.**

15 In this Act:

16 (1) **COVERED PROGRAM.**—The term “covered
17 program” means any program or activity funded in
18 whole or in part with funds made available under—

19 (A) the Edward Byrne Memorial Justice
20 Assistance Grant Program under part E of title
21 I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3750 et seq.);
23 and

24 (B) the “Cops on the Beat” program
25 under part Q of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796dd et seq.), except that no pro-
3 gram, project, or other activity specified in sec-
4 tion 1701(b)(13) of such part shall be a covered
5 program under this paragraph.

6 (2) GOVERNMENTAL BODY.—The term “govern-
7 mental body” means any department, agency, special
8 purpose district, or other instrumentality of Federal,
9 State, local, or Indian tribal government.

10 (3) HIT RATE.—The term “hit rate” means the
11 percentage of stops and searches in which a law en-
12 forcement officer finds drugs, a gun, or other con-
13 traband that leads to an arrest. The hit rate is cal-
14 culated by dividing the total number of searches by
15 the number of searches that yield contraband. The
16 hit rate is complementary to the rate of false stops.

17 (4) INDIAN TRIBE.—The term “Indian tribe”
18 has the meaning given the term in section 102 of the
19 Federally Recognized Indian Tribe List Act of 1994
20 (25 U.S.C. 479a).

21 (5) LAW ENFORCEMENT AGENCY.—The term
22 “law enforcement agency” means any Federal,
23 State, local, or Indian tribal public agency engaged
24 in the prevention, detection, or investigation of viola-
25 tions of criminal, immigration, or customs laws.

1 (6) LAW ENFORCEMENT AGENT.—The term
2 “law enforcement agent” means any Federal, State,
3 local, or Indian tribal official responsible for enforce-
4 ing criminal, immigration, or customs laws, includ-
5 ing police officers and other agents of a law enforce-
6 ment agency.

7 (7) RACIAL PROFILING.—The term “racial
8 profiling” means the practice of a law enforcement
9 agent or agency relying, to any degree, on actual or
10 perceived race, ethnicity, national origin, religion,
11 gender, gender identity, or sexual orientation in se-
12 lecting which individual to subject to routine or
13 spontaneous investigatory activities or in deciding
14 upon the scope and substance of law enforcement ac-
15 tivity following the initial investigatory procedure,
16 except when there is trustworthy information, rel-
17 evant to the locality and timeframe, that links a per-
18 son with a particular characteristic described in this
19 paragraph to an identified criminal incident or
20 scheme.

21 (8) ROUTINE OR SPONTANEOUS INVESTIGATORY
22 ACTIVITIES.—The term “routine or spontaneous in-
23 vestigatory activities” means the following activities
24 by a law enforcement agent:

25 (A) Interviews.

1 (B) Traffic stops.

2 (C) Pedestrian stops.

3 (D) Frisks and other types of body
4 searches.

5 (E) Consensual or nonconsensual searches
6 of the persons, property, or possessions (includ-
7 ing vehicles) of individuals using any form of
8 public or private transportation, including mo-
9 torists and pedestrians.

10 (F) Data collection and analysis, assess-
11 ments, and predicated investigations.

12 (G) Inspections and interviews of entrants
13 into the United States that are more extensive
14 than those customarily carried out.

15 (H) Immigration-related workplace inves-
16 tigations.

17 (I) Such other types of law enforcement
18 encounters compiled for or by the Federal Bu-
19 reau of Investigation or the Department of Jus-
20 tice Bureau of Justice Statistics.

21 (9) REASONABLE REQUEST.—The term “rea-
22 sonable request” means all requests for information,
23 except for those that—

24 (A) are immaterial to the investigation;

1 (B) would result in the unnecessary dislo-
2 sure of personal information; or

3 (C) would place a severe burden on the re-
4 sources of the law enforcement agency given its
5 size.

6 (10) STATE.—The term “State” means each of
7 the 50 States, the District of Columbia, the Com-
8 monwealth of Puerto Rico, and any other territory
9 or possession of the United States.

10 (11) UNIT OF LOCAL GOVERNMENT.—The term
11 “unit of local government” means—

12 (A) any city, county, township, town, bor-
13 ough, parish, village, or other general purpose
14 political subdivision of a State;

15 (B) any law enforcement district or judicial
16 enforcement district that—

17 (i) is established under applicable
18 State law; and

19 (ii) has the authority to, in a manner
20 independent of other State entities, estab-
21 lish a budget and impose taxes; or

22 (C) any Indian tribe that performs law en-
23 forcement functions, as determined by the Sec-
24 retary of the Interior.

1 **SEC. 1002. PROHIBITION.**

2 No law enforcement agent or law enforcement agency
3 shall engage in racial profiling.

4 **SEC. 1003. ENFORCEMENT.**

5 (a) REMEDY.—The United States, or an individual
6 injured by racial profiling, may enforce this title in a civil
7 action for declaratory or injunctive relief, filed either in
8 a State court of general jurisdiction or in a district court
9 of the United States.

10 (b) PARTIES.—In any action brought under this title,
11 relief may be obtained against—

12 (1) any governmental body that employed any
13 law enforcement agent who engaged in racial
14 profiling;

15 (2) any agent of such body who engaged in ra-
16 cial profiling; and

17 (3) any person with supervisory authority over
18 such agent.

19 (c) NATURE OF PROOF.—Proof that the routine or
20 spontaneous investigatory activities of law enforcement
21 agents in a jurisdiction have had a disparate impact on
22 individuals with a particular characteristic described in
23 section 1001(7) shall constitute prima facie evidence of a
24 violation of this title.

25 (d) ATTORNEY'S FEES.—In any action or proceeding
26 to enforce this title against any governmental body, the

1 court may allow a prevailing plaintiff, other than the
2 United States, reasonable attorney's fees as part of the
3 costs, and may include expert fees as part of the attorney's
4 fee.

5 **SEC. 1004. POLICIES TO ELIMINATE RACIAL PROFILING.**

6 (a) IN GENERAL.—Federal law enforcement agencies
7 shall—

8 (1) maintain adequate policies and procedures
9 designed to eliminate racial profiling; and

10 (2) cease existing practices that permit racial
11 profiling.

12 (b) POLICIES.—The policies and procedures de-
13 scribed in subsection (a)(1) shall include—

14 (1) a prohibition on racial profiling;

15 (2) training on racial profiling issues as part of
16 Federal law enforcement training;

17 (3) the collection of data in accordance with the
18 regulations issued by the Attorney General under
19 section 401;

20 (4) procedures for receiving, investigating, and
21 responding meaningfully to complaints alleging ra-
22 cial profiling by law enforcement agents; and

23 (5) any other policies and procedures the Attor-
24 ney General determines to be necessary to eliminate
25 racial profiling by Federal law enforcement agencies.

1 **SEC. 1005. POLICIES REQUIRED FOR GRANTS.**

2 (a) IN GENERAL.—An application by a State, a unit
3 of local government, or a State, local, or Indian tribal law
4 enforcement agency for funding under a covered program
5 shall include a certification that such State, unit of local
6 government, or law enforcement agency, and any law en-
7 forcement agency to which it will distribute funds—

8 (1) maintains adequate policies and procedures
9 designed to eliminate racial profiling; and

10 (2) has eliminated any existing practices that
11 permit or encourage racial profiling.

12 (b) POLICIES.—The policies and procedures de-
13 scribed in subsection (a)(1) shall include—

14 (1) a prohibition on racial profiling;

15 (2) training on racial profiling issues as part of
16 law enforcement training;

17 (3) the collection of data in accordance with the
18 regulations issued by the Attorney General under
19 section 401; and

20 (4) participation in an administrative complaint
21 procedure or independent audit program that meets
22 the requirements of section 302.

23 (c) EFFECTIVE DATE.—This section shall take effect
24 12 months after the date of enactment of this Act.

25 **SEC. 1006. INVOLVEMENT OF ATTORNEY GENERAL.**

26 (a) REGULATIONS.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this Act and in con-
3 sultation with stakeholders, including Federal, State,
4 tribal, and local law enforcement agencies and com-
5 munity, professional, research, and civil rights orga-
6 nizations, the Attorney General shall issue regula-
7 tions for the operation of administrative complaint
8 procedures and independent audit programs to en-
9 sure that such programs and procedures provide an
10 appropriate response to allegations of racial profiling
11 by law enforcement agents or agencies.

12 (2) GUIDELINES.—The regulations issued
13 under paragraph (1) shall contain guidelines that
14 ensure the fairness, effectiveness, and independence
15 of the administrative complaint procedures and inde-
16 pendent auditor programs.

17 (b) NONCOMPLIANCE.—If the Attorney General de-
18 termines that the recipient of a grant from any covered
19 program is not in compliance with the requirements of sec-
20 tion 301 or the regulations issued under subsection (a),
21 the Attorney General shall withhold, in whole or in part
22 (at the discretion of the Attorney General), funds for one
23 or more grants to the recipient under the covered pro-
24 gram, until the recipient establishes compliance.

1 (c) PRIVATE PARTIES.—The Attorney General shall
2 provide notice and an opportunity for private parties to
3 present evidence to the Attorney General that a recipient
4 of a grant from any covered program is not in compliance
5 with the requirements of this title.

6 **SEC. 1007. DATA COLLECTION DEMONSTRATION PROJECT.**

7 (a) COMPETITIVE AWARDS.—

8 (1) IN GENERAL.—The Attorney General may,
9 through competitive grants or contracts, carry out a
10 2-year demonstration project for the purpose of de-
11 veloping and implementing data collection programs
12 on the hit rates for stops and searches by law en-
13 forcement agencies. The data collected shall be
14 disaggregated by race, ethnicity, national origin,
15 gender, and religion.

16 (2) NUMBER OF GRANTS.—The Attorney Gen-
17 eral shall provide not more than 5 grants or con-
18 tracts under this section.

19 (3) ELIGIBLE GRANTEES.—Grants or contracts
20 under this section shall be awarded to law enforce-
21 ment agencies that serve communities where there is
22 a significant concentration of racial or ethnic minori-
23 ties and that are not already collecting data volun-
24 tarily.

1 (b) REQUIRED ACTIVITIES.—Activities carried out
2 with a grant under this section shall include—

3 (1) developing a data collection tool and report-
4 ing the compiled data to the Attorney General; and

5 (2) training of law enforcement personnel on
6 data collection, particularly for data collection on hit
7 rates for stops and searches.

8 (c) EVALUATION.—Not later than 3 years after the
9 date of enactment of this Act, the Attorney General shall
10 enter into a contract with an institution of higher edu-
11 cation (as defined in section 101 of the Higher Education
12 Act of 1965 (20 U.S.C. 1001)) to analyze the data col-
13 lected by each of the grantees funded under this section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out activities
16 under this section—

17 (1) \$5,000,000, over a 2-year period, to carry
18 out the demonstration program under subsection
19 (a); and

20 (2) \$500,000 to carry out the evaluation under
21 subsection (c).

22 **SEC. 1008. BEST PRACTICES DEVELOPMENT GRANTS.**

23 (a) GRANT AUTHORIZATION.—The Attorney General,
24 through the Bureau of Justice Assistance, may make
25 grants to States, local law enforcement agencies, and units

1 of local government to develop and implement best prac-
2 tice devices and systems to eliminate racial profiling.

3 (b) USE OF FUNDS.—The funds provided under sub-
4 section (a) shall be used for programs that include the
5 following purposes:

6 (1) The development and implementation of
7 training to prevent racial profiling and to encourage
8 more respectful interaction with the public.

9 (2) The acquisition and use of technology to fa-
10 cilitate the accurate collection and analysis of data.

11 (3) The development and acquisition of feed-
12 back systems and technologies that identify officers
13 or units of officers engaged in, or at risk of engag-
14 ing in, racial profiling or other misconduct.

15 (4) The establishment and maintenance of an
16 administrative complaint procedure or independent
17 auditor program.

18 (c) EQUITABLE DISTRIBUTION.—The Attorney Gen-
19 eral shall ensure that grants under this section are award-
20 ed in a manner that reserves an equitable share of funding
21 for small and rural law enforcement agencies.

22 (d) APPLICATION.—Each State, local law enforce-
23 ment agency, or unit of local government desiring a grant
24 under this section shall submit an application to the Attor-
25 ney General at such time, in such manner, and accom-

1 panied by such information as the Attorney General may
2 reasonably require.

3 **SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this title.

6 **SEC. 1010. ATTORNEY GENERAL TO ISSUE REGULATIONS.**

7 (a) REGULATIONS.—Not later than 6 months after
8 the date of enactment of this Act, the Attorney General,
9 in consultation with stakeholders, including Federal,
10 State, and local law enforcement agencies and community,
11 professional, research, and civil rights organizations, shall
12 issue regulations for the collection and compilation of data
13 under sections 201 and 301.

14 (b) REQUIREMENTS.—The regulations issued under
15 subsection (a) shall—

16 (1) provide for the collection of data on all rou-
17 tine or spontaneous investigatory activities;

18 (2) provide that the data collected shall—

19 (A) be collected by race, ethnicity, national
20 origin, gender, and religion, as perceived by the
21 law enforcement officer;

22 (B) include the date, time, and location of
23 such investigatory activities;

1 (C) include detail sufficient to permit an
2 analysis of whether a law enforcement agency is
3 engaging in racial profiling; and

4 (D) not include personally identifiable in-
5 formation;

6 (3) provide that a standardized form shall be
7 made available to law enforcement agencies for the
8 submission of collected data to the Department of
9 Justice;

10 (4) provide that law enforcement agencies shall
11 compile data on the standardized form made avail-
12 able under paragraph (3), and submit the form to
13 the Civil Rights Division and the Department of
14 Justice Bureau of Justice Statistics;

15 (5) provide that law enforcement agencies shall
16 maintain all data collected under this Act for not
17 less than 4 years;

18 (6) include guidelines for setting comparative
19 benchmarks, consistent with best practices, against
20 which collected data shall be measured;

21 (7) provide that the Department of Justice Bu-
22 reau of Justice Statistics shall—

23 (A) analyze the data for any statistically
24 significant disparities, including—

- 1 (i) disparities in the percentage of
2 drivers or pedestrians stopped relative to
3 the proportion of the population passing
4 through the neighborhood;
- 5 (ii) disparities in the hit rate; and
- 6 (iii) disparities in the frequency of
7 searches performed on racial or ethnic mi-
8 nority drivers and the frequency of
9 searches performed on non-minority driv-
10 ers; and
- 11 (B) not later than 3 years after the date
12 of enactment of this Act, and annually there-
13 after—
- 14 (i) prepare a report regarding the
15 findings of the analysis conducted under
16 subparagraph (A);
- 17 (ii) provide such report to Congress;
- 18 and
- 19 (iii) make such report available to the
20 public, including on a website of the De-
21 partment of Justice; and
- 22 (8) protect the privacy of individuals whose
23 data is collected by—

1 (A) limiting the use of the data collected
2 under this Act to the purposes set forth in this
3 Act;

4 (B) except as otherwise provided in this
5 Act, limiting access to the data collected under
6 this Act to those Federal, State, local, or tribal
7 employees or agents who require such access in
8 order to fulfill the purposes for the data set
9 forth in this Act;

10 (C) requiring contractors or other non-gov-
11 ernmental agents who are permitted access to
12 the data collected under this Act to sign use
13 agreements incorporating the use and disclosure
14 restrictions set forth in subparagraph (A); and

15 (D) requiring the maintenance of adequate
16 security measures to prevent unauthorized ac-
17 cess to the data collected under this Act.

18 [(c) Whenever a State government or unit of local
19 government, or any officer or employee thereof acting in
20 an official capacity, has engaged or is engaging in any act
21 or practice prohibited by this section, a civil action may
22 be instituted after exhaustion of administrative remedies
23 by the person aggrieved in an appropriate United States
24 district court or in a State court of general jurisdiction.
25 Administrative remedies shall be deemed to be exhausted

1 upon the expiration of sixty days after the date the admin-
2 istrative complaint was filed with the Office of Justice
3 Programs or any other administrative enforcement agen-
4 cy, unless within such period there has been a determina-
5 tion by the Office of Justice Programs or the agency on
6 the merits of the complaint, in which case such remedies
7 shall be deemed exhausted at the time the determination
8 becomes final.】

9 【(d) In any civil action brought by a private person
10 to enforce compliance with any provision of this sub-
11 section, the court may grant to a prevailing plaintiff rea-
12 sonable attorney fees, unless the court determines that the
13 lawsuit is frivolous, vexatious, brought for harassment
14 purposes, or brought principally for the purpose of gaining
15 attorney fees.】

16 【(e) In any action instituted under this section to en-
17 force compliance with paragraph (1), the Attorney Gen-
18 eral, or a specially designated assistant for or in the name
19 of the United States, may intervene upon timely applica-
20 tion if he certifies that the action is of general public im-
21 portance. In such action the United States shall be enti-
22 tled to the same relief as if it had instituted the action.】

23 **SEC. 1011. PUBLICATION OF DATA.**

24 The Department of Justice Bureau of Justice Statis-
25 tics shall provide to Congress and make available to the

1 public, together with each annual report described in sec-
2 tion 401, the data collected pursuant to this Act, excluding
3 any personally identifiable information described in section
4 403.

5 **SEC. 1012. LIMITATIONS ON PUBLICATION OF DATA.**

6 The name or identifying information of a law enforce-
7 ment officer, complainant, or any other individual involved
8 in any activity for which data is collected and compiled
9 under this Act shall not be—

10 (1) released to the public;

11 (2) disclosed to any person, except for—

12 (A) such disclosures as are necessary to
13 comply with this Act;

14 (B) disclosures of information regarding a
15 particular person to that person; or

16 (C) disclosures pursuant to litigation; or

17 (3) subject to disclosure under section 552 of
18 title 5, United States Code (commonly known as the
19 Freedom of Information Act), except for disclosures
20 of information regarding a particular person to that
21 person.

22 **SEC. 1013. ATTORNEY GENERAL TO ISSUE REGULATIONS**
23 **AND REPORTS.**

24 (a) REGULATIONS.—In addition to the regulations re-
25 quired under sections 303 and 401, the Attorney General

1 shall issue such other regulations as the Attorney General
2 determines are necessary to implement this Act.

3 (b) REPORTS.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, and annually
6 thereafter, the Attorney General shall submit to
7 Congress a report on racial profiling by law enforce-
8 ment agencies.

9 (2) SCOPE.—Each report submitted under
10 paragraph (1) shall include—

11 (A) a summary of data collected under sec-
12 tions 201(b)(3) and 301(b)(3) and from any
13 other reliable source of information regarding
14 racial profiling in the United States;

15 (B) a discussion of the findings in the
16 most recent report prepared by the Department
17 of Justice Bureau of Justice Statistics under
18 section 401(b)(7);

19 (C) the status of the adoption and imple-
20 mentation of policies and procedures by Federal
21 law enforcement agencies under section 201
22 and by the State and local law enforcement
23 agencies under sections 301 and 302; and

24 (D) a description of any other policies and
25 procedures that the Attorney General believes

1 would facilitate the elimination of racial
2 profiling.

3 **[(c) Whenever a State government or unit of local**
4 **government, or any officer or employee thereof acting in**
5 **an official capacity, has engaged or is engaging in any act**
6 **or practice prohibited by this section, a civil action may**
7 **be instituted after exhaustion of administrative remedies**
8 **by the person aggrieved in an appropriate United States**
9 **district court or in a State court of general jurisdiction.**
10 **Administrative remedies shall be deemed to be exhausted**
11 **upon the expiration of sixty days after the date the admin-**
12 **istrative complaint was filed with the Office of Justice**
13 **Programs or any other administrative enforcement agen-**
14 **cy, unless within such period there has been a determina-**
15 **tion by the Office of Justice Programs or the agency on**
16 **the merits of the complaint, in which case such remedies**
17 **shall be deemed exhausted at the time the determination**
18 **becomes final.]**

19 **[(d) In any civil action brought by a private person**
20 **to enforce compliance with any provision of this sub-**
21 **section, the court may grant to a prevailing plaintiff rea-**
22 **sonable attorney fees, unless the court determines that the**
23 **lawsuit is frivolous, vexatious, brought for harassment**
24 **purposes, or brought principally for the purpose of gaining**
25 **attorney fees.]**

1 【(e) In any action instituted under this section to en-
2 force compliance with paragraph (1), the Attorney Gen-
3 eral, or a specially designated assistant for or in the name
4 of the United States, may intervene upon timely applica-
5 tion if he certifies that the action is of general public im-
6 portance. In such action the United States shall be enti-
7 tled to the same relief as if it had instituted the action.】

8 **SEC. 1014. SEVERABILITY.**

9 If any provision of this Act, or the application of such
10 a provision to any person or circumstance, is held to be
11 unconstitutional, the remainder of this Act and the appli-
12 cation of the remaining provisions of this Act to any per-
13 son or circumstance shall not be affected thereby.

14 **SEC. 1015. SAVINGS CLAUSE.**

15 Nothing in this Act shall be construed—

16 (1) to limit legal or administrative remedies
17 under section 1979 of the Revised Statutes of the
18 United States (42 U.S.C. 1983), section 210401 of
19 the Violent Crime Control and Law Enforcement
20 Act of 1994 (42 U.S.C. 14141), the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42 U.S.C.
22 3701 et seq.), or title VI of the Civil Rights Act of
23 1964 (42 U.S.C. 2000d et seq.);

1 (2) to affect any Federal, State, or tribal law
2 that applies to an Indian tribe because of the polit-
3 ical status of the tribe; or

4 (3) to waive the sovereign immunity of an In-
5 dian tribe without the consent of the tribe.

6 **SEC. 1016. BODY-WORN CAMERA GRANTS.**

7 Title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
9 by adding at the end the following:

10 **“PART MM—BODY-WORN CAMERA GRANTS**

11 **“SEC. 3031. IN GENERAL.**

12 “From amounts made available to carry out this part,
13 the Director of the Bureau of Justice Assistance may
14 make grants to States, units of local government, and In-
15 dian tribes for the acquisition, operation, and maintenance
16 of body-worn cameras for law enforcement officers. In
17 making such grants, the Director shall assess the program
18 proposed by the applicant for the elements described in
19 section 3033.

20 **“SEC. 3032. USES OF FUNDS.**

21 “Grants awarded under this section shall be—

22 “(1) distributed directly to the State, unit of
23 local government, or Indian tribe; and

24 “(2) used for the program described under sec-
25 tion 3033.

1 **“SEC. 3033. PROGRAM DESCRIBED.**

2 “The program described in this section is any pro-
3 gram implemented by a grantee requiring the use of body-
4 worn cameras by law enforcement officers in that jurisdic-
5 tion, which—

6 “(1) establishes policies and procedures for
7 when law enforcement officers should wear, activate,
8 and deactivate body-worn cameras;

9 “(2) ensures the protection of the civil liberties
10 of members of general public relating to the use of
11 body-worn cameras by law enforcement officers;

12 “(3) establishes policies limiting the use of re-
13 cordings of body-worn cameras to monitor the con-
14 duct of law enforcement officers outside of their
15 interactions, in an official capacity, with members of
16 the general public;

17 “(4) establishes or proposes to develop stand-
18 ards relating to the effective placement, on a law en-
19 forcement officer’s body, of a body-worn camera;

20 “(5) describes the best practices for receiving
21 an accurate narrative from the recordings of body-
22 worn cameras;

23 “(6) establishes policies for the collection and
24 storage of the recordings of body-worn cameras;

25 “(7) establishes policies relating to the avail-
26 ability of recordings of body-worn cameras—

1 “(A) to the general public;

2 “(B) to victims of crimes; and

3 “(C) for internal use by the law enforce-
4 ment agency; and

5 “(8) has in place guidelines and training
6 courses for law enforcement officers relating to the
7 proper management and use of body-worn cameras.

8 **“SEC. 3034. ALLOCATION OF FUNDS.**

9 “Funds available under this part shall be awarded to
10 each qualifying unit of local government with fewer than
11 100,000 residents. Any remaining funds available under
12 this part shall be awarded to other qualifying applicants
13 on a pro rata basis.

14 **“SEC. 3035. MATCHING REQUIREMENTS.**

15 “(a) FEDERAL SHARE.—The portion of the costs of
16 a program provided by a grant under subsection (a) may
17 not exceed 50 percent. Any funds appropriated by Con-
18 gress for the activities of any agency of an Indian tribal
19 government or the Bureau of Indian Affairs performing
20 law enforcement functions on any Indian lands may be
21 used to provide the non-Federal share of a matching re-
22 quirement funded under this subsection.

23 “(b) NON-FEDERAL SHARE.—The non-Federal share
24 of payments made under this part may be made in cash

1 or in-kind fairly evaluated, including planned equipment
2 or services.”.

3 **SEC. 1017. STUDY ON THE COST OF THE PURCHASE AND**
4 **USE OF BODY-WORN CAMERAS BY LAW EN-**
5 **FORCEMENT AGENCIES.**

6 (a) STUDY.—The Attorney General shall conduct a
7 study on the cost to State and local law enforcement agen-
8 cies of purchasing and using body-worn cameras or other
9 similar cameras, including gun-mounted cameras.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Attorney General shall
12 submit to Congress a report that contains the results of
13 the study conducted under subsection (a).

14 **SEC. 1018. ESTABLISHMENT OF TASK FORCE ON COMMU-**
15 **NITY POLICING AND BODY CAMERA AC-**
16 **COUNTABILITY.**

17 There shall be established in the Department of Jus-
18 tice a task force to do the following:

19 (1) The task force shall be created to provide
20 recommendations on community policing, including
21 best practices for creating accountability and trans-
22 parency.

23 (2) Not later than one year after the date of
24 the enactment of this Act, the task force shall pro-

1 vide a report to the Congress, which shall include
2 the recommendations under paragraph (1).

3 (3) Membership shall include representatives of
4 civil rights organizations, Federal, State, and local
5 law enforcement personnel, and community policing
6 experts.

7 (4) The task force shall develop proper body-
8 worn camera training protocol.

9 (5) The task force shall study the impact that
10 citizen review boards could have on investigating
11 cases of alleged police misconduct.

12 (6) Not later than 1 year after implementation
13 of the body camera requirement policy under section
14 3033 of title I of the Omnibus Crime Control Act of
15 1968, the task force shall conduct a survey to deter-
16 mine best practices and effectiveness of the policy
17 with findings to be reported back to the Congress.

18 **SEC. 1019. GAO REPORT ON PENTAGON'S 1033 PROGRAM.**

19 Not later than 90 days after the date of enactment
20 of this Act, the Comptroller General of the United States
21 shall submit to the Congress a report on the Department
22 of Defense Excess Personal Property Program established
23 pursuant to section 1033 the National Defense Authoriza-
24 tion Act for Fiscal Year 1997 (Public Law 104–201), that
25 includes information on—

- 1 (1) which jurisdictions equipment is sent to;
- 2 (2) the value of equipment sent to each jurisdic-
3 tion;
- 4 (3) the level of training provided to officers;
- 5 and
- 6 (4) how the equipment is used in the jurisdic-
7 tion.

8 **SEC. 1020. FINDINGS.**

9 Congress finds the following:

10 (1) Body cameras employed in police actions
11 have led to increases in public trust and decreases
12 in police violence.

13 (2) Employing body cameras in police actions
14 makes enforcement actions safer for law enforce-
15 ment officers and members of the general public
16 alike while restoring trust and accountability in the
17 process.

18 **SEC. 1021. USE OF BODY CAMERAS BY CERTAIN ICE OFFI-**

19 **CERS.**

20 (a) IN GENERAL.—Not later than 18 months after
21 the date of the enactment of this Act, the Director of U.S.
22 Immigration and Customs Enforcement (ICE) shall en-
23 sure that all deportation officers of Enforcement and Re-
24 moval Operations of ICE wear body cameras when such

1 officers are engaged in field operations or removal pro-
2 ceedings.

3 (b) IMPLEMENTATION.—To carry out subsection (a),
4 the Director of ICE shall, not later than 12 months after
5 the date of the enactment of this Act—

6 (1) establish policies and procedures for when
7 deportation officers of Enforcement and Removal
8 Operations of ICE should wear, activate, and deacti-
9 vate body cameras;

10 (2) develop standards for the effective place-
11 ment of such cameras;

12 (3) publish and implement best practices for re-
13 ceiving and storing accurate recordings from such
14 cameras;

15 (4) establish guidelines and training for such
16 officers on the proper management and use of such
17 cameras; and

18 (5) establish policies for the availability of such
19 recordings to the subjects of removal proceedings,
20 victims of crime, internal use by law enforcement of-
21 ficials, and the general public.

22 **SEC. 1022. RECORDINGS TO BE PROVIDED TO CERTAIN**
23 **PERSONS.**

24 A recording made by a body camera worn by a depor-
25 tation officer during an enforcement action shall be pro-

1 vided, in the case of any administrative proceeding (in-
2 cluding a removal proceeding), civil action, or criminal
3 prosecution to which such recording pertains, to each
4 party to the proceeding, action, or prosecution.

5 **SEC. 1023. WITHHOLDING OF CERTAIN FUNDS.**

6 Any funds necessary to purchase, store, use, or main-
7 tain body cameras described in this Act shall be derived
8 from funds made available to purchase new weapons for
9 ICE officials.

10 **SEC. 1024. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
11 **CIES.**

12 (a) STANDARDS.—

13 (1) INITIAL ANALYSIS.—The Attorney General
14 shall perform an initial analysis of existing accredi-
15 tation standards and methodology developed by law
16 enforcement accreditation organizations nationwide,
17 including national, State, regional, and tribal accred-
18 itation organizations.

19 (2) IN GENERAL.—The Attorney General shall
20 recommend additional areas for the development of
21 national standards for the accreditation of law en-
22 forcement agencies in consultation with existing law
23 enforcement accreditation organizations, professional
24 law enforcement associations, labor organizations,

1 community-based organizations, and professional ci-
2 vilian oversight organizations.

3 (3) DEVELOPMENT OF UNIFORM STANDARDS.—

4 After completion of the initial review and analysis
5 under paragraph (2), the Attorney General shall rec-
6 ommend, in consultation with such organizations,
7 the adoption of additional standards that will result
8 in greater community accountability of law enforce-
9 ment agencies and an increased focus on policing
10 with a guardian mentality, including standards relat-
11 ing to early warning systems and related interven-
12 tion programs, use of force procedures, civilian re-
13 view procedures, traffic and pedestrian stop and
14 search procedures, data collection and transparency,
15 administrative due process requirements, video moni-
16 toring technology, juvenile justice and school safety,
17 and training.

18 (4) CONTINUING ACCREDITATION PROCESS.—

19 The Attorney General shall adopt policies and proce-
20 dures to partner with law enforcement accreditation
21 organizations, professional law enforcement associa-
22 tions, labor organizations, community-based organi-
23 zations, and professional civilian oversight organiza-
24 tions to continue the development of further accredi-
25 tation standards consistent with paragraph (2) and

1 to encourage the pursuit of accreditation of Federal,
2 State, local, and tribal law enforcement agencies by
3 certified law enforcement accreditation organiza-
4 tions.

5 (b) ACCREDITATION GRANTS.—The Attorney Gen-
6 eral may make funds available to State, local, tribal law
7 enforcement agencies, and campus public safety depart-
8 ments under this title to assist in gaining or maintaining
9 accreditation from certified law enforcement accreditation
10 organizations.

11 **SEC. 1025. DEFINITIONS.**

12 In this title:

13 (1) The term “law enforcement accreditation
14 organization” means a professional law enforcement
15 organization involved in the development of stand-
16 ards of accreditation for law enforcement agencies at
17 the national, State, regional, or tribal level (such as
18 the Commission on Accreditation for Law Enforce-
19 ment Agencies (CALEA)).

20 (2) The term “law enforcement agency” means
21 a State, local, Indian tribal, or campus public agency
22 engaged in the prevention, detection, or investiga-
23 tion, prosecution, or adjudication of violations of
24 criminal laws.

1 (3) The term “community-based organization”
2 means a grassroots organization that monitors the
3 issue of police misconduct and that has a national
4 presence and membership (such as the National As-
5 sociation for the Advancement of Colored People
6 (NAACP), the American Civil Liberties Union
7 (ACLU), the National Council of La Raza, the Na-
8 tional Urban League, the National Congress of
9 American Indians, and the National Asian Pacific
10 American Legal Consortium (NAPALC)).

11 (4) The term “professional law enforcement as-
12 sociation” means a law enforcement membership as-
13 sociation that works for the needs of Federal, State,
14 local, or Indian tribal law enforcement groups and
15 with the civilian community on matters of common
16 interest (such as the Hispanic American Police Com-
17 mand Officers Association (HAPCOA), National
18 Asian Pacific Officers Association (NAPOA), Na-
19 tional Black Police Association (NBPA), National
20 Latino Peace Officers Association (NLPOA), Na-
21 tional Organization of Black Law Enforcement Ex-
22 ecutives (NOBLE), Women in Law Enforcement,
23 Native American Law Enforcement Association
24 (NALEA), International Association of Chiefs of Po-
25 lice (IACP), National Sheriffs’ Association (NSA),

1 Fraternal Order of Police (FOP), and National As-
2 sociation of School Resource Officers).

3 (5) The term “professional civilian oversight or-
4 ganization” means a membership organization
5 formed to address and advance the cause of civilian
6 oversight of law enforcement and whose members
7 are from Federal, State, regional, local, or tribal or-
8 ganizations that review issues or complaints against
9 law enforcement entities or individuals (such as the
10 National Association for Civilian Oversight of Law
11 Enforcement (NACOLE)).

12 **SEC. 1026. LAW ENFORCEMENT GRANTS.**

13 (a) GRANT AUTHORIZATION.—The Attorney General
14 may make grants to States, units of local government, In-
15 dian tribal governments, or other public and private enti-
16 ties, or to any multijurisdictional or regional consortia of
17 such entities, to study and implement effective manage-
18 ment, training, recruiting, hiring, and oversight standards
19 and programs to promote effective community and prob-
20 lem solving strategies for law enforcement agencies.

21 (b) PROJECT GRANTS TO STUDY LAW ENFORCE-
22 MENT AGENCY MANAGEMENT.—Grants made under sub-
23 section (a) shall be used for the study of management and
24 operations standards for law enforcement agencies, includ-
25 ing standards relating to administrative due process, resi-

1 dency requirements, compensation and benefits, use of
2 force, racial profiling, early warning systems, juvenile jus-
3 tice, school safety, civilian review boards or analogous pro-
4 cedures, or research into the effectiveness of existing pro-
5 grams, projects, or other activities designed to address
6 misconduct by law enforcement officers.

7 (c) PROJECT GRANTS TO DEVELOP PILOT PRO-
8 GRAMS.—Grants made under subsection (a) shall also be
9 used to develop pilot programs and implement effective
10 standards and programs in the areas of training, hiring
11 and recruitment, and oversight that are designed to im-
12 prove management and address misconduct by law en-
13 forcement officers. These programs shall include the fol-
14 lowing characteristics:

15 (1) TRAINING.—Law enforcement policies,
16 practices, and procedures addressing training and
17 instruction to comply with accreditation standards in
18 the areas of—

19 (A) the use of lethal, nonlethal force, and
20 de-escalation;

21 (B) investigation of misconduct and prac-
22 tices and procedures for referral to prosecuting
23 authorities use of deadly force or racial
24 profiling;

1 (C) disproportionate minority contact by
2 law enforcement;

3 (D) tactical and defensive strategy;

4 (E) arrests, searches, and restraint;

5 (F) professional verbal communications
6 with civilians;

7 (G) interactions with youth, the mentally
8 ill, and limited English proficiency, multi-cultural
9 communities;

10 (H) proper traffic, pedestrian, and other
11 enforcement stops; and

12 (I) community relations and bias aware-
13 ness.

14 (2) RECRUITMENT, HIRING, RETENTION, AND
15 PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-
16 CERS.—Policies, procedures, and practices for—

17 (A) the hiring and recruitment of diverse
18 law enforcement officers representative of the
19 communities they serve;

20 (B) the development of selection, pro-
21 motion, educational, background, and psycho-
22 logical standards that comport with title VII of
23 the Civil Rights Act (42 U.S.C. 2000e et seq.);
24 and

1 (C) initiatives to encourage residency in
2 the jurisdiction served by the law enforcement
3 agency and continuing education.

4 (3) OVERSIGHT.—Complaint procedures, in-
5 cluding the establishment of civilian review boards or
6 analogous procedures for jurisdictions across a range
7 of sizes and agency configurations, complaint proce-
8 dures by community-based organizations, early
9 warning systems and related intervention programs,
10 video monitoring technology, data collection and
11 transparency, and administrative due process re-
12 quirements inherent to complaint procedures for
13 members of the public and law enforcement.

14 (4) JUVENILE JUSTICE AND SCHOOL SAFETY.—
15 The development of uniform standards on juvenile
16 justice and school safety, including standards relat-
17 ing to interaction and communication with juveniles,
18 physical contact, use of lethal and nonlethal force,
19 notification of a parent or guardian, interviews and
20 questioning, custodial interrogation, audio and video
21 recording, conditions of custody, alternatives to ar-
22 rest, referral to child protection agencies, and re-
23 moval from school grounds or campus.

24 (5) VICTIM SERVICES.—Counseling services, in-
25 cluding psychological counseling, for individuals and

1 communities impacted by law enforcement mis-
2 conduct.

3 (d) AMOUNTS.—Of the amounts appropriated for the
4 purposes of this title—

5 (1) 4 percent shall be available for grants to In-
6 dian tribal governments;

7 (2) 20 percent shall be available for grants to
8 community-based organizations;

9 (3) 10 percent shall be available for grants to
10 professional law enforcement associations; and

11 (4) the remaining funds shall be available for
12 grants to applicants in each State in an amount that
13 bears the same ratio to the amount of remaining
14 funds as the population of the State bears to the
15 population of all of the States.

16 (e) TECHNICAL ASSISTANCE.—

17 (1) The Attorney General may provide technical
18 assistance to States, units of local government, In-
19 dian tribal governments, and to other public and pri-
20 vate entities, in furtherance of the purposes of this
21 section.

22 (2) The technical assistance provided by the At-
23 torney General may include the development of mod-
24 els for State, local, and Indian tribal governments,
25 and other public and private entities, to reduce law

1 enforcement misconduct. Any development of such
2 models shall be in consultation with community-
3 based organizations.

4 (f) USE OF COMPONENTS.—The Attorney General
5 may use any component or components of the Department
6 of Justice in carrying out this title.

7 (g) MATCHING FUNDS.—

8 (1) IN GENERAL.—Except in the case of an In-
9 dian tribal government or nonprofit community-
10 based organization, the portion of the costs of a pro-
11 gram, project, or activity provided by a grant under
12 subsection (a) may not exceed 75 percent.

13 (2) WAIVERS.—The Attorney General may
14 waive, wholly or in part, the requirement under
15 paragraph (1) of a non-Federal contribution to the
16 costs of a program, project, or activity.

17 (h) APPLICATIONS.—

18 (1) APPLICATION.—An application for a grant
19 under this title shall be submitted in such form, and
20 contain such information, as the Attorney General
21 may prescribe by guidelines.

22 (2) PRIORITY.—For law enforcement agency
23 applications, priority shall be given to applicants
24 seeking or having been awarded accreditation from

1 national law enforcement accreditation organizations
2 as defined in section 102.

3 (3) APPROVAL.—A grant may not be made
4 under this title unless an application has been sub-
5 mitted to, and approved by, the Attorney General.

6 (i) PERFORMANCE EVALUATION.—

7 (1) MONITORING COMPONENTS.—Each pro-
8 gram, project, or activity funded under this title
9 shall contain a monitoring component, which shall be
10 developed pursuant to guidelines established by the
11 Attorney General. Such monitoring component shall
12 include systematic identification and collection of
13 data about activities, accomplishments, and pro-
14 grams throughout the life of the program, project, or
15 activity and presentation of such data in a usable
16 form.

17 (2) EVALUATION COMPONENTS.—Selected grant
18 recipients shall be evaluated on the local level or as
19 part of a national evaluation, pursuant to guidelines
20 established by the Attorney General. Such evalua-
21 tions may include independent audits of police be-
22 havior and other assessments of individual program
23 implementations. In selected jurisdictions that are
24 able to support outcome evaluations, the effective-

1 ness of funded programs, projects, and activities
2 may be required.

3 (3) PERIODIC REVIEW AND REPORTS.—The At-
4 torney General may require a grant recipient to sub-
5 mit biannually to the Attorney General the results of
6 the monitoring and evaluations required under para-
7 graphs (1) and (2) and such other data and infor-
8 mation as the Attorney General deems reasonably
9 necessary.

10 (j) REVOCATION OR SUSPENSION OF FUNDING.—If
11 the Attorney General determines, as a result of monitoring
12 under subsection (i) or otherwise, that a grant recipient
13 under this title is not in substantial compliance with the
14 terms and requirements of the approved grant application
15 submitted under subsection (h), the Attorney General may
16 revoke or suspend funding of that grant, in whole or in
17 part.

18 (k) DEFINITIONS.—In this title:

19 (1) The terms “law enforcement accreditation
20 organization”, “law enforcement agency”, “commu-
21 nity-based organization”, and “professional law en-
22 forcement association” have the meaning given such
23 terms in section 102 of this Act.

24 (2) The term “private entity” means a private
25 security organization engaged in the prevention, de-

1 tection, or investigation of violations of criminal laws
2 and/or organizational policy (such as privately oper-
3 ated campus public safety units or department store
4 security).

5 (3) The term “civilian review board” means an
6 administrative entity that—

7 (A) is independent and adequately funded;

8 (B) has investigatory authority and staff
9 subpoena power;

10 (C) has representative community diver-
11 sity;

12 (D) has policymaking authority;

13 (E) provides advocates for civilian com-
14 plainants;

15 (F) has mandatory police power to conduct
16 hearings; and

17 (G) conducts statistical studies on pre-
18 vailing complaint trends.

19 **SEC. 1027. ATTORNEY GENERAL TO CONDUCT STUDY.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Attorney General shall
22 conduct a nationwide study of the prevalence and ef-
23 fect of any law, rule, or procedure that allows a law
24 enforcement officer to delay the response to ques-
25 tions posed by a local internal affairs officer, or re-

1 view board on the investigative integrity and pros-
2 ecution of law enforcement misconduct, including
3 preinterview warnings and termination policies.

4 (2) INITIAL ANALYSIS.—The Attorney General
5 shall perform an initial analysis of existing State
6 statutes to determine whether, at a threshold level,
7 the effect of this type of rule or procedure raises
8 material investigatory issues that could impair or
9 hinder a prompt and thorough investigation of pos-
10 sible misconduct, including criminal conduct, that
11 would justify a wider inquiry.

12 (3) DATA COLLECTION.—After completion of
13 the initial analysis under paragraph (2), and consid-
14 ering material investigatory issues, the Attorney
15 General shall gather additional data nationwide on
16 similar rules from a representative and statistically
17 significant sample of jurisdictions, to determine
18 whether such rules and procedures raise such mate-
19 rial investigatory issues.

20 (b) REPORTING.—

21 (1) INITIAL ANALYSIS.—Not later than 120
22 days after the date of the enactment of this title, the
23 Attorney General shall submit to Congress a report
24 containing the results of its initial analysis, make

1 such report available to the public, and identify the
2 jurisdictions for which the study is to be conducted.

3 (2) DATA COLLECTED.—Not later than 2 years
4 after the date of the enactment of this title, the At-
5 torney General shall submit to Congress a report
6 containing the results of the data collected under
7 this title and cause a copy of such report to be pub-
8 lished in the Federal Register.

9 **SEC. 1028. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated for fiscal
11 year 2016, in addition to any other sums authorized to
12 be appropriated for this purpose, \$5,000,000 for addi-
13 tional expenses related to the enforcement of section
14 210401 of the Violent Crime Control and Law Enforce-
15 ment Act of 1994 (42 U.S.C. 14141), criminal enforce-
16 ment (18 U.S.C. 241 and 242), and administrative en-
17 forcement by the Department of Justice, and \$3,300,000
18 for additional expenses related to conflict resolution by the
19 Department of Justice’s Community Relations Service.

20 **SEC. 1029. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
21 **OVERSIGHT.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of Justice a task force to be known as
24 the Task Force on Law Enforcement Oversight (herein-
25 after in this title referred to as the “Task Force”).

1 (b) COMPOSITION.—The Task Force shall be com-
2 posed of individuals appointed by the Attorney General,
3 who shall appoint at least 1 individual from each of the
4 following:

5 (1) the Special Litigation Section of the Civil
6 Rights Division;

7 (2) the Criminal Section of the Civil Rights Di-
8 vision;

9 (3) the Federal Coordination and Compliance
10 Section of the Civil Rights Division;

11 (4) the Employment Litigation Section of the
12 Civil Rights Division;

13 (5) the Disability Rights Section of the Civil
14 Rights Division;

15 (6) the Office of Justice Programs;

16 (7) the Office of Community Oriented Policing
17 Services (COPS);

18 (8) the Corruption/Civil Rights Section of the
19 Federal Bureau of Investigation;

20 (9) the Community Relations Service;

21 (10) Office of Tribal Justice; and

22 (11) the unit within the Department of Justice
23 assigned as a liaison for civilian review boards.

24 (c) POWERS AND DUTIES.—The Task Force shall
25 consult with professional law enforcement associations (as

1 defined in section 102), labor organizations, and commu-
2 nity-based organizations (as defined in section 102) to co-
3 ordinate the process of the detection and referral of com-
4 plaints regarding incidents of alleged law enforcement
5 misconduct.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated \$5,000,000 for each fiscal
8 year to carry out this section.

9 **SEC. 1030. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
10 **MENT PRACTICES.**

11 (a) AGENCIES TO REPORT.—Each Federal and State
12 and local law enforcement agency shall report data of the
13 practices of that agency to the Attorney General.

14 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
15 NICITY, AND GENDER.—For each practice enumerated in
16 subsection (c), the reporting law enforcement agency shall
17 provide a breakdown of the numbers of incidents of that
18 practice by race, ethnicity, age, and gender of the officers
19 and employees of the agency and of members of the public
20 involved in the practice.

21 (c) PRACTICES TO BE REPORTED ON.—The prac-
22 tices to be reported on are the following:

- 23 (1) Traffic violation stops.
- 24 (2) Pedestrian stops.
- 25 (3) Frisk and body searches.

1 (4) Instances where officers or employees of the
2 law enforcement agency used deadly force, includ-
3 ing—

4 (A) a description of when and where dead-
5 ly force was used, and whether it resulted in
6 death;

7 (B) a description of deadly force directed
8 against an officer or employee and whether it
9 resulted in injury or death; and

10 (C) the law enforcement agency's justifica-
11 tion for use of deadly force, if the agency deter-
12 mines it was justified.

13 (d) RETENTION OF DATA.—Each law enforcement
14 agency required to report data under this section shall
15 maintain records relating to any matter so reportable for
16 not less than 4 years after those records are created.

17 (e) PENALTY FOR STATES FAILING TO REPORT AS
18 REQUIRED.—

19 (1) IN GENERAL.—For any fiscal year, a State
20 shall not receive any amount that would otherwise
21 be allocated to that State under section 505(a) of
22 the Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3755(a)), or any amount from any
24 other law enforcement assistance program of the De-
25 partment of Justice, unless the State has ensured,

1 to the satisfaction of the Attorney General, that
2 each State and local law enforcement agency is in
3 substantial compliance with the requirements of this
4 section.

5 (2) REALLOCATION.—Amounts not allocated by
6 reason of this subsection shall be reallocated to
7 States not disqualified by failure to comply with this
8 section.

9 (f) REGULATIONS.—The Attorney General shall pre-
10 scribe regulations to carry out this section.

11 **SEC. 1031. MEDALLIONS FOR FALLEN LAW ENFORCEMENT**
12 **OFFICERS.**

13 (a) IN GENERAL.—The Attorney General, in con-
14 sultation with the National Law Enforcement Officers Me-
15 morial Fund, shall create and provide a distinctive medal-
16 lion to be issued to the survivors of law enforcement offi-
17 cers—

18 (1) killed in the line of duty; and

19 (2) memorialized on the wall of the National
20 Law Enforcement Officers Memorial.

21 (b) DISTRIBUTION OF MEDALLIONS.—The Attorney
22 General shall make arrangements with the National Law
23 Enforcement Officers Memorial Fund to distribute the
24 medallions to appropriate survivors of each law enforce-

1 ment officer memorialized on the wall of the National Law
2 Enforcement Officers Memorial.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 such sums as may be necessary.

6 **SEC. 1032. TRAINING ON DE-ESCALATION FOR LAW EN-**
7 **FORCEMENT.**

8 (a) TRAINING REQUIREMENT.—For each fiscal year
9 after the expiration of the period specified in subsection
10 (d) in which a State or unit of local government receives
11 a grant under part E of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 (42 U.S.C. 3750 et
13 seq.), the State or unit of local government shall require
14 that all individuals enrolled in an academy of a law en-
15 forcement agency of the State or unit of local government
16 and all law enforcement officers of the State or unit of
17 local government fulfill a training session on de-escalation
18 techniques each fiscal year, including—

19 (1) the use of alternative non-lethal methods of
20 applying force and techniques that prevent the offi-
21 cer from escalating any situation where force is like-
22 ly to be used;

23 (2) verbal and physical tactics to minimize the
24 need for the use of force, with an emphasis on com-
25 munication, negotiation, de-escalation techniques,

1 providing the time needed to resolve the incident
2 safely for everyone;

3 (3) the use of the lowest level of force that is
4 a possible and safe response to an identified threat,
5 then re-evaluating the threat as it progresses;

6 (4) techniques that provide all officers with
7 awareness and recognition of mental health and sub-
8 stance abuse issues with an emphasis on commu-
9 nication strategies, training officers simultaneously
10 in teams on de-escalation and use of force to im-
11 prove group dynamics and diminish excessive use of
12 force during critical incidents;

13 (5) principles of using distance, cover, and time
14 when approaching and managing critical incidents,
15 and elimination of the use of concepts like the “21-
16 foot rule” and “drawing a line in the sand” in favor
17 of using distance and cover to create a “reaction
18 gap”;

19 (6) crisis intervention strategies to appro-
20 priately identify and respond to individuals suffering
21 from mental health or substance abuse issues, with
22 an emphasis on de-escalation tactics and promoting
23 effective communication; and

24 (7) other evidence-based approaches, found to
25 be appropriate by the Attorney General, that en-

1 hance de-escalation skills and tactics, such as the
2 Critical Decision-Making Model and scenario-based
3 trainings.

4 In the case of individuals attending an academy, such
5 training session shall be for such an appropriate amount
6 of time as to ensure academy participants receive effective
7 training under this subsection and in the case of all other
8 law enforcement officers, the training session shall be for
9 an appropriate amount of time as to ensure officers receive
10 effective training under this subsection. The State or unit
11 of local government shall certify to the Attorney General
12 of the United States that such training sessions have been
13 completed.

14 (b) SCENARIO-BASED TRAINING.—Training de-
15 scribed in subsection (a) shall be conducted with an em-
16 phasis on training that employs theories of de-escalation
17 techniques and applies them to practical on-the-job sce-
18 narios that regularly face law enforcement officers.

19 (c) CROSS-TRAINING.—To the extent practicable,
20 principles of training as described in subsection (a) shall
21 be applied to other training conducted at the academy.

22 (d) COMPLIANCE AND INELIGIBILITY.—

23 (1) COMPLIANCE DATE.—Beginning not later
24 than 1 year after the date of this Act, each State
25 or unit of local government receiving a grant shall

1 comply with subsection (a), except that the Attorney
2 General may grant an additional 6 months to a
3 State or unit of local government that is making
4 good faith efforts to comply with such subsection.

5 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
6 year after the expiration of the period specified in
7 paragraph (1), a State or unit of local government
8 that fails to comply with subsection (a), shall, at the
9 discretion of the Attorney General, be subject to not
10 more than a 20-percent reduction of the funds that
11 would otherwise be allocated for that fiscal year to
12 the State or unit of local government under subpart
13 1 of part E of title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
15 seq.), whether characterized as the Edward Byrne
16 Memorial State and Local Law Enforcement Assist-
17 ance Programs, the Local Government Law Enforce-
18 ment Block Grants Program, the Edward Byrne Me-
19 morial Justice Assistance Grant Program, or other-
20 wise.

21 (e) REALLOCATION.—Amounts not allocated under a
22 program referred to in subsection (b)(2) to a State or unit
23 of local government for failure to fully comply with sub-
24 section (a) shall be reallocated under that program to

1 States and units of local government that have not failed
2 to comply with such subsection.

3 (f) EVIDENCE-BASED PRACTICES.—For purposes of
4 subsection (a)(4), the Attorney General shall maintain a
5 list of evidence-based practices it determines is successful
6 in enhancing de-escalation skills of law enforcement offi-
7 cers. The Attorney General shall regularly update this list
8 as needed and shall publish the list to the public on a year-
9 ly basis.

10 **SEC. 1033. DATA COLLECTION.**

11 The Attorney General shall collect data on efforts un-
12 dertaken by Federal fund recipients to enhance de-escala-
13 tion training for law enforcement officers.

14 **SEC. 1034. AFFIRMATIVE DUTY TO USE DE-ESCALATION**
15 **TACTICS WHEN AVAILABLE.**

16 (a) IN GENERAL.—In the case of a State or unit of
17 local government that received a grant award under sub-
18 part 1 of part E of title I of the Omnibus Crime Control
19 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.),
20 if that State or unit of local government fails by the end
21 of a fiscal year to enact or have in effect laws, policies,
22 or procedures that sets forth an affirmative duty on a law
23 enforcement officer of that State or unit of local govern-
24 ment, whenever possible, to employ de-escalation tech-
25 niques in which the officer has received training required

1 under section 2(a), the Attorney General shall reduce the
2 amount that would otherwise be awarded to that State or
3 unit of local government under such grant program in the
4 following fiscal year by 15 percent.

5 (b) REALLOCATION.—Amounts not allocated under a
6 program referred to in subsection (a) to a State or unit
7 of local government for failure to be in compliance with
8 this section shall be reallocated under that program to
9 States and units of local government that are in compli-
10 ance with this section.

11 **SEC. 1035. ATTORNEY GENERAL GUIDANCE.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Attorney General shall issue guidance, for
14 the benefit of States and units of local government, on
15 compliance with the requirements of this Act.

16 **SEC. 1036. IN GENERAL.**

17 (a) TRAINING REQUIREMENT.—For each fiscal year
18 after the expiration of the period specified in subsection
19 (b) in which a State receives funds for a program referred
20 to in subsection (c)(2), the State shall require that all indi-
21 viduals enrolled in an academy of a law enforcement agen-
22 cy of the State and all law enforcement officers of the
23 State fulfill a training session on sensitivity each fiscal
24 year, including training on ethnic and racial bias, cultural
25 diversity, and police interaction with the disabled, men-

1 tally ill, and new immigrants. In the case of individuals
2 attending an academy, such training session shall be for
3 8 hours, and in the case of all other law enforcement offi-
4 cers, the training session shall be for 4 hours.

5 (b) COMPLIANCE AND INELIGIBILITY.—

6 (1) COMPLIANCE DATE.—Each State shall have
7 not more than 120 days, beginning on the date of
8 enactment of this Act, to comply with subsection (a),
9 except that—

10 (A) the Attorney General may grant an ad-
11 ditional 120 days to a State that is making
12 good faith efforts to comply with such sub-
13 section; and

14 (B) the Attorney General shall waive the
15 requirements of subsection (a) if compliance
16 with such subsection by a State would be un-
17 constitutional under the constitution of such
18 State.

19 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
20 year after the expiration of the period specified in
21 paragraph (1), a State that fails to comply with sub-
22 section (a), shall, at the discretion of the Attorney
23 General, be subject to not more than a 20-percent
24 reduction of the funds that would otherwise be allo-
25 cated for that fiscal year to the State under subpart

1 1 of part E of title I of the Omnibus Crime Control
2 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
3 seq.), whether characterized as the Edward Byrne
4 Memorial State and Local Law Enforcement Assist-
5 ance Programs, the Local Government Law Enforce-
6 ment Block Grants Program, the Edward Byrne Me-
7 morial Justice Assistance Grant Program, or other-
8 wise.

9 (c) REALLOCATION.—Amounts not allocated under a
10 program referred to in subsection (b)(2) to a State for
11 failure to fully comply with subsection (a) shall be reallo-
12 cated under that program to States that have not failed
13 to comply with such subsection.

14 **SEC. 1037. FINDINGS.**

15 Congress finds the following:

16 (1) According to the Equal Employment Oppor-
17 tunity Commission (EEOC) and the Census Bureau,
18 which together provide detail on the racial composi-
19 tion of government workers in large American cities,
20 in about two-thirds of the United States cities with
21 the largest police forces, the majority of police offi-
22 cers commute to work from outside the city in which
23 they work.

24 (2) When officers live in the cities in which they
25 work, it may reduce the carbon footprint by employ-

1 ees in their journey to work, foster more employee
2 concern in the affairs of their city, ensure manpower
3 will be available in case of emergencies, generate ad-
4 ditional tax revenue for the city, and cut down on
5 absenteeism and tardiness.

6 (3) According to the President’s Task Force on
7 21st Century Policing, recommendation 1.8 reads
8 “law enforcement agencies should strive to create a
9 workforce that contains a broad range of diversity
10 including race, gender, language, life experience, and
11 cultural background to improve understanding and
12 effectiveness in dealing with all communities.”.

13 (4) Additionally, the Fairness and Effectiveness
14 in Policing: The Evidence states “A critical factor in
15 managing bias is seeking candidates who are likely
16 to police in an unbiased manner. Since people are
17 less likely to have biases against groups with which
18 they have had positive experiences, police depart-
19 ments should seek candidates who have had positive
20 interactions with people of various cultures and
21 backgrounds.”.

1 **SEC. 1038. USE OF COPS GRANT FUNDS TO HIRE LAW EN-**
2 **FORCEMENT OFFICERS WHO ARE RESIDENTS**
3 **OF THE COMMUNITIES THEY SERVE.**

4 Section 1701(b) of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amend-
6 ed—

7 (1) in paragraph (17), by striking “and” at the
8 end;

9 (2) by redesignating paragraph (18) as para-
10 graph (20);

11 (3) in paragraph (20), as so redesignated, by
12 striking “(17)” and inserting “(19)”; and

13 (4) by inserting after paragraph (17) the fol-
14 lowing:

15 “(18) to recruit, hire, promote, retain, develop,
16 and train new, additional career law enforcement of-
17 ficers who are residents of the communities they
18 serve;

19 “(19) to develop and publicly report strategies
20 and timelines to recruit, hire, promote, retain, de-
21 velop, and train a diverse and inclusive law enforce-
22 ment workforce, consistent with merit system prin-
23 ciples and applicable law; and”.

24 **SEC. 1039. DEFINITIONS.**

25 In this Act:

1 (1) BYRNE GRANT PROGRAM.—The term
2 “Byrne grant program” means any grant program
3 under subpart 1 of part E of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3750 et seq.), without regard to whether the
6 funds are characterized as being made available
7 under the Edward Byrne Memorial State and Local
8 Law Enforcement Assistance Programs, the Local
9 Government Law Enforcement Block Grants Pro-
10 gram, the Edward Byrne Memorial Justice Assist-
11 ance Grant Program, or otherwise.

12 (2) INDIAN TRIBE.—The term “Indian tribe”
13 has the meaning given the term in section 901 of
14 title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3791).

16 (3) LAW ENFORCEMENT OFFICER.—The term
17 “law enforcement officer” means any officer, agent,
18 or employee of a State, unit of local government, or
19 Indian tribe authorized by law or by a government
20 agency to engage in or supervise the prevention, de-
21 tection, or investigation of any violation of criminal
22 law.

23 (4) STATE.—The term “State” has the mean-
24 ing given the term in section 901 of title I of the

1 Omnibus Crime Control and Safe Streets Act of
2 1968 (42 U.S.C. 3791).

3 (5) USE OF FORCE.—The term “use of force”
4 includes the use of a firearm, Taser, explosive de-
5 vice, chemical agent (such as pepper spray), baton,
6 impact projectile, blunt instrument, hand, fist, foot,
7 canine, or vehicle against an individual.

8 **SEC. 1040. USE OF FORCE REPORTING.**

9 (a) REPORTING REQUIREMENTS.—

10 (1) IN GENERAL.—Beginning in the first fiscal
11 year beginning after the date of enactment of this
12 Act and each fiscal year thereafter in which a State
13 or Indian tribe receives funds under a Byrne grant
14 program, the State or Indian tribe shall—

15 (A) report to the Attorney General, on a
16 quarterly basis and pursuant to guidelines es-
17 tablished by the Attorney General, information
18 regarding—

19 (i) any incident involving the shooting
20 of a civilian by a law enforcement officer
21 who is employed—

22 (I) in the case of an Indian tribe,
23 by the Indian tribe; or

1 (II) in the case of a State, by the
2 State or by a unit of local government
3 in the State;

4 (ii) any incident involving the shooting
5 of a law enforcement officer described in
6 clause (i) by a civilian; and

7 (iii) any incident in which use of force
8 by or against a law enforcement officer de-
9 scribed in clause (i) occurs, which is not
10 reported under clause (i) or (ii);

11 (B) establish a system and a set of policies
12 to ensure that all use of force incidents are re-
13 ported by law enforcement officers; and

14 (C) submit to the Attorney General a plan
15 for the collection of data required to be re-
16 ported under this section, including any modi-
17 fications to a previously submitted data collec-
18 tion plan.

19 (2) REPORT INFORMATION REQUIRED.—

20 (A) IN GENERAL.—The report required
21 under paragraph (1)(A) shall contain informa-
22 tion that includes, at a minimum—

23 (i) the national origin, sex, race, eth-
24 nicity, age, physical disability, mental dis-
25 ability, English language proficiency, hous-

1 ing status, and school status of each civil-
2 ian against whom a law enforcement offi-
3 cer used force;

4 (ii) the date, time, and location, in-
5 cluding zip code, of the incident and
6 whether the jurisdiction in which the inci-
7 dent occurred allows for the open-carry or
8 concealed-carry of a firearm;

9 (iii) whether the civilian was armed,
10 and, if so, the type of weapon the civilian
11 had;

12 (iv) the type of force used against the
13 officer, the civilian, or both, including the
14 types of weapons used;

15 (v) the reason force was used;

16 (vi) a description of any injuries sus-
17 tained as a result of the incident;

18 (vii) the number of officers involved in
19 the incident;

20 (viii) the number of civilians involved
21 in the incident; and

22 (ix) a brief description regarding the
23 circumstances surrounding the incident,
24 which shall include information on—

1 (I) the type of force used by all
2 involved persons;

3 (II) the legitimate police objective
4 necessitating the use of force;

5 (III) the resistance encountered
6 by each law enforcement officer in-
7 volved in the incident;

8 (IV) the efforts by law enforce-
9 ment officers to—

10 (aa) de-escalate the situation
11 in order to avoid the use of force;

12 or

13 (bb) minimize the level of
14 force used; and

15 (V) if applicable, the reason why
16 efforts described in subclause (IV)
17 were not attempted.

18 (B) INCIDENTS REPORTED UNDER DEATH
19 IN CUSTODY REPORTING ACT.—A State is not
20 required to include in a report under subsection
21 (a)(1) an incident reported by the State in ac-
22 cordance with section 20104(a)(2) of the Vio-
23 lent Crime Control and Law Enforcement Act
24 of 1994 (42 U.S.C. 13704(a)(2)).

1 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
2 later than 1 year after the date of enactment of this
3 Act, and each year thereafter, each State and Indian
4 tribe described in paragraph (1) shall—

5 (A) conduct an audit of the use of force in-
6 cident reporting system required to be estab-
7 lished under paragraph (1)(B); and

8 (B) submit a report to the Attorney Gen-
9 eral on the audit conducted under subpara-
10 graph (A).

11 (4) COMPLIANCE PROCEDURE.—Prior to sub-
12 mitting a report under paragraph (1)(A), the State
13 or Indian tribe submitting such report shall compare
14 the information compiled to be reported pursuant to
15 clause (i) of paragraph (1)(A) to open-source data
16 records, and shall revise such report to include any
17 incident determined to be missing from the report
18 based on such comparison. Failure to comply with
19 the procedures described in the previous sentence
20 shall be considered a failure to comply with the re-
21 quirements of this section.

22 (b) INELIGIBILITY FOR FUNDS.—

23 (1) IN GENERAL.—For any fiscal year in which
24 a State or Indian tribe fails to comply with this sec-
25 tion, the State or Indian tribe, at the discretion of

1 the Attorney General, shall be subject to not more
2 than a 10-percent reduction of the funds that would
3 otherwise be allocated for that fiscal year to the
4 State or Indian tribe under a Byrne grant program.

5 (2) REALLOCATION.—Amounts not allocated
6 under a Byrne grant program in accordance with
7 paragraph (1) to a State for failure to comply with
8 this section shall be reallocated under the Byrne
9 grant program to States that have not failed to com-
10 ply with this section.

11 (c) PUBLIC AVAILABILITY OF DATA.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, and each year
14 thereafter, the Attorney General shall publish, and
15 make available to the public, a report containing the
16 data reported to the Attorney General under this
17 section.

18 (2) PRIVACY PROTECTIONS.—Nothing in this
19 subsection shall be construed to supersede the re-
20 quirements or limitations under section 552a of title
21 5, United States Code (commonly known as the
22 “Privacy Act of 1974”).

23 (d) GUIDANCE.—Not later than 180 days after the
24 date of enactment of this Act, the Attorney General, in
25 coordination with the Director of the Federal Bureau of

1 Investigation, shall issue guidance on best practices relat-
2 ing to establishing standard data collection systems that
3 capture the information required to be reported under sub-
4 section (a)(2), which shall include standard and consistent
5 definitions for terms, including the term “use of force”
6 which is consistent with the definition of such term in sec-
7 tion 2.

8 **SEC. 1041. COMMUNITY AND LAW ENFORCEMENT PART-**
9 **nership Grant Program.**

10 (a) GRANTS AUTHORIZED.—The Attorney General
11 may make grants to eligible law enforcement agencies to
12 be used for the activities described in subsection (c).

13 (b) ELIGIBILITY.—In order to be eligible to receive
14 a grant under this section a law enforcement agency
15 shall—

16 (1) be located in a State or Indian tribe that
17 receives funds under a Byrne grant program;

18 (2) employ not more than 100 law enforcement
19 officers;

20 (3) demonstrate that the use of force policy for
21 law enforcement officers employed by the law en-
22 forcement agency is publicly available; and

23 (4) establish and maintain a reporting system
24 that may be used by members of the public to report

1 incidents of use of force to the law enforcement
2 agency.

3 (c) ACTIVITIES DESCRIBED.—A grant made under
4 this section may be used by a law enforcement agency
5 for—

6 (1) the cost of assisting the State or Indian
7 tribe in which the law enforcement agency is located
8 in complying with the reporting requirements de-
9 scribed in section 3;

10 (2) the cost of establishing necessary systems
11 required to investigate and report incidents as re-
12 quired under subsection (b)(4);

13 (3) public awareness campaigns designed to
14 gain information from the public on use of force by
15 or against law enforcement officers, including shoot-
16 ings, which may include tip lines, hotlines, and pub-
17 lic service announcements; and

18 (4) use of force training for law enforcement
19 agencies and personnel, including training on de-es-
20 calation, implicit bias, crisis intervention techniques,
21 and adolescent development.

22 **SEC. 1042. COMPLIANCE WITH REPORTING REQUIRE-**
23 **MENTS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and each year thereafter,

1 the Attorney General shall conduct an audit and review
2 of the information provided under this Act to determine
3 whether each State or Indian tribe described in section
4 3(a)(1) is in compliance with the requirements of this Act.

5 (b) CONSISTENCY IN DATA REPORTING.—

6 (1) IN GENERAL.—Any data reported under
7 this Act shall be collected and reported in a manner
8 consistent with existing programs of the Department
9 of Justice that collect data on law enforcement offi-
10 cer encounters with civilians.

11 (2) GUIDELINES.—The Attorney General
12 shall—

13 (A) issue guidelines on the reporting re-
14 quirement under section 3; and

15 (B) seek public comment before finalizing
16 the guidelines required under subparagraph
17 (A).

18 **SEC. 1043. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Attor-
20 ney General such sums as are necessary to carry out this
21 Act.

22 **SEC. 1044. FINDINGS.**

23 Congress makes the following findings:

24 (1) Under section 2576a of title 10, United
25 States Code, the Department of Defense is author-

1 ized to provide excess property to local law enforce-
2 ment agencies. The Defense Logistics Agency, ad-
3 ministers such section by operating the Law En-
4 forcement Support Office program.

5 (2) New and used material, including mine-re-
6 sistant ambush-protected vehicles and weapons de-
7 termined by the Department of Defense to be “mili-
8 tary grade” are transferred to local and Federal law
9 enforcement agencies through the program.

10 (3) As a result local law enforcement agencies,
11 including police and sheriff’s departments, are ac-
12 quiring this material for use in their normal oper-
13 ations.

14 (4) As a result of the wars in Iraq and Afghani-
15 stan, military equipment purchased for, and used in,
16 those wars has become excess property and has been
17 made available for transfer to local and Federal law
18 enforcement agencies.

19 (5) According to public reports, approximately
20 12,000 police organizations across the country were
21 able to procure nearly \$500,000,000 worth of excess
22 military merchandise including firearms, computers,
23 helicopters, clothing, and other products, at no
24 charge during fiscal year 2011 alone.

1 (6) More than \$4,000,000,000 worth of weap-
2 ons and equipment have been transferred to police
3 organizations in all 50 states and four territories
4 through the program.

5 (7) In May 2012, the Defense Logistics Agency
6 instituted a moratorium on weapons transfers
7 through the program after reports of missing equip-
8 ment and inappropriate weapons transfers.

9 (8) Though the moratorium was widely pub-
10 licized, it was lifted in October 2013 without ade-
11 quate safeguards.

12 (9) As a result, Federal, State, and local law
13 enforcement departments across the country are eli-
14 gible again to acquire free “military-grade” weapons
15 and equipment that could be used inappropriately
16 during policing efforts in which citizens and tax-
17 payers could be harmed.

18 (10) Pursuant to section III(J) of a Defense
19 Logistics Agency memorandum of understanding,
20 property obtained through the program must be
21 placed into use within one year of receipt, possibly
22 providing an incentive for the unnecessary and po-
23 tentially dangerous use of “military grade” equip-
24 ment by local law enforcement.

1 (11) The Department of Defense categorizes
2 equipment eligible for transfer under the 1033 pro-
3 gram as “controlled” and “un-controlled” equip-
4 ment. “Controlled equipment” includes weapons, ex-
5 plosives such as flash-bang grenades, mine resistant
6 ambush protected vehicles, long range acoustic de-
7 vices, aircraft capable of being modified to carry ar-
8 mament that are combat coded, and silencers,
9 among other military grade items.

10 **SEC. 1045. LIMITATION ON DEPARTMENT OF DEFENSE**
11 **TRANSFER OF PERSONAL PROPERTY TO**
12 **LOCAL LAW ENFORCEMENT AGENCIES.**

13 (a) IN GENERAL.—Section 2576a of title 10, United
14 States Code, is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(A), by striking
17 “counterdrug, counterterrorism,” and inserting
18 “counterterrorism”; and

19 (B) in paragraph (2), by striking “, the
20 Director of National Drug Control Policy,”;

21 (2) in subsection (b)—

22 (A) in each of paragraphs (4) and (5), by
23 striking “and” at the end;

24 (B) in paragraph (6), by striking the pe-
25 riod and inserting a semicolon; and

1 (C) by adding at the end the following new
2 paragraphs:

3 “(7) the recipient certifies to the Department of
4 Defense that it has the personnel and technical ca-
5 pacity, including training, to operate the property;

6 “(8) the recipient submits to the Department of
7 Defense a description of how the recipient expects to
8 use the property;

9 “(9) the recipient certifies to the Department of
10 Defense that if the recipient determines that the
11 property is surplus to the needs of the recipient, the
12 recipient will return the property to the Department
13 of Defense; and

14 “(10) with respect to a recipient that is not a
15 Federal agency, the recipient certifies to the Depart-
16 ment of Defense that the recipient notified the local
17 community of the request for personal property
18 under this section by—

19 “(A) publishing a notice of such request on
20 a publicly accessible Internet website;

21 “(B) posting such notice at several promi-
22 nent locations in the jurisdiction of the recipi-
23 ent; and

1 “(C) ensuring that such notices were avail-
2 able to the local community for a period of not
3 less than 30 days.”;

4 (3) by striking subsection (d);

5 (4) by redesignating subsections (e) and (f) as
6 subsections (m) and (n), respectively; and

7 (5) by inserting after subsection (c) the fol-
8 lowing new subsections:

9 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
10 TRANSFERRED PROPERTY.—(1) For each fiscal year, the
11 Secretary shall submit to Congress certification in writing
12 that each Federal or State agency to which the Secretary
13 has transferred property under this section—

14 “(A) has provided to the Secretary documenta-
15 tion accounting for all controlled property, including
16 arms and ammunition, that the Secretary has trans-
17 ferred to the agency, including any item described in
18 subsection (f) so transferred before the date of the
19 enactment of the Stop Militarizing Law Enforce-
20 ment Act; and

21 “(B) with respect to a non-Federal agency, car-
22 ried out each of paragraphs (5) through (8) of sub-
23 section (b).

24 “(2) If the Secretary cannot provide a certification
25 under paragraph (1) for a Federal or State agency, the

1 Secretary may not transfer additional property to that
2 agency under this section.

3 “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-
4 fore making any property available for transfer under this
5 section, the Secretary shall annually submit to Congress
6 a description of the property to be transferred together
7 with a certification that the transfer of the property would
8 not violate this section or any other provision of law.

9 “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-
10 retary may not transfer the following personal property
11 of the Department of Defense under this section:

12 “(A) Controlled firearms, ammunition, grenades
13 (including stun and flash-bang) and explosives.

14 “(B) Controlled vehicles, highly mobile multi-
15 wheeled vehicles, mine-resistant ambush-protected
16 vehicles, trucks, truck dump, truck utility, and truck
17 carryall.

18 “(C) Drones that are armored, weaponized, or
19 both.

20 “(D) Controlled aircraft that—

21 “(i) are combat configured or combat
22 coded; or

23 “(ii) have no established commercial flight
24 application.

25 “(E) Silencers.

1 “(F) Long-range acoustic devices.

2 “(G) Items in the Federal Supply Class of
3 banned items.

4 “(2) The Secretary may not require, as a condition
5 of a transfer under this section, that a Federal or State
6 agency demonstrate the use of any small arms or ammuni-
7 tion.

8 “(3) The limitations under this subsection shall also
9 apply with respect to the transfer of previously transferred
10 property of the Department of Defense from one Federal
11 or State agency to another such agency.

12 “(4)(A) The Secretary may waive the applicability of
13 paragraph (1) to a vehicle described in subparagraph (B)
14 of such paragraph (other than a mine-resistant ambush-
15 protected vehicle), if the Secretary determines that such
16 a waiver is necessary for disaster or rescue purposes or
17 for another purpose where life and public safety are at
18 risk, as demonstrated by the proposed recipient of the ve-
19 hicle.

20 “(B) If the Secretary issues a waiver under subpara-
21 graph (A), the Secretary shall—

22 “(i) submit to Congress notice of the waiver,
23 and post such notice on a public Internet website of
24 the Department, by not later than 30 days after the
25 date on which the waiver is issued; and

1 “(ii) require, as a condition of the waiver, that
2 the recipient of the vehicle for which the waiver is
3 issued provides public notice of the waiver and the
4 transfer, including the type of vehicle and the pur-
5 pose for which it is transferred, in the jurisdiction
6 where the recipient is located by not later than 30
7 days after the date on which the waiver is issued.

8 “(5) The Secretary may provide for an exemption to
9 the limitation under subparagraph (D) of paragraph (1)
10 in the case of parts for aircraft described in such subpara-
11 graph that are transferred as part of regular maintenance
12 of aircraft in an existing fleet.

13 “(6) The Secretary shall require, as a condition of
14 any transfer of property under this section, that the Fed-
15 eral or State agency that receives the property shall return
16 the property to the Secretary if the agency—

17 “(A) is investigated by the Department of Jus-
18 tice for any violation of civil liberties; or

19 “(B) is otherwise found to have engaged in
20 widespread abuses of civil liberties.

21 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—
22 Notwithstanding any other provision of law, amounts au-
23 thorized to be appropriated or otherwise made available
24 for any fiscal year may not be obligated or expended to

1 carry out this section unless the Secretary submits to Con-
2 gress certification that for the preceding fiscal year that—

3 “(1) each Federal or State agency that has re-
4 ceived controlled property transferred under this sec-
5 tion has—

6 “(A) demonstrated 100 percent account-
7 ability for all such property, in accordance with
8 paragraph (2) or (3), as applicable; or

9 “(B) been suspended from the program
10 pursuant to paragraph (4);

11 “(2) with respect to each non-Federal agency
12 that has received controlled property under this sec-
13 tion, the State coordinator responsible for each such
14 agency has verified that the coordinator or an agent
15 of the coordinator has conducted an in-person inven-
16 tory of the property transferred to the agency and
17 that 100 percent of such property was accounted for
18 during the inventory or that the agency has been
19 suspended from the program pursuant to paragraph
20 (4);

21 “(3) with respect to each Federal agency that
22 has received controlled property under this section,
23 the Secretary of Defense or an agent of the Sec-
24 retary has conducted an in-person inventory of the
25 property transferred to the agency and that 100 per-

1 cent of such property was accounted for during the
2 inventory or that the agency has been suspended
3 from the program pursuant to paragraph (4);

4 “(4) the eligibility of any agency that has re-
5 ceived controlled property under this section for
6 which 100 percent of the property was not ac-
7 counted for during an inventory described in para-
8 graph (1) or (2), as applicable, to receive any prop-
9 erty transferred under this section has been sus-
10 pended;

11 “(5) each State coordinator has certified, for
12 each non-Federal agency located in the State for
13 which the State coordinator is responsible that—

14 “(A) the agency has complied with all re-
15 quirements under this section; or

16 “(B) the eligibility of the agency to receive
17 property transferred under this section has been
18 suspended; and

19 “(6) the Secretary of Defense has certified, for
20 each Federal agency that has received property
21 under this section that—

22 “(A) the agency has complied with all re-
23 quirements under this section; or

1 “(B) the eligibility of the agency to receive
2 property transferred under this section has been
3 suspended.

4 “(h) PROHIBITION ON OWNERSHIP OF CONTROLLED
5 PROPERTY.—A Federal or State agency that receives con-
6 trolled property under this section may never take owner-
7 ship of the property.

8 “(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
9 GRADES.—Not later than 30 days before downgrading the
10 classification of any item of personal property from con-
11 trolled or Federal Supply Class, the Secretary shall submit
12 to Congress notice of the proposed downgrade.

13 “(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
14 IZATION.—Before the Defense Logistics Agency author-
15 izes the recipient of property transferred under this sec-
16 tion to cannibalize the property, the Secretary shall submit
17 to Congress notice of such authorization, including the
18 name of the recipient requesting the authorization, the
19 purpose of the proposed cannibalization, and the type of
20 property proposed to be cannibalized.

21 “(k) QUARTERLY REPORTS ON USE OF CONTROLLED
22 EQUIPMENT.—Not later than 30 days after the last day
23 of a fiscal quarter, the Secretary shall submit to Congress
24 a report on any uses of controlled property transferred
25 under this section during that fiscal quarter.

1 “(1) REPORTS TO CONGRESS.—Not later than 30
2 days after the last day of a fiscal year, the Secretary shall
3 submit to Congress a report on the following for the pre-
4 ceding fiscal year:

5 “(1) The percentage of equipment lost by re-
6 cipients of property transferred under this section,
7 including specific information about the type of
8 property lost, the monetary value of such property,
9 and the recipient that lost the property.

10 “(2) The transfer of any new (condition code
11 A) property transferred under this section, including
12 specific information about the type of property, the
13 recipient of the property, the monetary value of each
14 item of the property, and the total monetary value
15 of all such property transferred during the fiscal
16 year.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall apply with respect to any transfer of
19 property made after the date of the enactment of this Act.

20 **SEC. 1046. FINDINGS.**

21 Congress finds the following:

22 (1) There is a lack of reliable data and informa-
23 tion on the amount and types of weapons and equip-
24 ment that law enforcement agencies purchase using

1 Federal funding, and the use and deployment of
2 those weapons and equipment.

3 (2) The Federal Government lacks reliable data
4 and information about the number, composition, and
5 deployment of Special Weapons and Tactics teams
6 (referred to in this section as “SWAT teams”).

7 (3) According to estimates, the percentage of
8 small towns in the United States that had SWAT
9 teams grew from 20 percent in the 1980s to 80 per-
10 cent in the mid-2000s.

11 (4) According to estimates, the number of
12 SWAT team raids per year grew from 3,000 in the
13 1980s to 45,000 in the mid-2000s.

14 (5) The majority of SWAT team deployments
15 are for the purpose of executing a warrant.

16 (6) In 2014, the Federal Government provided
17 more than \$2,000,000,000 in grants and equipment
18 to law enforcement agencies.

19 (7) In 2013 and 2014, the Department of De-
20 fense provided excess Mine Resistant Ambush Pro-
21 tected vehicles (referred to in this section as
22 “MRAPs”) to 624 local law enforcement agencies
23 for free.

1 (8) MRAPs can weigh up to 17 tons and cost
2 up to \$600,000, and are known to damage road sur-
3 faces due to their weight.

4 (9) State and local governments that are re-
5 sponsible for oversight of their law enforcement
6 agencies are not always aware of equipment and
7 grant funding that the law enforcement agencies ob-
8 tain from the Federal Government.

9 **SEC. 1047. TASK FORCE TO ASSIST FEDERAL OFFICIALS IN**
10 **DETERMINING APPROPRIATENESS OF ITEMS**
11 **FOR USE BY LAW ENFORCEMENT.**

12 (a) IN GENERAL.—The Administrator of the Federal
13 Emergency Management Agency, the Director of the De-
14 fense Logistics Agency, and the Attorney General shall
15 jointly appoint a task force to assist each such official in
16 discharging certain functions as required under—

17 (1) section 2009 of the Homeland Security Act
18 of 2002, as added by section 5;

19 (2) section 2576a of title 10, United States
20 Code, as added by section 6; and

21 (3) section 509 of the Omnibus Crime Control
22 and Safe Streets Act of 1968, as added by section
23 7.

24 (b) MEMBERS.—The task force appointed under this
25 section shall include the following:

1 (1) One representative from a law enforcement
2 agency within the Department of Homeland Secu-
3 rity.

4 (2) An individual appointed under section
5 2009(h)(2) of the Homeland Security Act of 2002,
6 as added by section 5.

7 (3) In consultation with the Director of the
8 Federal Bureau of Investigation, 1 representative
9 from the Federal Bureau of Investigation or the
10 FBI Academy.

11 (4) An individual employed by the Defense Lo-
12 gistics Agency pursuant to section 2576a(e)(2) of
13 title 10, United States Code, as added by section 6.

14 (5) An individual appointed under section
15 509(h)(1)(B) of the Omnibus Crime Control and
16 Safe Streets Act of 1968, as added by section 7.

17 (6) One representative of each of the Fraternal
18 Order of Police, the National Tactical Officers Asso-
19 ciation, the International Association of Bomb Tech-
20 nicians and Investigators, the National Bomb Squad
21 Commanders Advisory Board, the Airborne Law En-
22 forcement Association, the International Association
23 of Chiefs of Police, the National Sheriffs Associa-
24 tion, the National Governors Association, and the
25 United States Conference of Mayors.

1 (7) An individual unaffiliated with an organiza-
2 tion specified in paragraph (6) who has a doctoral
3 or masters degree in criminology or criminal justice
4 and a demonstrated expertise in police tactics.

5 (8) One or more individuals from an organiza-
6 tion or organizations whose mission is related to the
7 protection of civil rights and liberties, including the
8 American Civil Liberties Union, the Center for Con-
9 stitutional Rights, the Lawyers Committee for Civil
10 Rights Under Law, the Leadership Conference on
11 Civil and Human Rights, the National Association
12 for the Advancement of Colored People, the NAACP
13 Legal Defense and Educational Fund, Inc., the Na-
14 tional Urban League, and the Rainbow PUSH Coali-
15 tion, selected by the Administrator in consultation
16 with the head of such organization.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for the activities of the
19 task force appointed under this section \$1,000,000 for
20 each of fiscal years 2015, 2016, and 2017.

21 **SEC. 1048. URBAN AREAS SECURITY INITIATIVE AND STATE**
22 **HOMELAND SECURITY GRANT PROGRAM.**

23 (a) IN GENERAL.—Subtitle A of title XX of the
24 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.)
25 is amended by adding at the end the following:

1 **“SEC. 2009. USE OF FUNDS BY LAW ENFORCEMENT.**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘Authorized Equipment List’
4 means the Authorized Equipment List published by
5 the Grant Programs Directorate of the Federal
6 Emergency Management Agency;

7 “(2) the term ‘covered funds’ means funds
8 awarded under section 2003 or 2004;

9 “(3) the term ‘law enforcement agency’—

10 “(A) means an agency or entity with law
11 enforcement officers—

12 “(i) who have arrest and apprehension
13 authority; and

14 “(ii) whose primary function is to en-
15 force the laws;

16 “(B) includes a local educational agency
17 with officers described in subparagraph (A);
18 and

19 “(C) does not include a firefighting agency
20 or entity;

21 “(4) the term ‘law enforcement council’ means
22 a consortium of law enforcement agencies operating
23 in a partnership within a region to promote and en-
24 hance public safety;

1 “(5) the term ‘law enforcement equipment list’
2 means the list of items designated by the Adminis-
3 trator under subsection (b)(1)(B);

4 “(6) the term ‘local educational agency’ has the
5 meaning given that term in section 8013(9) of the
6 Elementary and Secondary Education Act of 1965
7 (20 U.S.C. 7713(9));

8 “(7) the term ‘prohibited item’ means an item
9 that is not on the law enforcement equipment list;

10 “(8) the term ‘restricted item’ means—

11 “(A) tactical law enforcement ballistic pro-
12 tection equipment, including body armor, a bal-
13 listic helmet, a ballistic shield, a battle dress
14 uniform, or camouflage uniforms or clothing;

15 “(B) a remotely piloted aerial vehicle;

16 “(C) a tactical military vehicle;

17 “(D) facial recognition software;

18 “(E) watercraft; or

19 “(F) manned aircraft;

20 “(9) the term ‘SWAT team’ means a Special
21 Weapons and Tactics team or other specialized tac-
22 tical team composed of sworn law enforcement offi-
23 cers; and

24 “(10) the term ‘tactical military vehicle’ means
25 an armored vehicle having military characteristics

1 resulting from military research and development
2 processes, designed primarily for use by forces in the
3 field in direct connection with, or support of, combat
4 or tactical operations.

5 “(b) ASSESSMENT OF AUTHORIZED EQUIPMENT
6 LIST; DESIGNATION OF APPROVED ITEMS.—

7 “(1) IN GENERAL.—The Administrator shall, in
8 consultation with the task force appointed under sec-
9 tion 4 of the Protecting Communities and Police Act
10 of 2015—

11 “(A) as soon as practicable after the date
12 of enactment of the Protecting Communities
13 and Police Act of 2015, assess the appropriate-
14 ness of items on the Authorized Equipment List
15 for use by law enforcement agencies in counter-
16 terrorism activities;

17 “(B) not later than 3 years after the date
18 of enactment of the Protecting Communities
19 and Police Act of 2015, based on the assess-
20 ment conducted under subparagraph (A) and in
21 accordance with the procedures required under
22 paragraph (2), designate a list of items, which
23 may include restricted items, that may be pur-
24 chased using covered funds for use by a law en-
25 forcement agency; and

1 “(C) not less frequently than once every 5
2 years, review and revise, as appropriate, the list
3 of items designated under subparagraph (B).

4 “(2) PUBLICATION.—The Administrator shall
5 publish the law enforcement equipment list on the
6 website of the Department and in the Federal Reg-
7 ister.

8 “(3) PROHIBITED ITEMS.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), a law enforcement agency
11 may not—

12 “(i) use covered funds to purchase a
13 prohibited item; or

14 “(ii) receive a prohibited item that
15 was purchased using covered funds.

16 “(B) EXCEPTION FOR THREATS TO NA-
17 TIONAL SECURITY.—A law enforcement agency
18 may purchase a prohibited item using covered
19 funds, or receive a prohibited item that was
20 purchased using covered funds, if—

21 “(i) the Administrator determines
22 that the prohibited item will be useful in
23 preventing or mitigating damage resulting
24 from a threat to national security;

1 “(ii) the law enforcement agency has
2 in place an agreement with the National
3 Guard of the State in which the law en-
4 forcement agency is located for the storage
5 of the prohibited item at a National Guard
6 site; and

7 “(iii) the law enforcement agency pro-
8 vides a copy of the agreement described in
9 clause (ii) to the Administrator.

10 “(4) REPORTS TO CONGRESS ON EXPECTED
11 PUBLICATION OF FINAL LAW ENFORCEMENT EQUIP-
12 MENT LIST.—Beginning in the third full fiscal year
13 after the date of enactment of the Protecting Com-
14 munities and Police Act of 2015, the Administrator
15 shall submit to Congress a monthly report on the ex-
16 pected date of publication of the final law enforce-
17 ment equipment list.

18 “(5) AUTHORITY TO MAKE GRANTS CONTIN-
19 GENT ON PUBLICATION OF FINAL LIST.—Beginning
20 in the fifth full fiscal year after the date of enact-
21 ment of the Protecting Communities and Police Act
22 of 2015, the Administrator shall withhold from a
23 grant awarded under section 2003 or 2004 any
24 amounts that are intended for use by a law enforce-

1 ment agency unless the Administrator has published
2 a final law enforcement equipment list.

3 “(c) OTHER RESTRICTIONS AND LIMITATIONS ON
4 USE OF COVERED FUNDS.—

5 “(1) RESTRICTED ITEMS PURCHASED USING
6 COVERED FUNDS.—

7 “(A) REQUIREMENTS.—A law enforcement
8 agency may not receive or use covered funds for
9 the purchase of a restricted item, or receive a
10 restricted item purchased using covered funds,
11 unless the law enforcement agency—

12 “(i) except as provided in subpara-
13 graph (B), publishes a needs justification
14 statement—

15 “(I) that, except as provided in
16 subclause (II), includes the informa-
17 tion required under subparagraph (D)
18 if that information is not otherwise
19 publicly available; and

20 “(II) from which the law enforce-
21 ment agency may redact—

22 “(aa) the information re-
23 quired under clause (x) or (xi) of
24 subparagraph (D); and

1 “(bb) with respect to the
2 training records required under
3 clause (vi), any personally identi-
4 fiable information and all but the
5 title and subject of such training;

6 “(ii) obtains the approval of the head
7 of the State, political subdivision of a
8 State, or Indian tribe of which the law en-
9 forcement agency is an agency to obtain
10 the restricted items; and

11 “(iii) submits the needs justification
12 statement, including all information re-
13 quired under subparagraph (D), to the
14 State, high-risk urban area, or directly eli-
15 gible tribe from which the law enforcement
16 agency is to receive the covered funds or
17 restricted item.

18 “(B) ONGOING OPERATIONS.—The re-
19 quirements under subparagraph (A) shall not
20 apply to a law enforcement agency that obtains
21 a restricted item that was purchased using cov-
22 ered funds to be used in an active, ongoing
23 counterterrorism operation.

24 “(C) NOTIFICATION TO ADMINISTRATOR
25 REGARDING APPROVAL OF CERTAIN APPLICA-

1 TIONS.—If an official other than the Adminis-
2 trator approves an application for a grant
3 under section 2003 or 2004 that proposes to
4 use funds for the purchase of a restricted item,
5 the official shall notify the Administrator of the
6 approval before distributing those funds.

7 “(D) NEEDS JUSTIFICATION STATE-
8 MENTS.—A needs justification statement of a
9 law enforcement agency shall include the fol-
10 lowing:

11 “(i) The type and number of re-
12 stricted items proposed to be purchased on
13 behalf of, or distributed to, the law en-
14 forcement agency.

15 “(ii) The number of sworn law en-
16 forcement officers of the law enforcement
17 agency.

18 “(iii) The number, if any, of items
19 similar to the restricted item that the law
20 enforcement agency has in good working
21 condition.

22 “(iv) The number and type of items,
23 if any, that the law enforcement agency
24 has that were—

1 “(I) transferred to the law en-
2 forcement agency under section 2576a
3 of title 10, United States Code; or

4 “(II) purchased using funds from
5 the Edward Byrne Memorial Justice
6 Assistance Grant Program under sub-
7 part 1 of part E of title I of the Om-
8 nibus Crime Control and Safe Streets
9 Act of 1968 (42 U.S.C. 3750 et seq.)
10 during the 5-year period preceding the
11 date on which the statement is pub-
12 lished.

13 “(v) The use of force policy of the law
14 enforcement agency.

15 “(vi) Whether the law enforcement
16 agency intends for a SWAT team to use
17 the restricted item, and, if so, the training
18 records of the SWAT team, including the
19 course outlines of such training.

20 “(vii) Whether the law enforcement
21 agency has or plans to adopt a memo-
22 randum of understanding or other joint
23 use agreement for the shared use of the re-
24 stricted item with any other law enforce-
25 ment agency.

1 “(viii) The capability gap to be filled
2 by the restricted item, and a description of
3 the proposed use of the restricted item by
4 the law enforcement agency.

5 “(ix) Whether a consent decree is in
6 effect between the United States and the
7 law enforcement agency relating to civil
8 rights abuses or excessive use of force.

9 “(x) Whether the law enforcement
10 agency is currently under investigation, or
11 has been under investigation during the
12 preceding 10 years, by the Department of
13 Justice, an inspector general, or any equiv-
14 alent State or local entity for civil rights
15 abuses or excessive use of force.

16 “(xi) Whether the head of the law en-
17 forcement agency has ever been determined
18 by the Department of Justice, an inspector
19 general, or any equivalent State or local
20 entity to have engaged in civil rights
21 abuses or excessive use of force, if such in-
22 formation is publicly available.

23 “(xii)(I) Whether the law enforcement
24 agency requested funds from a regional,

1 State, or local political entity to purchase
2 the requested item;

3 “(II) if the law enforcement agency
4 requested funds from a regional, State, or
5 local political entity and the request was
6 denied, a statement of the reason or rea-
7 sons for the denial; and

8 “(III) if the law enforcement agency
9 did not request funds from a regional,
10 State, or local political entity, a statement
11 explaining why the law enforcement agency
12 did not do so.

13 “(xiii) A certification that any item on
14 the law enforcement equipment list pur-
15 chased using covered funds has not been,
16 and will not be, used by a SWAT team of
17 the law enforcement agency engaging in
18 routine patrol-related incidents, non-tac-
19 tical incidents, or non-tactical assignments.

20 “(xiv) Any other information on the
21 recent record of the law enforcement agen-
22 cy regarding civil rights and the excessive
23 use of force that the Administrator deter-
24 mines appropriate.

25 “(2) RESTRICTIONS ON SMALL AGENCIES.—

1 “(A) TACTICAL MILITARY VEHICLES.—A
2 law enforcement agency with 10 or fewer sworn
3 law enforcement officers—

4 “(i) that has 1 or more functioning
5 tactical military vehicles may not—

6 “(I) use covered funds for the
7 purchase of a tactical military vehicle;
8 or

9 “(II) receive a tactical military
10 vehicle purchased using covered funds;

11 “(ii) that does not have a functioning
12 tactical military vehicle may—

13 “(I) use covered funds for the
14 purchase of not more than 1 tactical
15 military vehicle; or

16 “(II) receive not more than 1
17 tactical military vehicle purchased
18 using covered funds; or

19 “(iii) that is the designated procure-
20 ment agency for a multi-jurisdictional
21 joint-use agreement may use covered funds
22 for the purchase of more than 1 tactical
23 military vehicle, or receive more than 1
24 tactical military vehicle purchased using
25 covered funds, if agency purchases or re-

1 ceives not more than 1 tactical military ve-
2 hicle for every 10 sworn law enforcement
3 officers covered by the joint-use agreement.

4 “(B) LIMITATION ON USE OF COVERED
5 FUNDS BY SMALL SWAT TEAMS.—A law en-
6 forcement agency may not use covered funds to
7 purchase a restricted item, or receive a re-
8 stricted item purchased using covered funds, for
9 use by a SWAT team—

10 “(i) composed of fewer than 17 sworn
11 law enforcement officers;

12 “(ii) composed entirely of members
13 from a single law enforcement agency that
14 has fewer than 35 sworn law enforcement
15 officers;

16 “(iii) composed of members from 2 or
17 more law enforcement agencies that have,
18 in aggregate, fewer than 35 sworn law en-
19 forcement officers; or

20 “(iv) in a routine patrol-related inci-
21 dent, non-tactical incident, or non-tactical
22 assignment.

23 “(3) TRANSPORTATION COSTS.—Covered funds
24 may not be used to pay the cost of transporting an
25 eligible defense item transferred to a law enforce-

1 ment agency under section 2576a of title 10, United
2 States Code.

3 “(4) AGENCIES UNDER CONSENT DECREES OR
4 CIVIL RIGHTS INVESTIGATIONS.—A law enforcement
5 agency for which a consent decree is in effect be-
6 tween the United States and the law enforcement
7 agency, or that is under investigation by the Depart-
8 ment of Justice, relating to civil rights abuses or ex-
9 cessive use of force may not—

10 “(A) use covered funds to purchase a re-
11 stricted item; or

12 “(B) receive a restricted item that was
13 purchased using covered funds.

14 “(d) TRAINING AND CERTIFICATION.—

15 “(1) STATE CERTIFICATION OF LAW ENFORCE-
16 MENT INSTRUCTORS ON LAW ENFORCEMENT TAC-
17 TICS AND THE USE OF RESTRICTED ITEMS.—

18 “(A) IN GENERAL.—On and after the date
19 that is 3 years after the date of enactment of
20 the Protecting Communities and Police Act of
21 2015, a State, any jurisdiction within the State,
22 and any directly eligible tribe any part of which
23 is located within the State, may not receive cov-
24 ered funds for use by a law enforcement agency
25 to purchase a restricted item unless the Gov-

1 ernor or highest official of the State certifies to
2 the Administrator that the State conducts a
3 program for certifying law enforcement instruc-
4 tors in the provision of training on law enforce-
5 ment tactics and investigations that meets the
6 requirements under subparagraph (B).

7 “(B) PROGRAM REQUIREMENTS.—The re-
8 quirements for a program described in subpara-
9 graph (A) are the following:

10 “(i) The program shall include in-
11 struction in training on the following:

12 “(I) The use of force by law en-
13 forcement officers in the ordinary
14 course of their duties.

15 “(II) The use of restricted items
16 by law enforcement officers in the or-
17 dinary course of their duties.

18 “(III) The use of restricted items
19 by SWAT teams.

20 “(IV) The appropriate deploy-
21 ment of SWAT teams.

22 “(V) Civil rights and civil lib-
23 erties.

24 “(VI) Any other matters on the
25 training of law enforcement officers

1 that the head of the State law en-
2 forcement agency considers appro-
3 priate.

4 “(ii) A list of the instructors who are
5 certified pursuant to the program or pur-
6 suant to the program conducted by the
7 Secretary under section 2010 shall be
8 maintained and published.

9 “(C) DISCHARGE THROUGH EXISTING PRO-
10 GRAMS.—A State may satisfy the requirement
11 under subparagraph (A) using a program in ef-
12 fect on the date that is 3 years after the date
13 of the enactment of the Protecting Commu-
14 nities and Police Act of 2015 if such program
15 satisfies the requirements in subparagraph (B).

16 “(2) MINIMUM ANNUAL TRAINING REQUIRE-
17 MENTS.—

18 “(A) ESTABLISHMENT.—On and after the
19 date that is 3 years after the date of enactment
20 of the Protecting Communities and Police Act
21 of 2015, a State, any jurisdiction within the
22 State, and any directly eligible tribe any part of
23 which is located within the State, may not re-
24 ceive covered funds, or equipment purchased
25 using covered funds, unless the State estab-

1 lishes minimum annual training requirements
2 for all sworn law enforcement officers in the
3 State, including—

4 “(i) specialized leadership training re-
5 quirements for heads of law enforcement
6 agencies who have—

7 “(I) decisionmaking authority on
8 the deployment of SWAT teams and
9 tactical military vehicles; or

10 “(II) responsibility for drafting
11 policies on the use of force and SWAT
12 team deployment;

13 “(ii) specialized SWAT team training
14 requirements for all SWAT team members
15 in law enforcement tactics used in tactical
16 operations;

17 “(iii) training in the appropriate use
18 and deployment of tactical military vehi-
19 cles; and

20 “(iv) not less than 1 training session
21 on sensitivity, including training on ethnic
22 and racial bias, cultural diversity, and law
23 enforcement interaction with disabled indi-
24 viduals, mentally ill individuals, and new
25 immigrants.

1 “(B) FEDERALLY CERTIFIED OR STATE-
2 CERTIFIED INSTRUCTORS.—The training re-
3 quirements established by a State under sub-
4 paragraph (A) may only be satisfied through
5 training conducted by an instructor certified
6 under—

7 “(i) the program conducted by the
8 Secretary under section 2010; or

9 “(ii) a program conducted by a State
10 under paragraph (1).

11 “(C) CERTIFICATION OF COMPLETED
12 TRAINING.—On and after the date that is 1
13 year after the date on which a program is es-
14 tablished under paragraph (1), a law enforce-
15 ment agency may not directly or indirectly re-
16 ceive covered funds, or receive equipment pur-
17 chased using covered funds, unless the law en-
18 forcement agency certifies to the entity from
19 which the law enforcement agency is seeking
20 funds or equipment that, during the preceding
21 year, each sworn law enforcement officer em-
22 ployed by the law enforcement agency met all
23 applicable minimum annual training require-
24 ments established by the State in which the law
25 enforcement agency is located under subpara-

1 graph (A) of this paragraph, including special-
2 ized SWAT team training requirements.

3 “(D) FALSE CERTIFICATION.—The Admin-
4 istrator shall suspend or terminate the eligi-
5 bility of a law enforcement agency to directly or
6 indirectly receive covered funds, or receive
7 equipment purchased using covered funds, if
8 the law enforcement agency intentionally sub-
9 mits a false certification under subparagraph
10 (C) that a law enforcement officer met the min-
11 imum annual training requirements established
12 by the State in which the agency is located
13 under subparagraph (A).

14 “(E) SATISFACTION BY RECENT HIREES.—
15 The requirements under subparagraph (A) shall
16 provide for the first completion of the training
17 concerned by an individual who becomes an offi-
18 cer in a law enforcement agency or a member
19 of a SWAT team by not later than 1 year after
20 the date on which the individual becomes an of-
21 ficer in the law enforcement agency or a mem-
22 ber of a SWAT team, as applicable.

23 “(e) REPORTING REQUIREMENTS.—

1 “(1) ANNUAL REPORTS BY ADMINISTRATOR.—
2 The Administrator shall make public and submit to
3 Congress and the Attorney General—

4 “(A) an annual report on the purchase by
5 law enforcement agencies of restricted items
6 purchased using covered funds; and

7 “(B) an annual report on the purchase and
8 use by law enforcement agencies of tactical
9 military vehicles and remotely piloted aerial ve-
10 hicles purchased using covered funds.

11 “(2) GRANT APPLICANTS AND RECIPIENTS.—

12 “(A) LIST OF EQUIPMENT PURCHASED.—
13 As a condition of receiving a grant under sec-
14 tion 2003 or 2004, a State, high-risk urban
15 area, or directly eligible tribe shall submit to
16 the Administrator, as part of the report sub-
17 mitted under section 2022(b)(1)(A) relating to
18 the last quarter of any fiscal year, a description
19 of the quantity and specific type of equipment
20 purchased by the recipient and any subgrantee
21 of the recipient using covered funds.

22 “(B) AGENCIES WITH SPECIAL EQUIP-
23 MENT.—As a condition of receiving a grant
24 under section 2003 or 2004, a State, high-risk
25 urban area, or directly eligible tribe shall sub-

1 mit to the Administrator a report that de-
2 scribes, for each law enforcement agency that
3 purchased a restricted item using covered funds
4 made available by the State, high-risk urban
5 area, or directly eligible tribe, or received a re-
6 stricted item that the State, high-risk urban
7 area, or directly eligible tribe purchased using
8 covered funds—

9 “(i) the needs justification statement
10 that the law enforcement agency submitted
11 to the State, high-risk urban area, or di-
12 rectly eligible tribe with respect to the re-
13 stricted item under subsection
14 (c)(1)(A)(iii); and

15 “(ii) the number and types of re-
16 stricted items that the law enforcement
17 agency purchased or received.

18 “(C) SWAT TEAM DEPLOYMENT
19 RECORDS.—A law enforcement agency that uses
20 covered funds to purchase a tactical military ve-
21 hicle, or receives a tactical military vehicle pur-
22 chased using covered funds, for use by a SWAT
23 team shall maintain a record of each deploy-
24 ment of the tactical military vehicle by the
25 SWAT team, which shall include—

1 “(i) the type of police activity for
2 which the tactical military vehicle is de-
3 ployed;

4 “(ii) the rationale for the deployment;

5 “(iii) the nexus between—

6 “(I) the use of force policy and
7 SWAT team policy of the law enforce-
8 ment agency, if applicable; and

9 “(II) the police activity for which
10 the tactical military vehicle is de-
11 ployed; and

12 “(iv) a description, written after the
13 deployment, of whether force or weapons
14 were used by or against the law enforce-
15 ment officers deploying the tactical mili-
16 tary vehicle.

17 “(f) WHISTLEBLOWER AND INDEPENDENT OVER-
18 SIGHT REQUIREMENTS.—

19 “(1) WHISTLEBLOWER REQUIREMENTS.—On or
20 after the date that is 3 years after the date of enact-
21 ment of the Protecting Communities and Police Act
22 of 2015, a State, any jurisdiction within the State,
23 and any directly eligible tribe any part of which is
24 located within the State, may not directly or indi-
25 rectly receive covered funds for the purchase of a re-

1 stricted item unless the Governor or highest officer
2 of the State certifies to the Administrator that the
3 State—

4 “(A) has in place—

5 “(i) a program, including a public
6 complaint hotline, that provides individuals
7 the ability to disclose any—

8 “(I) misuse of equipment pur-
9 chased using covered funds; or

10 “(II) other waste, fraud, or abuse
11 in connection with the use of covered
12 funds; and

13 “(ii) mechanisms (commonly referred
14 to as ‘whistleblower protections’) to protect
15 individuals who make a disclosure de-
16 scribed in clause (i) from retaliatory or
17 other adverse personnel actions in connec-
18 tion with such disclosures; and

19 “(B) publicizes the existence of the pro-
20 gram and whistleblower protections described in
21 subparagraph (A).

22 “(2) CERTIFICATION OF OVERSIGHT AND AC-
23 COUNTABILITY.—

24 “(A) CERTIFICATION REQUIRED.—A law
25 enforcement agency may not receive a restricted

1 item purchased using covered funds, or directly
2 or indirectly receive covered funds to purchase
3 a restricted item, unless the head of the law en-
4 forcement agency submits to the Administrator
5 a written certification (in the form of a memo-
6 randum of understanding, memorandum of
7 agreement, or letterhead correspondence) that
8 an entity that does not report to the head of
9 the law enforcement agency is authorized—

10 “(i) to receive any complaints regard-
11 ing the use of any equipment and funds of
12 the law enforcement agency;

13 “(ii) to periodically review and assess
14 the use of such equipment and funds by
15 the law enforcement agency; and

16 “(iii) to make recommendations to the
17 law enforcement agency regarding the use
18 of such equipment and funds by the law
19 enforcement agency that are either—

20 “(I) non-binding in character; or

21 “(II) binding in character, if au-
22 thorized by—

23 “(aa) a law or ordinance
24 governing the law enforcement
25 agency or the entity; or

1 “(bb) an agreement between
2 the law enforcement agency and
3 organizations representing law
4 enforcement officers of the law
5 enforcement agency.

6 “(B) DISCHARGE THROUGH EXISTING EN-
7 TITIES.—A law enforcement agency may satisfy
8 the requirement in subparagraph (A) through
9 an entity that exists as of the date of the enact-
10 ment of the Protecting Communities and Police
11 Act of 2015, including an independent review
12 board, a Federal, State, or local inspector gen-
13 eral, a Federal, State, county, or city attorney
14 general, a district attorney, the Federal Bureau
15 of Investigation or another Federal agency, a
16 State agency, a State or local governing body
17 (such as a city council or county commission),
18 a law enforcement council, or an independent
19 entity established by one or more such officials,
20 agencies, or entities on behalf of one or more
21 law enforcement agencies.

22 “(g) SUSPENSION AND TERMINATION.—

23 “(1) FOR LOST OR STOLEN ITEMS.—As a con-
24 dition of receiving a grant under section 2003 or
25 2004, a State, high-risk urban area, or directly eligi-

1 ble tribe shall implement procedures under which, if
2 a restricted item that was purchased using covered
3 funds and is in the possession of a law enforcement
4 agency is lost, stolen, or misappropriated—

5 “(A) on the first occurrence, and after the
6 law enforcement agency is provided with notice
7 and the opportunity to contest the allegation,
8 the eligibility of the law enforcement agency to
9 receive covered funds to purchase a restricted
10 item, or to receive a restricted item purchased
11 using covered funds, shall be suspended for a
12 period of not less than 6 months; and

13 “(B) on the subsequent occurrence, and
14 after the law enforcement agency is provided
15 with notice and the opportunity to contest the
16 allegation, the eligibility of the law enforcement
17 agency to receive covered funds or receive a re-
18 stricted item purchased using covered funds
19 shall be suspended for a period of not less than
20 5 years.

21 “(2) INTENTIONAL FALSIFICATION OF INFOR-
22 MATION.—As a condition of receiving a grant under
23 section 2003 or 2004, a State, high-risk urban area,
24 or directly eligible tribe shall implement procedures
25 under which the eligibility of a law enforcement

1 agency to receive covered funds, or to receive a re-
2 stricted item purchased using covered funds, shall, if
3 the law enforcement agency is determined to have
4 intentionally falsified any information relating to the
5 purchase or receipt of a restricted item, and after
6 the law enforcement agency is provided with notice
7 and the opportunity to contest the allegation, be sus-
8 pended for a period of not less than 5 years.

9 “(3) DISCLOSURE TO ADMINISTRATOR.—Each
10 State, high-risk urban area, or directly eligible tribe
11 that receives a grant under section 2003 or 2004
12 shall submit to the Administrator an annual report
13 that describes each law enforcement agency that is
14 ineligible, due to a suspension or termination under
15 paragraph (1) or (2), to receive covered funds to
16 purchase a restricted item, or to receive a restricted
17 item purchased using covered funds.

18 “(h) LAW ENFORCEMENT EXPERTISE.—

19 “(1) DEFINITION.—In this subsection, the term
20 ‘covered grant application’ means a grant applica-
21 tion under section 2003 or 2004 that proposes to—

22 “(A) use funds for the purchase of a re-
23 stricted item for use by a law enforcement
24 agency; or

1 “(B) provide funds to a law enforcement
2 agency for the purchase of a restricted item.

3 “(2) APPOINTMENT.—The Administrator shall
4 appoint individuals with expertise in State, county,
5 or local law enforcement agency functions to assist
6 the Administrator in—

7 “(A) determining which items are appro-
8 priate for inclusion on the law enforcement
9 equipment list; and

10 “(B) assessing covered grant applications.

11 “(3) NUMBER OF INDIVIDUALS.—The Adminis-
12 trator shall appoint as many individuals under para-
13 graph (2) as necessary to ensure that—

14 “(A) not less than 1 such individual as-
15 sesses each covered grant application; and

16 “(B) the involvement of such individuals in
17 the process of assessing covered grant applica-
18 tions does not substantially delay the process.

19 “(4) MANAGERIAL EXPERIENCE PREFERRED.—
20 In appointing individuals under paragraph (2), the
21 Administrator shall give preference to individuals
22 with law enforcement managerial experience.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of contents in section 1(b) of the Homeland Se-
25 curity Act of 2002 (Public Law 107–96; 116 Stat. 2135)

1 is amended by inserting after the item relating to section
2 2008 the following:

“Sec. 2009. Use of funds by law enforcement.”.

3 **SEC. 1049. MODIFICATION OF AUTHORITY TO TRANSFER**
4 **DEPARTMENT OF DEFENSE PROPERTY FOR**
5 **LAW ENFORCEMENT ACTIVITIES.**

6 (a) RESTATEMENT AND MODIFICATION OF CURRENT
7 AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW
8 ENFORCEMENT ACTIVITIES.—Section 2576a of title 10,
9 United States Code, is amended to read as follows:

10 **“§ 2576a. Excess personal property: sale or donation**
11 **of certain controlled defense items for**
12 **State or local law enforcement activities**

13 “(a) TRANSFER AUTHORIZED.—Notwithstanding
14 any other provision of law and subject to the provisions
15 of this section, the Secretary of Defense may transfer to
16 State and local law enforcement agencies for law enforce-
17 ment activities controlled defense items of the Department
18 of Defense, including small arms and ammunition, that
19 are determined in accordance with subsection (f) to be eli-
20 gible defense items for purposes of this section.

21 “(b) NO TRANSFER OF ITEMS REQUESTED BY FED-
22 ERAL AGENCIES.—An item may not be transferred under
23 this section if requested for transfer by a Federal agency
24 under section 2576b of this title.

1 “(c) CONDITIONS FOR TRANSFER.—The Secretary of
2 Defense may transfer items under this section only if—

3 “(1) the items are drawn from existing stocks
4 of the Department of Defense;

5 “(2) the recipient accepts the items on an as-
6 is, where-is basis;

7 “(3) the transfer is made without the expendi-
8 ture of any funds available to the Department of
9 Defense for the procurement of defense equipment;

10 “(4) all costs incurred subsequent to the trans-
11 fer of the items are borne or reimbursed by the re-
12 cipient; and

13 “(5) the recipient agrees to comply with any in-
14 ventory, accountability, reporting, and disposal re-
15 quirements prescribed in the regulations for pur-
16 poses of this section under subsection (g).

17 “(d) CONSIDERATION.—Subject to subsection (c)(4),
18 the Secretary of Defense may transfer items under this
19 section without charge to the recipient agency.

20 “(e) ASSISTANCE FOR DIRECTOR OF DLA IN DIS-
21 CHARGE OF CERTAIN FUNCTION BY EXPERTS IN LAW
22 ENFORCEMENT ACTIVITIES.—

23 “(1) IN GENERAL.—The Director of the De-
24 fense Logistics Agency shall employ in the Defense
25 Logistics Agency individuals with expertise in law

1 enforcement to assist the Director in the discharge
2 of the functions specified in paragraph (2). The Di-
3 rector shall ensure that the number of individuals so
4 employed is sufficient to ensure the timely assess-
5 ment of applications described in paragraph (2)(A)
6 in order to ensure that no delay occurs in the trans-
7 fer of eligible defense items under this section by
8 reason of such assessments. The Director shall ac-
9 cord a preference in the employment under this
10 paragraph of individuals with experience in law en-
11 forcement management.

12 “(2) FUNCTIONS.—Individuals employed under
13 this subsection shall assist the Director in the fol-
14 lowing:

15 “(A) The assessment of applications of
16 State and local law enforcement agencies for
17 the transfer of eligible defense items in accord-
18 ance with subsection (j)(3).

19 “(B) The determination whether controlled
20 defense items that are not eligible for treatment
21 as eligible defense items under this section will
22 be useful in preventing or mitigating damage
23 resulting from an actionable threat to national
24 security for purposes of subsection (h)(1).

1 “(f) DETERMINATION AND NOTICE TO PUBLIC ON
2 ELIGIBLE DEFENSE ITEMS.—

3 “(1) CONTROLLED DEFENSE ITEMS APPRO-
4 PRIATE FOR TREATMENT AS ELIGIBLE DEFENSE
5 ITEMS.—The Secretary of Defense shall, acting
6 through the Director of the Defense Logistics Agen-
7 cy, maintain, and periodically update, a list of cur-
8 rent controlled defense items that are appropriate
9 for treatment as eligible defense items for purposes
10 of this section.

11 “(2) DETERMINATION OF CONTROLLED DE-
12 FENSE ITEMS AS ELIGIBLE DEFENSE ITEMS.—The
13 Director shall, in consultation with the task force
14 appointed pursuant to section 4 of the Protecting
15 Communities and Police Act of 2015 and in accord-
16 ance with the regulations for purposes of this section
17 under subsection (g), identify controlled defense
18 items that are appropriate for treatment as eligible
19 defense items for purposes of this section by identi-
20 fying controlled defense items that—

21 “(A) can be readily put to civilian use by
22 State and local law enforcement agencies; and

23 “(B) are suitable for transfer to State and
24 local law enforcement agencies pursuant to this
25 section.

1 “(3) AVAILABILITY TO PUBLIC OF ELIGIBLE
2 DEFENSE ITEMS LIST.—Upon a determination pur-
3 suant to paragraph (2) of controlled defense items
4 to be treated as eligible defense items for purposes
5 of this section, the Director shall make available to
6 the public, on an Internet website of the Department
7 of Defense available to the public, a list of all con-
8 trolled defense items currently treated as eligible de-
9 fense items for purposes of this section. The Inter-
10 net website may be a current website of the Depart-
11 ment or a website of the Department established
12 and maintained for purposes of this section.

13 “(g) REQUIREMENTS AND LIMITATIONS ON DETER-
14 MINATIONS OF CONTROLLED DEFENSE ITEMS AS ELIGI-
15 BLE DEFENSE ITEMS.—

16 “(1) REGULATIONS.—

17 “(A) REGULATIONS REQUIRED.—The de-
18 termination under subsection (f)(2) whether a
19 controlled defense item is an eligible defense
20 item for purposes of this section shall be made
21 in accordance with criteria and requirements
22 set forth in regulations prescribed by the Direc-
23 tor of the Defense Logistics Agency, in con-
24 sultation with the task force appointed pursu-
25 ant to section 4 of the Protecting Communities

1 and Police Act of 2015. Public notice and com-
2 ment shall not be required in connection with
3 any such determination unless otherwise re-
4 quired by such regulations.

5 “(B) PERIODIC REVIEW REQUIRED.—The
6 Director shall, in consultation with the task
7 force, review and revise the regulations for pur-
8 poses of this section not less often than once
9 every five years.

10 “(C) MANNER OF PRESCRIPTION.—In pre-
11 scribing or revising regulations under this para-
12 graph, the Director shall publish a written
13 statement from the task force on the extent of
14 its approval of such regulations as so prescribed
15 or revised.

16 “(D) TECHNOLOGICAL ADVANCES.—The
17 Director may, in consultation with the task
18 force, update the regulations for purposes of
19 this section without regard to formal rule-
20 making requirements if necessary to respond to
21 technological advances and the development of
22 new models of items on the list of controlled de-
23 fense items determined by the Director under
24 subsection (f)(2) to be eligible defense items for
25 purposes of this section. In so updating the reg-

1 ulations, the Director shall publish a written
2 statement on the extent of the approval of the
3 task force of the regulations as so revised.

4 “(2) AUTHORIZED ELEMENTS.—The regula-
5 tions for purposes of this section may include the
6 following:

7 “(A) Tiers of eligibility of State or local
8 law enforcement agencies for transfers of eligi-
9 ble defense items based on types of items, need
10 of law enforcement agencies for particular
11 items, size and capabilities of law enforcement
12 agencies, or such other factors as the Director,
13 in consultation with the task force referred to
14 in paragraph (1)(B), may specify in the regula-
15 tions.

16 “(B) Restrictions on the numbers or types
17 of eligible defense items that may be trans-
18 ferred to a particular State or local law enforce-
19 ment agency, within a particular period of time,
20 to law enforcement agencies in a particular re-
21 gion, or such other factors as the Director, in
22 consultation with the task force, may specify in
23 regulations.

24 “(C) Restrictions on the use of particular
25 eligible defense items by State or local law en-

1 forcement agencies based on size, capability, or
2 such other factors the Director, in consultation
3 with the task force, may specify in the regula-
4 tions.

5 “(D) Such inventory, accountability, re-
6 porting, and disposal requirements regarding el-
7 igible defense items transferred under this sec-
8 tion as the Director, in consultation with the
9 task force, considers appropriate.

10 “(E) Requirements for memoranda of un-
11 derstanding or other appropriate agreements in
12 the case of joint use of eligible defense items
13 transferred under this section by more than one
14 State or local law enforcement agency.

15 “(3) PROHIBITION ON TREATMENT OF CERTAIN
16 ITEMS AS ELIGIBLE DEFENSE ITEMS.—The regula-
17 tions for purposes of this section shall prohibit the
18 treatment as eligible defense items for purposes of
19 this section of the following:

20 “(A) Mine Resistant Ambush Protected
21 (MRAP) vehicles.

22 “(B) Remotely piloted aircraft that are ar-
23 mored, weaponized, or both.

1 “(C) Aircraft that are combat configured
2 or combat coded or have no established com-
3 mercial flight application.

4 “(D) Bayonets.

5 “(E) Tasers developed primarily for use by
6 the military.

7 “(F) Any controlled defense item that can-
8 not be purchased by State or local law enforce-
9 ment agencies in the private sector.

10 “(G) Any other controlled defense item de-
11 termined by the Director to be unsuitable for
12 use by State or local law enforcement agencies.

13 “(4) APPROVAL REQUIRED BEFORE TRANSFER
14 OF CERTAIN ITEMS.—

15 “(A) IN GENERAL.—If any item specified
16 in subparagraph (B) is an eligible defense item
17 for purposes of this section, such item may not
18 be transferred under this section without the
19 approval of the Director, in consultation with
20 an individual employed pursuant to subsection
21 (e).

22 “(B) ITEMS.—The items specified in this
23 subparagraph are the following:

24 “(i) Weapons over .50 caliber.

1 “(ii) Grenades, flash bang grenades,
2 grenade launchers, and grenade launcher
3 attachments.

4 “(iii) Tactical military vehicles.

5 “(5) LIMITATIONS ON TRANSFER OF TACTICAL
6 MILITARY VEHICLES TO SMALL LAW ENFORCEMENT
7 AGENCIES.—The regulations for purposes of this
8 section shall limit the transfer of tactical military ve-
9 hicles to a State or local law enforcement agency
10 with 10 or fewer sworn law enforcement officers as
11 follows:

12 “(A) If the law enforcement agency has
13 one or more functioning tactical military vehi-
14 cles, a tactical military vehicle may not be
15 transferred to the agency.

16 “(B) If the law enforcement agency does
17 not have a functioning tactical military vehicle,
18 not more than one tactical military vehicle may
19 be transferred to the agency.

20 “(C) If the law enforcement agency is the
21 designated procurement agency for a multi-ju-
22 risdictional joint-use agreement, not more than
23 1 tactical military vehicle may be transferred to
24 the agency for every 10 sworn law enforcement
25 officers covered by the joint-use agreement.

1 “(6) LIMITATION ON TRANSFER OF CAMOU-
2 FLAGE UNIFORMS OR CLOTHING.—The regulations
3 for purposes of this section shall prohibit the trans-
4 fer of camouflage uniforms or clothing to a State or
5 law enforcement agency unless the law enforcement
6 agency certifies that its geographic area of jurisdic-
7 tion contains environments that may require the use
8 of camouflage uniforms or clothing.

9 “(7) PROHIBITIONS ON TRANSFER OF ITEMS
10 FOR USE BY SMALL SWAT TEAMS.—The regulations
11 for purposes of this section shall prohibit the trans-
12 fer of eligible defense items under this section for
13 use by any SWAT team as follows:

14 “(A) A SWAT team composed of fewer
15 than 17 sworn law enforcement officers.

16 “(B) A SWAT team composed entirely of
17 members from a single State or local law en-
18 forcement agency that has fewer than 35 sworn
19 law enforcement officers.

20 “(C) A SWAT team composed of members
21 from 2 or more State or local law enforcement
22 agencies which agencies have, in aggregate,
23 fewer than 35 sworn law enforcement officers.

1 “(8) PROHIBITION ON TRANSFER OF CERTAIN
2 ITEMS TO LAW ENFORCEMENT AGENCIES UNDER
3 CONSENT DECREES.—

4 “(A) IN GENERAL.—The regulations for
5 purposes of this section shall prohibit the trans-
6 fer of items specified in subparagraph (B) to a
7 State or local law enforcement agency for which
8 a consent decree is in effect between the United
9 States and the law enforcement agency, or that
10 is under investigation by the Department of
11 Justice, relating to civil rights abuses or exces-
12 sive use of force.

13 “(B) ITEMS.—The items specified in this
14 subparagraph are the following:

15 “(i) Weapons.

16 “(ii) Tactical military vehicles.

17 “(9) TRANSFER TO LOCAL EDUCATION AGEN-
18 CIES.—

19 “(A) PROHIBITION ON TRANSFER.—The
20 regulations for purposes of this section shall
21 prohibit the transfer of eligible defense items to
22 any local educational agency or law enforcement
23 agency affiliated with a local educational agency
24 as follows:

1 “(i) A local educational agency that is
2 served by a State or local law enforcement
3 agency that—

4 “(I) is unaffiliated with the local
5 educational agency; and

6 “(II) has items or equipment
7 identical or similar to the eligible de-
8 fense items otherwise to be trans-
9 ferred.

10 “(ii) A local educational agency that
11 is served by one or more State or local law
12 enforcement agencies that are unaffiliated
13 with the local educational agency if no
14 such serving agency will agree to store and
15 maintain the eligible defense items for the
16 local educational agency.

17 “(B) LIMITATION ON USE OF FUNDS.—

18 The regulations for purposes of this section
19 shall provide that a local educational agency
20 transferred an eligible defense item under this
21 section may not use funds of the local edu-
22 cational agency—

23 “(i) to transport the item to the dis-
24 trict of the local educational agency; or

25 “(ii) to maintain the item.

1 “(10) PROHIBITION ON REQUIREMENT FOR
2 TIMELY USE OF TRANSFERRED ITEMS.—The regula-
3 tions for purposes of this section may not require
4 the use of an eligible defense item transferred under
5 this section within one year of the receipt of the
6 item by the State or local law enforcement agency
7 concerned.

8 “(h) NATIONAL SECURITY EXCEPTION FOR TRANS-
9 FER OF CERTAIN CONTROLLED DEFENSE ITEMS NOT
10 TREATABLE AS ELIGIBLE DEFENSE ITEMS.—

11 “(1) THREATS TO NATIONAL SECURITY.—The
12 regulations for purposes of this section under sub-
13 section (g) shall permit the transfer of a controlled
14 defense item that is not treated as an eligible de-
15 fense item for purposes of this section if—

16 “(A) there is an actionable threat to na-
17 tional security; and

18 “(B) the Director of the Defense Logistics
19 Agency, in consultation with individuals em-
20 ployed pursuant to subsection (e), determines
21 that the item will be useful in preventing or
22 mitigating damage resulting from the threat de-
23 scribed in subparagraph (A).

24 “(2) UPDATE TO LIST.—If an actionable threat
25 to national security justifies the transfer of a con-

1 trolled defense item under this subsection, the Direc-
2 tor shall revise the regulations for purposes of this
3 section to treat the controlled defense item as an eli-
4 gible defense item for purposes of this section as
5 soon as practicable. A transfer of a controlled de-
6 fense item may occur in accordance with paragraph
7 (1) regardless of whether the update to the regula-
8 tions for purposes of this section has been made
9 under this paragraph at the time of transfer.

10 “(3) APPLICABILITY OF OTHER REQUIRE-
11 MENTS.—If an actionable threat to national security
12 justifies the transfer of a controlled defense item
13 under this subsection, any requirements, prohibi-
14 tions, and limitations otherwise applicable to the
15 transfer of the item as an eligible defense item
16 under this section shall not apply to the transfer of
17 the item under this subsection.

18 “(4) DISPOSITION OF ITEMS AFTER THREAT.—
19 Upon the cessation of the threat to national security
20 for which a controlled defense item is transferred
21 under this subsection, the State or local law enforce-
22 ment agency receiving the item shall—

23 “(A) arrange for the storage of the item
24 with the National Guard of the State con-
25 cerned; or

1 “(B) if arrangements under subparagraph
2 (A) cannot be made, transfer the item to the
3 Director.

4 “(i) NOTICE TO LAW ENFORCEMENT AGENCIES ON
5 AVAILABLE STOCKS OF ELIGIBLE DEFENSE ITEMS.—

6 “(1) DLA REVIEW AND NOTICE ON DOD
7 STOCKS.—The Director of the Defense Logistics
8 Agency shall periodically review the existing stocks
9 of the Department of Defense in order to identify
10 the type and quantity, if any, of surplus stocks of
11 the Department of items that are currently treated
12 as eligible defense items for purposes of this section.

13 “(2) NOTICE TO LAW ENFORCEMENT AGENCIES
14 ON AVAILABLE STOCKS OF ITEMS.—The Director
15 shall make information on the results of reviews
16 under paragraph (1) available to the public on the
17 Internet website of the Department referred to in
18 subsection (f)(3).

19 “(j) MECHANISMS OF TRANSFER OF ELIGIBLE DE-
20 FENSE ITEMS TO LAW ENFORCEMENT AGENCIES.—

21 “(1) APPLICATION.—A State or local law en-
22 forcement agency seeking transfer of eligible defense
23 items pursuant to this section shall submit an appli-
24 cation therefore to the State Coordinator for the
25 State in which the law enforcement agency is lo-

1 cated. The application shall include a statement of
2 the need of the agency for the items and the infor-
3 mation specified in subsection (l).

4 “(2) STATE COORDINATOR REVIEW.—A State
5 Coordinator shall review, and approve or disapprove,
6 each application submitted to the State Coordinator
7 under paragraph (1). In determining whether to ap-
8 prove or disapprove an application, a State Coordi-
9 nator shall apply all criteria applicable to the appli-
10 cation in the regulations for purposes of this section
11 under subsection (g). A State Coordinator shall
12 transmit each such application, whether approved or
13 disapproved, to the Director of the Defense Logistics
14 Agency, together with the information specified in
15 subsection (l).

16 “(3) DIRECTOR OF DLA REVIEW OF APPROVED
17 APPLICATIONS.—The Director shall review, and ap-
18 prove or disapprove, each application transmitted to
19 the Director pursuant to paragraph (2) that is ap-
20 proved by a State Coordinator under that para-
21 graph. As part of the review of each application, the
22 Director shall obtain an assessment of such applica-
23 tion by an individual employed pursuant to sub-
24 section (e).

1 “(4) DISCHARGE OF TRANSFER.—The Director
2 and the State Coordinator concerned shall jointly
3 carry out the transfer of eligible defense items cov-
4 ered by applications approved by the Director under
5 this subsection.

6 “(k) PUBLIC NOTICE ON REQUESTS FOR TRANS-
7 FERS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), a State or local law enforcement agency
10 requesting transfer of an eligible defense item under
11 this section, including pursuant to interagency trans-
12 fer under subsection (r), shall—

13 “(A) publish notice to the public on such
14 request, including the information specified in
15 subsection (l) (other than paragraphs (7), (11),
16 (12), and (16) of that subsection, and with any
17 personally identifiable information otherwise re-
18 quired by paragraphs (17) and (18) of that
19 subsection redacted) if such information is not
20 otherwise available to the public; and

21 “(B) obtain approval of the request by the
22 State or political subdivision of a State of which
23 the law enforcement agency is an agency.

24 “(2) EXCEPTION.—

1 “(A) ITEMS FOR UNDERCOVER OPER-
2 ATIONS.—A State or local law enforcement
3 agency requesting transfer of an eligible defense
4 item is not required to comply with paragraph
5 (1) if the item requested is for an active under-
6 cover operation.

7 “(B) ALTERNATIVE NOTICE REQUIRE-
8 MENT.—A State or local law enforcement agen-
9 cy receiving an item under this section pursuant
10 to a request covered by subparagraph (A) shall
11 publish public notice of the request not later
12 than 10 business days after the conclusion of
13 the undercover operation for which the item
14 was requested.

15 “(l) INFORMATION IN SUPPORT OF APPLICATIONS.—
16 The application of a State or local law enforcement agency
17 for the transfer of eligible defense items under subsection
18 (j)(1), and the transmittal of the State Coordinator con-
19 cerned to the Director of the Defense Logistics Agency
20 with respect to the application pursuant to subsection
21 (j)(2), shall include with the application a statement of
22 the need of the law enforcement agency for the items as
23 described in subsection (j)(1), which shall include the fol-
24 lowing:

1 “(1) The type and amount of each item being
2 requested.

3 “(2) The name of the law enforcement agency.

4 “(3) The number of sworn law enforcement of-
5 ficers of the law enforcement agency.

6 “(4) The number, if any, of items similar to the
7 items being requested that the law enforcement
8 agency has in good working condition.

9 “(5) The amount and type of items, if any, that
10 the law enforcement agency has that were purchased
11 using funds from—

12 “(A) the Urban Area Security Initiative
13 authorized under section 2003 of the Homeland
14 Security Act of 2002 (6 U.S.C. 604);

15 “(B) the State Homeland Security Grant
16 Program authorized under section 2004 of the
17 Homeland Security Act of 2002 (6 U.S.C. 605);
18 or

19 “(C) the Edward Byrne Memorial Justice
20 Assistance Grant Program under subpart 1 of
21 part E of title I of the Omnibus Crime Control
22 and Safe Streets Act of 1968 (42 U.S.C. 3750
23 et seq.).

24 “(6) The use of force policy of the law enforce-
25 ment agency.

1 “(7) Whether the law enforcement agency in-
2 tends for SWAT teams to use the requested items,
3 and, if so, the deployment policies of the law en-
4 forcement agency for SWAT teams.

5 “(8) Whether the law enforcement agency has
6 or plans to adopt a memorandum of understanding
7 or other joint use agreement for the shared use of
8 the requested items with any other law enforcement
9 agency.

10 “(9) The capability gap to be filled by the items
11 requested, and a description of the proposed use of
12 the items by the law enforcement agency.

13 “(10) Whether a consent decree is in effect be-
14 tween the United States and the law enforcement
15 agency relating to civil rights abuses or excessive use
16 of force.

17 “(11) Whether the law enforcement agency is
18 currently under investigation, or has been under in-
19 vestigation in the last 10 years, by the Department
20 of Justice, an inspector general, or any equivalent
21 State or local entity for civil rights abuses or exces-
22 sive use of force.

23 “(12) Whether the chief of police of the law en-
24 forcement agency has ever been determined by the
25 Department of Justice, an inspector general, or any

1 equivalent State or local entity to have engaged in
2 civil rights abuses or excessive use of force.

3 “(13) Whether the law enforcement agency re-
4 quested funds from a regional, State, or local polit-
5 ical entity to purchase the requested items, and—

6 “(A) if so and the request was denied, a
7 statement of the reason or reasons for such de-
8 nial; or

9 “(B) if not, a statement of the reason or
10 reasons the law enforcement agency did not.

11 “(14) Such other information on the recent
12 record of the law enforcement agency regarding civil
13 rights and the excessive use of force as the Director
14 shall specify in the regulations for purposes of this
15 section.

16 “(15) An executed maintenance requirement re-
17 lease acknowledging that the law enforcement agen-
18 cy understands and accepts responsibility for all
19 costs associated with the upkeep of the items.

20 “(16) Detailed documentation on the manner in
21 which the law enforcement agency will provide for
22 the storage and security of the items.

23 “(17) A description of the policies and proce-
24 dures of the law enforcement agency for use of the
25 items, including who will have authority over the use

1 of the items and an organizational chart, and the
2 names and titles of agency members, who will have
3 charge of the items.

4 “(18) Documentation showing that the mem-
5 bers identified pursuant to paragraph (17) as in
6 charge of items have been trained in the use and de-
7 ployment of such items within the past five years, or
8 identifying specific training such members identified
9 shall participate not later than 90 days after receipt
10 of the items.

11 “(19) Certification that any eligible defense
12 items transferred under this section for use by a
13 SWAT team have not been used, and will not be
14 used, by a SWAT team engaging in routine patrol-
15 related incidents, non-tactical incidents, and non-tac-
16 tical assignments.

17 “(20) Such other information on the law en-
18 forcement agency, and the application of the law en-
19 forcement agency, as the Director shall specify in
20 the regulations for purposes of this section.

21 “(m) REQUIREMENTS IN CONNECTION WITH USE OF
22 ELIGIBLE DEFENSE ITEMS BY SWAT TEAMS.—

23 “(1) SWAT TEAM TRAINING RECORDS.—Eligi-
24 ble defense items may not be transferred to a State
25 or local law enforcement agency under this section

1 for use by a SWAT team unless the law enforcement
2 agency requesting such items certifies to the Direc-
3 tor of the Defense Logistics Agency that the law en-
4 forcement agency makes available to the public the
5 training records of the SWAT team, including the
6 course outlines of such training (except that any
7 personally identifiable information, and all but the
8 title and subject of such training, may be redacted).
9 The Attorney General shall issue, and may from
10 time to time update, nonbinding guidelines on such
11 policies.

12 “(2) VIDEO RECORDING OF DEPLOYMENTS.—
13 Eligible defense items may not be transferred to a
14 State or local law enforcement agency under this
15 section for use by a SWAT team unless the law en-
16 forcement agency requesting such items certifies to
17 the Director that a video recording shall be made of
18 each SWAT team deployment involving the use of
19 such items. Any video recording secured under this
20 paragraph involving the use of force (whether deadly
21 or otherwise) shall be retained by the law enforce-
22 ment agency for a period not shorter than the period
23 of limitation in the State concerned for actions for
24 civil rights violations under section 1979 of the Re-
25 vised Statutes (42 U.S.C. 1983).

1 “(n) POLICIES ON USE OF VIDEO RECORDING
2 EQUIPMENT AND RECORDING.—

3 “(1) IN GENERAL.—Video recording equipment
4 (including body cameras) may not be transferred to
5 a State or local law enforcement agency under this
6 section unless the law enforcement agency request-
7 ing such equipment certifies to the Director of the
8 Defense Logistics Agency that the law enforcement
9 agency has in place, and makes available to the pub-
10 lic, policies on the use of such equipment by law en-
11 forcement officers, and on securing video recordings
12 of operations of law enforcement officers using video
13 equipment, that meets the requirements specified in
14 paragraph (2).

15 “(2) POLICY REQUIREMENTS.—The require-
16 ments specified in this paragraph for policies de-
17 scribed in paragraph (1) are the following:

18 “(A) Policies on the appropriate use of
19 video recording equipment, including whether
20 such equipment should be left on at all times.

21 “(B) Mechanisms to preserve, to the extent
22 practicable, the integrity and security of video
23 recordings, including a description of the per-
24 sonnel of the law enforcement agency, and
25 other parties, who are authorized to access the

1 recordings, mechanisms for the storage of re-
2 cordings, and measures to ensure the cybersecu-
3 rity of such recordings (if applicable to the stor-
4 age, retention, and retrieval of such recordings).

5 “(C) Policies on the authorized and unau-
6 thorized public release of video recordings.

7 “(D) A requirement that any video record-
8 ing of an interaction between a law enforcement
9 officer and an individual who is not a law en-
10 forcement officer involving the use of force
11 (whether deadly or otherwise) shall retained by
12 the law enforcement agency for a period not
13 shorter than the period of limitation in the
14 State concerned for actions for civil rights viola-
15 tions under section 1979 of the Revised Stat-
16 utes (42 U.S.C. 1983).

17 “(o) STATE CERTIFICATION OF INSTRUCTORS IN
18 TRAINING ON USE OF FORCE AND CERTAIN ITEMS.—

19 “(1) CERTIFICATION OF INSTRUCTORS IN
20 TRAINING REQUIRED.—On and after the date that is
21 three years after the date of the enactment of the
22 Protecting Communities and Police Act of 2015 eli-
23 gible defense items may not be transferred to a
24 State or local law enforcement agency of a State
25 under this section unless the Governor of the State

1 (or the designee of the Governor) certifies to the Di-
2 rector of the Defense Logistics Agency that the
3 State conducts a program for certifying police in-
4 structors in the provision of training on the use of
5 force, and in the use of eligible defense items and
6 special justice items, that meets the requirements
7 specified in paragraph (2). Any instructor certified
8 under a program conducted under section 2010 of
9 the Homeland Security Act of 2002 shall be consid-
10 ered certified as a police instructor in any State for
11 purposes of this subsection.

12 “(2) PROGRAM REQUIREMENTS.—The require-
13 ments specified in this paragraph for a program de-
14 scribed in paragraph (1) are the following:

15 “(A) The program shall include instruction
16 in training on the following:

17 “(i) The use of force by State and
18 local law enforcement officers in the ordi-
19 nary course of their duties.

20 “(ii) The use of eligible defense items
21 and special justice items by State and local
22 law enforcement officers in the ordinary
23 course of their duties.

24 “(iii) The use of eligible defense items
25 and special justice items by SWAT teams.

1 “(iv) The appropriate deployment of
2 SWAT teams.

3 “(v) Civil rights and civil liberties.

4 “(vi) Any other matters on the train-
5 ing of State and local law enforcement offi-
6 cers that the Governor of the State (or the
7 designee of the Governor) considers appro-
8 priate.

9 “(B) A list of the instructors who are cer-
10 tified pursuant to the program shall be main-
11 tained and published.

12 “(3) DISCHARGE THROUGH EXISTING PRO-
13 GRAMS.—A State may satisfy the requirement in
14 paragraph (1) using a program in effect on the date
15 that is three years after the date of the enactment
16 of the Protecting Communities and Police Act of
17 2015 if such program satisfies the requirements in
18 paragraph (2).

19 “(p) TRAINING REQUIREMENTS.—

20 “(1) MINIMUM ANNUAL TRAINING REQUIRE-
21 MENTS FOR LAW ENFORCEMENT OFFICERS.—

22 “(A) IN GENERAL.—On and after the date
23 that is three years after the date of the enact-
24 ment of the Protecting Communities and Police
25 Act of 2015, eligible defense items may not be

1 transferred to a State or local law enforcement
2 agency under this section unless the Governor
3 of the State (or the designee of the Governor)
4 certifies to the Director of the Defense Logis-
5 tics Agency that the State has in place min-
6 imum annual training requirements for all
7 sworn law enforcement officers in the State, in-
8 cluding—

9 “(i) specialized leadership training re-
10 quirements for heads of law enforcement
11 agencies who have—

12 “(I) decisionmaking authority on
13 the deployment of SWAT teams and
14 tactical military vehicles; or

15 “(II) responsibility for drafting
16 policies on the use of force and SWAT
17 team deployment;

18 “(ii) specialized SWAT team training
19 requirements for all SWAT team members,
20 including in law enforcement tactics used
21 in tactical operations;

22 “(iii) training in the appropriate use
23 and deployment of tactical military vehi-
24 cles; and

1 “(iv) training on sensitivity, including
2 training on ethnic and racial bias, cultural
3 diversity, and police interaction with the
4 disabled, mentally ill, and new immigrants.

5 “(B) SATISFACTION BY RECENT HIREES.—

6 The requirements under subparagraph (A) shall
7 provide for the first completion of the training
8 concerned by an individual who becomes an offi-
9 cer in a law enforcement agency by not later
10 than one year after the date on which the indi-
11 vidual becomes an officer in the law enforce-
12 ment agency.

13 “(2) STATE COORDINATORS.—On and after the
14 date that is three years after the date of the enact-
15 ment of the Protecting Communities and Police Act
16 of 2015, eligible defense items may not be trans-
17 ferred to a State or local law enforcement agency of
18 a State under this section unless the Governor of the
19 State (or the designee of the Governor) certifies to
20 the Director of the Defense Logistics Agency that
21 the individual who serves as a State Coordinator in
22 the State receives on an annual basis training in the
23 following:

24 “(A) Inventory management.

1 “(B) The assessment of the needs of State
2 and local law enforcement agencies for eligible
3 defense items.

4 “(3) USE OF ELIGIBLE DEFENSE ITEMS.—

5 “(A) IN GENERAL.—On and after the date
6 that is three years after the date of the enact-
7 ment of the Protecting Communities and Police
8 Act of 2015, eligible defense items may not be
9 transferred to a State or local law enforcement
10 agency under this section unless the head of the
11 law enforcement agency requesting such items
12 certifies to the Director that any law enforce-
13 ment officer who is authorized to use such
14 items will have received training on the proper
15 law enforcement use of such items by an in-
16 structor certified as described in subsection (o)
17 or section 2010 of the Homeland Security Act
18 of 2002.

19 “(B) SATISFACTION BY RECENT HIREES.—
20 Training required by subparagraph (A) shall be
21 completed by an individual who becomes a
22 member of a State or local law enforcement
23 agency by not later than one year after the date
24 on which the individual becomes a member of
25 the law enforcement agency.

1 “(4) SWAT TEAMS.—

2 “(A) IN GENERAL.—On and after the date
3 that is three years after the date of the enact-
4 ment of the Protecting Communities and Police
5 Act of 2015, eligible defense items may not be
6 transferred to a State or local law enforcement
7 agency under this section for use by a SWAT
8 team unless the head of the law enforcement
9 agency requesting such items certifies to the
10 Director that any law enforcement officer who
11 is a member of such SWAT team will have par-
12 ticipated during the preceding year in tactical
13 SWAT team training by an instructor certified
14 as described in subsection (o) or section 2010
15 of the Homeland Security Act of 2002 and
16 training required pursuant to paragraph (1).

17 “(B) SATISFACTION BY RECENT HIREES.—
18 Training required by subparagraph (A) shall be
19 completed by an individual who becomes a
20 member of a SWAT team by not later than one
21 year after the date on which the individual be-
22 comes a member of the SWAT team.

23 “(q) WHISTLEBLOWER AND INDEPENDENT OVER-
24 SIGHT REQUIREMENTS.—

1 “(1) WHISTLEBLOWER REQUIREMENTS.—On
2 and after the date that is three years after the date
3 of the enactment of the Protecting Communities and
4 Police Act of 2015, eligible defense items may not
5 be transferred to a State or local law enforcement
6 agency of a State under this section unless the Gov-
7 ernor of the State (or the designee of the Governor)
8 certifies to the Director of the Defense Logistics
9 Agency that the State—

10 “(A) has in place—

11 “(i) a program, including a public
12 complaint hotline, that provides individuals
13 the ability to disclose any waste, fraud, or
14 abuse in connection with the use of such
15 items; and

16 “(ii) mechanisms (commonly referred
17 to as ‘whistleblower protections’) to protect
18 individuals who make a disclosure de-
19 scribed in clause (i) from retaliatory or
20 other adverse personnel actions in connec-
21 tion with such disclosures; and

22 “(B) publicizes the existence of the pro-
23 gram and whistleblower protections described in
24 subparagraph (A).

1 “(2) CERTIFICATION OF OVERSIGHT AND AC-
2 COUNTABILITY.—

3 “(A) CERTIFICATION REQUIRED.—Eligible
4 defense items may not be transferred to a State
5 or local law enforcement agency under this sec-
6 tion unless the head of the law enforcement
7 agency requesting such items submits to the Di-
8 rector a written certification (in the form of a
9 memorandum of understanding, memorandum
10 of agreement, or letterhead correspondence)
11 that an entity that is unaffiliated with the law
12 enforcement agency is authorized—

13 “(i) to receive any complaints regard-
14 ing the use of any equipment and funds of
15 the law enforcement agency;

16 “(ii) to periodically review and assess
17 the use of such equipment and funds by
18 the law enforcement agency; and

19 “(iii) to make recommendations to the
20 law enforcement agency regarding the use
21 of such equipment and funds by the law
22 enforcement agency that are either—

23 “(I) non-binding in character; or

24 “(II) binding in character, if au-
25 thorized by a law or ordinance gov-

1 erning the law enforcement agency or
2 the entity or by an agreement between
3 the governing body of the law enforce-
4 ment agency and organizations rep-
5 resenting law enforcement officers of
6 the law enforcement agency.

7 “(B) DISCHARGE THROUGH EXISTING EN-
8 TITIES.—A law enforcement agency may satisfy
9 the requirement in subparagraph (A) through
10 an entity that exists as of the date of the enact-
11 ment of the Protecting Communities and Police
12 Act of 2015, including an independent review
13 board, a Federal, State, or local inspector gen-
14 eral, a Federal, State, county, or city attorney
15 general, a district attorney, the Federal Bureau
16 of Investigation or another Federal agency, a
17 State agency, a State or local governing body
18 (such as a city council or county commission),
19 a law enforcement council, or an independent
20 entity established by one or more such officials,
21 agencies, or entities on behalf of one or more
22 law enforcement agencies.

23 “(r) INTERAGENCY TRANSFER.—

24 “(1) IN GENERAL.—Subject to paragraph (2), a
25 State or local law enforcement agency may transfer

1 an eligible defense item transferred to the law en-
2 forcement agency under this section to another State
3 or local law enforcement agency.

4 “(2) APPROVAL REQUIRED.—An eligible de-
5 fense item may not be transferred by a State or
6 local law enforcement agency to another law enforce-
7 ment agency under this subsection without the ap-
8 proval of the Director of the Defense Logistics
9 Agency (or the designee of the Director). A law en-
10 forcement agency seeking the approval of the Direc-
11 tor for the transfer of an item pursuant to this para-
12 graph shall submit to the Director an application
13 therefor in such form and manner as the Director
14 shall specify in the regulations for purposes of this
15 section under subsection (g).

16 “(s) SUSPENSION AND TERMINATION.—

17 “(1) FOR LOST OR STOLEN ITEMS.—In the
18 event an item transferred to a State or local law en-
19 forcement agency under this section is lost, stolen,
20 or misappropriated—

21 “(A) in the case of an offensive weapon or
22 ordnance—

23 “(i) on the first occurrence in the case
24 of the law enforcement agency, the Direc-
25 tor of the Defense Logistics Agency, after

1 providing the law enforcement agency with
2 notice and the opportunity to contest the
3 allegation, shall suspend the law enforce-
4 ment agency from eligibility for receipt of
5 items under this section for a period of 6
6 months; and

7 “(ii) on any subsequent occurrence in
8 the case of the law enforcement agency,
9 the Director, after providing the law en-
10 forcement agency with notice and the op-
11 portunity to contest the allegation, shall
12 suspend the law enforcement agency from
13 eligibility for receipt of items under this
14 section for a period of five years; and

15 “(B) in the case of any other item—

16 “(i) on the third occurrence in the
17 case of the law enforcement agency, the
18 Director, after providing the law enforce-
19 ment agency with notice and the oppor-
20 tunity to contest the allegation, shall sus-
21 pend the law enforcement agency from eli-
22 gibility for receipt of items under this sec-
23 tion for a period of 6 months; and

24 “(ii) on any subsequent occurrence in
25 the case of the law enforcement agency,

1 the Director, after providing the law en-
2 forcement agency with notice and the op-
3 portunity to contest the allegation, shall
4 suspend the law enforcement agency from
5 eligibility for receipt of items under this
6 section for a period of three years.

7 “(2) INTENTIONAL FALSIFICATION OF INFOR-
8 MATION.—In the event a State or local law enforce-
9 ment agency is determined by the Director (or the
10 designee of the Director) to have intentionally fal-
11 sified any information in requesting or applying for
12 items under this section, the Director, after pro-
13 viding the law enforcement agency with notice and
14 the opportunity to contest the determination, shall
15 terminate the law enforcement agency from eligi-
16 bility for receipt of items under this section.

17 “(t) REPORT REQUIREMENTS.—

18 “(1) STATE AND LOCAL LAW ENFORCEMENT
19 AGENCIES REPORT REQUIREMENTS.—Not later than
20 one year after the date of the enactment of the Pro-
21 tecting Communities and Police Act of 2015 and
22 every year thereafter, each State or local law en-
23 forcement agency that receives eligible defense items
24 under this section shall submit to the Director of the
25 Defense Logistics Agency a report setting forth an

1 accounting of such items. Each report of an agency
2 shall include the following:

3 “(A) For weapons, tactical vehicles, air-
4 craft, and boats, time-stamped serial numbers
5 of the items.

6 “(B) Such information on the status and
7 use of such items as the Secretary of Defense
8 requires in order to make the reports required
9 by paragraph (2).

10 “(2) SECRETARY OF DEFENSE REPORT RE-
11 QUIREMENTS.—Not later than one year after Pro-
12 tecting Communities and Police Act of 2015, once a
13 year for every four years thereafter, and once every
14 three years thereafter after such five years, the Sec-
15 retary of Defense shall submit to the Attorney Gen-
16 eral, the Secretary of Homeland Security, and Con-
17 gress, and make available to the public, a com-
18 prehensive report on the use during the preceding
19 year of eligible defense items transferred under this
20 section. Each report shall include the following:

21 “(A) A description of all eligible defense
22 items transferred under this section during the
23 year covered by such report, including an ap-
24 pendix setting forth a plain English description
25 or manufacturer make, model number, and

1 name of each item transferred, the quantity of
2 each item transferred, the recipient of each
3 item, and a brief explanation of the need for
4 each item by the recipient.

5 “(B) A statement of the items described in
6 subparagraph (A) that were in new or like-new
7 condition at the time of transfer.

8 “(C) For each type of eligible defense item
9 transferred under this section during the year
10 covered by such report, the quantity, if any, of
11 the same or a similar item purchased by the
12 Department of Defense during the prior fiscal
13 year.

14 “(D) The number of requests for transfer
15 of eligible defense items during the year covered
16 by such report that were approved by State Co-
17 ordinators and the Director of the Defense Lo-
18 gistics Agency.

19 “(E) The number of requests for transfer
20 of eligible defense items during the year covered
21 by such report that were approved by State Co-
22 ordinators but denied by the Director, and, for
23 each such request, a statement of the type of
24 item requested and the reason or reasons for
25 the denial.

1 “(F) The number of requests for transfer
2 of eligible defense items during the year covered
3 by such report that were denied by State Coor-
4 dinators, and, for each such request, a state-
5 ment of the type of item requested and the rea-
6 son or reasons for the denial.

7 “(u) CONSTRUCTION WITH OTHER DLA AUTHOR-
8 ITY.—Nothing in this section shall be construed to over-
9 ride, alter, or supersede the authority of the Director of
10 the Defense Logistics Agency to dispose of property of the
11 Department of Defense that is not a controlled defense
12 item to law enforcement agencies under another other pro-
13 vision of law.

14 “(v) NON-CONTROLLED DEFENSE ITEMS TO LAW
15 ENFORCEMENT AGENCIES.—Notwithstanding any provi-
16 sion of chapter 5 of title 40 or any other provision of law,
17 the Administrator of General Services shall accord a pri-
18 ority in the disposal of excess and surplus items and equip-
19 ment of the Department of Defense that are not controlled
20 defense items to law enforcement agencies.

21 “(w) DEFINITIONS.—In this section:

22 “(1) The term ‘controlled defense item’ means
23 property of the Department of Defense that is sub-
24 ject to the restrictions of the United States Muni-
25 tions List (22 Code of Federal Regulations Part

1 121) or the Commerce Control List (15 Code of
2 Federal Regulations Part 774).

3 “(2) The term ‘eligible defense item’ means a
4 controlled defense item that is eligible for transfer to
5 a law enforcement agency pursuant to this section.

6 “(3) The term ‘law enforcement council’ means
7 a consortium of law enforcement agencies operating
8 in a partnership within a region to promote and en-
9 hance public safety.

10 “(4) The term ‘local educational agency’ has
11 the meaning given that term in section 8013(9) of
12 the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 7713(9)).

14 “(5) The term ‘special justice item’ has the
15 meaning given that term in section 509(a) of the
16 Omnibus Crime Control and Safe Streets Act of
17 1968.

18 “(6) The term ‘State Coordinator’ means an in-
19 dividual appointed by the Governor of a State—

20 “(A) to manage requests of State and local
21 law enforcement agencies of the State for eligi-
22 ble defense items; and

23 “(B) to ensure the appropriate use of eligi-
24 ble defense items transferred under this section
25 by such law enforcement agencies.

1 “(7) The term ‘State or local law enforcement
2 agency’ means a State or local agency or entity with
3 law enforcement officers that have arrest and appre-
4 hension authority and whose primary function is to
5 enforce the laws. The term includes a local edu-
6 cational agency with such officers. The term does
7 not include a firefighting agency or entity.

8 “(8) The term ‘SWAT team’ means a Special
9 Weapons and Tactics team or other specialized tac-
10 tical team composed of State or local sworn law en-
11 forcement officers.

12 “(9) The term ‘tactical military vehicle’ means
13 an armored vehicle having military characteristics
14 resulting from military research and development
15 processes, designed primarily for use by forces in the
16 field in direct connection with, or support of,
17 combat or tactical operations.”.

18 (b) LIMITATIONS ON TRANSFER OF CERTAIN ITEMS
19 PENDING ACHIEVEMENT OF CERTAIN PROGRAM MILE-
20 STONES.—

21 (1) LIMITATION PENDING EMPLOYMENT OF
22 LAW ENFORCEMENT EXPERTS IN DLA.—No item de-
23 scribed in paragraph (4) may be transferred under
24 section 2576a of title 10, United States Code (as
25 amended by subsection (a)), until the employment in

1 the Defense Logistics Agency of law enforcement ex-
2 perts required by subsection (e) of such section.

3 (2) DELAYED LIMITATION PENDING APPOINT-
4 MENT OF TASK FORCE.—Effective as of the date
5 that is one year after the date of the enactment of
6 this Act, no item described in paragraph (4) may be
7 transferred under section 2576a of title 10, United
8 States Code (as so amended), until the appointment
9 of the task force required by section 4 of this Act.

10 (3) DELAYED LIMITATION PENDING PUBLICA-
11 TION OF LIST OF ELIGIBLE DEFENSE ITEMS.—Ef-
12 fective as of the date that is two years after the date
13 of the enactment of this Act, no item described in
14 paragraph (4) may be transferred under section
15 2576a of title 10, United States Code (as so amend-
16 ed), until the publication under subsection (f)(3) of
17 such section of the items determined to be eligible
18 defense items for purposes of such section.

19 (4) COVERED ITEMS.—An item described in
20 this paragraph is the following:

21 (A) A controlled defense item.

22 (B) An eligible defense item.

23 (C) An item specified in section
24 2576a(g)(4)(B) of title 10, United States Code
25 (as so amended).

1 (5) DEFINITIONS.—In this subsection, the
2 terms “controlled defense item” and “eligible de-
3 fense item” have the meaning given such terms in
4 section 2576a(w) of title 10, United States Code (as
5 so amended).

6 (c) RESTATEMENT AND MODIFICATION OF CURRENT
7 AUTHORITY FOR TRANSFER FOR FEDERAL LAW EN-
8 FORCEMENT ACTIVITIES.—Chapter 153 of title 10,
9 United States Code, is amended—

10 (1) by redesignating section 2576b as section
11 2576d; and

12 (2) by inserting after section 2576a (as amend-
13 ed by subsection (a)) the following new sections:

14 **“§ 2576b. Excess personal property: sale or donation**
15 **of certain non-controlled defense items**
16 **for State or local law enforcement activi-**
17 **ties**

18 “(a) TRANSFER AUTHORIZED.—(1) Notwithstanding
19 any other provision of law and subject to subsection (b),
20 the Secretary of Defense may transfer to State agencies
21 personal property of the Department of Defense that the
22 Secretary determines is—

23 “(A) not a controlled defense item, an eligible
24 defense item, or an item specified in section
25 2576a(g)(4)(B) of this title;

1 “(B) suitable for use by State agencies in law
2 enforcement activities, including counter-drug and
3 counter-terrorism activities; and

4 “(C) excess to the needs of the Department of
5 Defense.

6 “(2) The Secretary shall carry out this section in con-
7 sultation with the Attorney General and the Director of
8 National Drug Control Policy.

9 “(b) CONDITIONS FOR TRANSFER.—The Secretary of
10 Defense may transfer personal property under this section
11 only if—

12 “(1) the property is drawn from existing stocks
13 of the Department of Defense;

14 “(2) the recipient accepts the property on an
15 as-is, where-is basis;

16 “(3) the transfer is made without the expendi-
17 ture of any funds available to the Department of
18 Defense for the procurement of defense equipment;
19 and

20 “(4) all costs incurred subsequent to the trans-
21 fer of the property are borne or reimbursed by the
22 recipient.

23 “(c) CONSIDERATION.—Subject to subsection (b)(4),
24 the Secretary may transfer personal property under this
25 section without charge to the recipient agency.

1 “(d) DEFINITIONS.—In this section, the terms ‘con-
2 trolled defense item’ and ‘eligible defense item’ have the
3 meaning given such terms in section 2576a(w) of this title.

4 **“§ 2576c. Excess personal property: sale or donation**
5 **for Federal law enforcement activities**

6 “(a) TRANSFER AUTHORIZED.—(1) Notwithstanding
7 any other provision of law and subject to subsection (b),
8 the Secretary of Defense may transfer to Federal agencies
9 personal property of the Department of Defense, including
10 small arms and ammunition, that the Secretary deter-
11 mines is—

12 “(A) suitable for use by the agencies in law en-
13 forcement activities, including counter-drug and
14 counter-terrorism activities; and

15 “(B) excess to the needs of the Department of
16 Defense.

17 “(2) The Secretary shall carry out this section in con-
18 sultation with the Attorney General and the Director of
19 National Drug Control Policy.

20 “(b) CONDITIONS FOR TRANSFER.—The Secretary of
21 Defense may transfer personal property under this section
22 only if—

23 “(1) the property is drawn from existing stocks
24 of the Department of Defense;

1 “(2) the recipient accepts the property on an
2 as-is, where-is basis;

3 “(3) the transfer is made without the expendi-
4 ture of any funds available to the Department of
5 Defense for the procurement of defense equipment;
6 and

7 “(4) all costs incurred subsequent to the trans-
8 fer of the property are borne or reimbursed by the
9 recipient.

10 “(c) CONSIDERATION.—Subject to subsection (b)(4),
11 the Secretary may transfer personal property under this
12 section without charge to the recipient agency.”.

13 (d) CLERICAL AMENDMENTS.—The table of sections
14 at the beginning of chapter 153 of title 10, United States
15 Code, is amended by striking the items relating to sections
16 2576a and 2576b and inserting the following new items:

“2576a. Excess personal property: sale or donation of certain controlled defense
items for State or local law enforcement activities.

“2576b. Excess personal property: sale or donation of certain non-controlled de-
fense items for State or local law enforcement activities.

“2576c. Excess personal property: sale or donation for Federal law enforcement
activities.

“2576d. Excess personal property: sale or donation to assist firefighting agen-
cies.”.

17 (e) CJCS DUTY TO ENSURE FEDERAL AGENCY RE-
18 SPONSIBILITY FOR TRANSFERRED PROPERTY.—Section
19 153(a) of title 10, United States Code, is amended—

20 (1) by redesignating paragraph (6) as para-
21 graph (7); and

1 (2) by inserting after paragraph (5) the fol-
2 lowing new paragraph (6):

3 “(6) **TRANSFERS OF DOD PROPERTY FOR FED-**
4 **ERAL LAW ENFORCEMENT ACTIVITIES.**—Ensuring
5 that Federal agencies to which property of the De-
6 partment of Defense is transferred pursuant to sec-
7 tion 2576e of this title accept responsibility for in-
8 ventory, management, accountability, and disposal of
9 such property.”.

10 **SEC. 1050. EDWARD BYRNE MEMORIAL JUSTICE ASSIST-**
11 **ANCE GRANTS.**

12 (a) **USE OF FUNDS BY LAW ENFORCEMENT.**—Sub-
13 part 1 of part E of title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)
15 is amended by adding at the end the following:

16 **“SEC. 509. USE OF FUNDS BY LAW ENFORCEMENT.**

17 “(a) **DEFINITIONS.**—In this section—

18 “(1) the term ‘covered funds’ means funds pro-
19 vided under this subpart;

20 “(2) the term ‘law enforcement agency’—

21 “(A) means an agency or entity with law
22 enforcement officers—

23 “(i) who have arrest and apprehension
24 authority; and

1 “(ii) whose primary function is to en-
2 force the laws;

3 “(B) includes a local educational agency
4 with officers described in subparagraph (A);
5 and

6 “(C) does not include a firefighting agency
7 or entity;

8 “(3) the term ‘local educational agency’ has the
9 meaning given that term in section 8013(9) of the
10 Elementary and Secondary Education Act of 1965
11 (20 U.S.C. 7713(9));

12 “(4) the term ‘prohibited item’ means an item
13 that the Attorney General determines under sub-
14 section (b)(1) may not be purchased by a law en-
15 forcement agency using covered funds;

16 “(5) the term ‘special justice item’ means an
17 item that the Attorney General determines under
18 subsection (b)(1) is not generally issued to a law en-
19 forcement patrol officer but is suitable for certain
20 uses by law enforcement officers in engagements
21 with individuals who are not law enforcement offi-
22 cers;

23 “(6) the term ‘SWAT team’ means a Special
24 Weapons and Tactics team or other specialized tac-

1 tical team composed of sworn law enforcement offi-
2 cers; and

3 “(7) the term ‘tactical military vehicle’ means
4 an armored vehicle having military characteristics
5 resulting from military research and development
6 processes, designed primarily for use by forces in the
7 field in direct connection with, or support of, combat
8 or tactical operations.

9 “(b) PURCHASE OF CERTAIN ITEMS BY LAW EN-
10 FORCEMENT.—

11 “(1) LISTS OF PROHIBITED ITEMS AND SPE-
12 CIAL JUSTICE ITEMS.—

13 “(A) IN GENERAL.—The Attorney General,
14 in consultation with the task force appointed
15 under section 4 of the Protecting Communities
16 and Police Act of 2015, shall—

17 “(i) not later than 3 years after the
18 date of enactment of the Protecting Com-
19 munities and Police Act of 2015, create—

20 “(I) a list of prohibited items;
21 and

22 “(II) a list of special justice
23 items; and

1 “(ii) review and revise each list cre-
2 ated under clause (i) not less often than
3 once every 5 years.

4 “(B) SPECIFIC ITEMS.—The Attorney
5 General shall place each of the following items
6 on the list of prohibited items or the list of spe-
7 cial justice items:

8 “(i) Weapons over .50 caliber.

9 “(ii) Tactical military vehicles.

10 “(iii) Other tactical military equip-
11 ment.

12 “(iv) Tactical law enforcement bal-
13 listic protection equipment other than bal-
14 listic vests, including ballistic helmets, bal-
15 listic shields, battle dress uniforms, and
16 camouflage uniforms and clothing.

17 “(v) Grenades, flash bang grenades,
18 grenade launchers, and grenade launcher
19 attachments.

20 “(C) PUBLICATION.—The Attorney Gen-
21 eral shall publish each list created under sub-
22 paragraph (A) on the website of the Depart-
23 ment of Justice and in the Federal Register.

24 “(2) PROHIBITED ITEMS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), a law enforcement agency
3 may not use covered funds to purchase a pro-
4 hibited item or receive a prohibited item that
5 was purchased using covered funds.

6 “(B) EXCEPTION.—

7 “(i) THREATS TO NATIONAL SECUR-
8 RITY.—A law enforcement agency may
9 purchase a prohibited item using covered
10 funds, or receive a prohibited item that
11 was purchased using covered funds, if—

12 “(I) the Attorney General deter-
13 mines that the prohibited item will be
14 useful in preventing or mitigating
15 damage resulting from a threat to na-
16 tional security;

17 “(II) the law enforcement agency
18 has in place an agreement with the
19 National Guard of the State in which
20 the law enforcement agency is located
21 for the storage of the restricted item
22 at a National Guard site; and

23 “(III) the law enforcement pro-
24 vides a copy of the agreement de-

1 scribed in subclause (II) to the Attor-
2 ney General.

3 “(ii) UPDATE TO LIST.—If a threat to
4 national security justifies the purchase of a
5 prohibited item under clause (i), the Attor-
6 ney General shall publish an updated list
7 of prohibited items or special justice items,
8 as appropriate, under paragraph (1)(C) as
9 soon as practicable.

10 “(3) AUTHORITY TO PRESCRIBE REGULA-
11 TIONS.—

12 “(A) IN GENERAL.—The Attorney General
13 may prescribe regulations that place restrictions
14 and limitations on special justice items that
15 may be purchased by law enforcement agencies
16 using covered funds, based on the appropriate-
17 ness of the use of the items in law enforcement
18 activities.

19 “(B) AUTHORIZED ELEMENTS.—The regu-
20 lations prescribed by the Attorney General
21 under subparagraph (A) may include the fol-
22 lowing:

23 “(i) Tiers of eligibility of law enforce-
24 ment agencies to purchase special justice
25 items using covered funds based on need of

1 law enforcement agencies for particular
2 items, size and capabilities of law enforce-
3 ment agencies, or such other factors as the
4 Attorney General may specify in the regu-
5 lations.

6 “(ii) Restrictions on the numbers or
7 types of special justice items that may be
8 purchased by a particular law enforcement
9 agency using covered funds, within a par-
10 ticular period of time, to law enforcement
11 agencies in a particular region, or such
12 other factors as the Attorney General may
13 specify in regulations.

14 “(iii) Restrictions on the use of par-
15 ticular special justice items by law enforce-
16 ment agencies purchased using covered
17 funds based on size, capability, or such
18 other factors the Attorney General may
19 specify in the regulations.

20 “(iv) Requirements for memoranda of
21 understanding or other appropriate agree-
22 ments in the case of joint use of special
23 justice items, purchased using covered
24 funds, by more than 1 law enforcement
25 agency.

1 “(c) OTHER RESTRICTIONS AND LIMITATIONS ON
2 USE OF COVERED FUNDS.—

3 “(1) PURCHASE OF SPECIAL JUSTICE ITEMS
4 USING COVERED FUNDS.—

5 “(A) IN GENERAL.—A law enforcement
6 agency may not receive or use covered funds to
7 purchase a special justice item unless the law
8 enforcement agency—

9 “(i) except as provided in subpara-
10 graph (B), publishes a needs justification
11 statement—

12 “(I) on its website, on the
13 website of its governing body, or in a
14 manner and location in which the
15 needs justification statement can be
16 easily viewed by the residents in the
17 area in which the law enforcement
18 agency has jurisdiction;

19 “(II) that, except as provided in
20 subclause (III), includes the informa-
21 tion required under subparagraph (C);
22 and

23 “(III) from which the law en-
24 forcement agency may redact—

1 “(aa) the information re-
2 quired under clause (x) or (xi) of
3 subparagraph (C); and

4 “(bb) with respect to the
5 training records required under
6 clause (vi), any personally identi-
7 fiable information and all but the
8 title and subject of such training
9 courses;

10 “(ii) obtains the approval of the head
11 of the State, political subdivision of a
12 State, or Indian tribe of which the law en-
13 forcement agency is an agency before re-
14 questing the covered funds; and

15 “(iii) submits the needs justification
16 statement, including all information re-
17 quired under subparagraph (C), to the en-
18 tity from which the law enforcement agen-
19 cy is to receive the covered funds.

20 “(B) ONGOING OPERATIONS.—The re-
21 quirements under subparagraph (A)(i) shall not
22 apply to a law enforcement agency that receives
23 or uses covered funds to purchase a special jus-
24 tice item to be used in an active, ongoing
25 counterterrorism or undercover operation.

1 “(C) NEEDS JUSTIFICATION STATE-
2 MENTS.—A needs justification statement of a
3 law enforcement agency shall include the fol-
4 lowing:

5 “(i) The number and type of special
6 justice items proposed to be purchased.

7 “(ii) The number of sworn law en-
8 forcement officers of the law enforcement
9 agency.

10 “(iii) The number, if any, of items
11 similar to the special justice item that the
12 law enforcement agency has in good work-
13 ing condition.

14 “(iv) The number and type of items,
15 if any, that the law enforcement agency
16 has that were—

17 “(I) transferred to the law en-
18 forcement agency under section 2576a
19 of title 10, United States Code; or

20 “(II) purchased using funds
21 from—

22 “(aa) the Urban Area Secu-
23 rity Initiative authorized under
24 section 2003 of the Homeland

1 Security Act of 2002 (6 U.S.C.
2 604); or

3 “(bb) the State Homeland
4 Security Grant Program author-
5 ized under section 2004 of the
6 Homeland Security Act of 2002
7 (6 U.S.C. 605) during the 5-year
8 period preceding the date on
9 which the statement is published.

10 “(v) The use of force policy of the law
11 enforcement agency.

12 “(vi) Whether the law enforcement
13 agency intends to have a SWAT team use
14 the special justice item and, if so, the
15 training records of the SWAT team, in-
16 cluding the course outlines of such train-
17 ing.

18 “(vii) Whether the law enforcement
19 agency has or plans to adopt a memo-
20 randum of understanding or other joint
21 use agreement for the shared use of the
22 special justice item with any other law en-
23 forcement agency.

24 “(viii) The capability gap to be filled
25 by the special justice item, and a descrip-

1 tion of the proposed use of the special jus-
2 tice item by the law enforcement agency.

3 “(ix) Whether a consent decree is in
4 effect between the United States and the
5 law enforcement agency relating to civil
6 rights abuses or excessive use of force.

7 “(x) Whether the law enforcement
8 agency is currently under investigation, or
9 has been under investigation during the
10 preceding 10 years, by the Department of
11 Justice, an inspector general, or any equiv-
12 alent State or local entity for civil rights
13 abuses or excessive use of force.

14 “(xi) Whether the head of the law en-
15 forcement agency has ever been determined
16 by the Department of Justice, an inspector
17 general, or any equivalent State or local
18 entity to have engaged in civil rights
19 abuses or excessive use of force, if such in-
20 formation is publicly available.

21 “(xii)(I) Whether the law enforcement
22 agency requested funds from a regional,
23 State, or local political entity to purchase
24 the requested item;

1 “(II) if the law enforcement agency
2 requested funds from a regional, State, or
3 local political entity and the request was
4 denied, a statement of the reason or rea-
5 sons for the denial; and

6 “(III) if the law enforcement agency
7 did not request funds from a regional,
8 State, or local political entity, a statement
9 explaining why the law enforcement agency
10 did not do so.

11 “(xiii) A certification that any item
12 purchased using covered funds has not
13 been, and will not be, used by a SWAT
14 team of the law enforcement agency engag-
15 ing in routine patrol-related incidents, non-
16 tactical incidents, or non-tactical assign-
17 ments.

18 “(xiv) Any other information on the
19 recent record of the law enforcement agen-
20 cy regarding civil rights and the excessive
21 use of force that the Attorney General de-
22 termines appropriate.

23 “(2) RESTRICTIONS ON SMALL LAW ENFORCE-
24 MENT AGENCIES.—

1 “(A) PROHIBITION ON PURCHASE OF TAC-
2 TICAL MILITARY VEHICLES BY SMALL LAW EN-
3 FORCEMENT AGENCIES.—A law enforcement
4 agency with 10 or fewer sworn law enforcement
5 officers—

6 “(i) that has 1 or more functioning
7 tactical military vehicles may not use cov-
8 ered funds to purchase a tactical military
9 vehicle;

10 “(ii) that does not have a functioning
11 tactical military vehicle may use covered
12 funds to purchase not more than 1 tactical
13 military vehicle; or

14 “(iii) that is the designated procure-
15 ment agency for a multi-jurisdictional
16 joint-use agreement may use covered funds
17 for the purchase of more than 1 tactical
18 military vehicle, or receive more than 1
19 tactical military vehicle purchased using
20 covered funds, if the agency purchases or
21 receives not more than 1 tactical military
22 vehicle for every 10 sworn law enforcement
23 officers covered by the joint-use agreement.

24 “(B) LIMITATION ON USE OF ITEMS BY
25 SMALL SWAT TEAMS.—A special justice item

1 purchased using covered funds may not be used
2 by—

3 “(i) a SWAT team composed of fewer
4 than 17 sworn law enforcement officers;

5 “(ii) a SWAT team composed entirely
6 of members from a single law enforcement
7 agency that has fewer than 35 sworn law
8 enforcement officers; or

9 “(iii) a SWAT team composed of
10 members from 2 or more law enforcement
11 agencies which agencies have, in aggregate,
12 fewer than 35 sworn law enforcement offi-
13 cers.

14 “(3) RESTRICTIONS ON LOCAL EDUCATION
15 AGENCIES.—

16 “(A) PROHIBITION ON USE OF COVERED
17 FUNDS.—A local educational agency, or a law
18 enforcement agency affiliated with a local edu-
19 cation agency, may not use covered funds to
20 purchase a tactical military vehicle if—

21 “(i) the local educational agency is
22 served by a law enforcement agency that—

23 “(I) is unaffiliated with the local
24 education agency; and

1 “(II) has a tactical military vehi-
2 cle; or

3 “(ii) the local educational agency is
4 served by 1 or more law enforcement agen-
5 cies that are unaffiliated with the local
6 education agency and no such serving
7 agency will agree to store and maintain the
8 tactical military vehicle for the local edu-
9 cational agency.

10 “(B) LIMITATION ON USE OF COVERED
11 FUNDS.—A local educational agency that pur-
12 chases a tactical military vehicle using covered
13 funds may not use funds of the local edu-
14 cational agency—

15 “(i) to transport the tactical military
16 vehicle to the district of the local edu-
17 cational agency; or

18 “(ii) to maintain the tactical military
19 vehicle.

20 “(4) CAMOUFLAGE UNIFORMS OR CLOTHING.—
21 A law enforcement agency may only use funding
22 provided under this subpart to purchase camouflage
23 uniforms or clothing if the camouflage uniforms or
24 clothing are for use by a SWAT team that dem-
25 onstrates a legitimate geographic or environmental

1 need for camouflage uniforms or clothing based on
2 the physical environment in which the SWAT team
3 operates.

4 “(5) APPROVAL REQUIRED FOR PURCHASE OF
5 CERTAIN ITEMS.—

6 “(A) NO DELEGATION OF AUTHORITY.—

7 The Attorney General may not delegate the au-
8 thority to approve an application for a grant
9 under this subpart if the application proposes
10 to use funds for the purchase of an item speci-
11 fied in subparagraph (B).

12 “(B) ITEMS.—The items specified in this
13 subparagraph are the following:

14 “(i) Weapons over .50 caliber.

15 “(ii) Grenades, flash bang grenades,
16 grenade launchers, and grenade launcher
17 attachments.

18 “(iii) Tactical military vehicles.

19 “(6) LAW ENFORCEMENT AGENCIES UNDER
20 CONSENT DECREES.—A law enforcement agency for
21 which a consent decree is in effect between the
22 United States and the law enforcement agency, or
23 that is under investigation by the Department of
24 Justice, relating to civil rights abuses or excessive

1 use of force may not use covered funds to purchase
2 any weapon or tactical military vehicle.

3 “(7) TRANSPORTATION COSTS.—No covered
4 funds may be used to pay the cost of transporting
5 an eligible defense item transferred to a law enforce-
6 ment agency under section 2576a of title 10, United
7 States Code.

8 “(d) TRAINING AND CERTIFICATION.—

9 “(1) STATE CERTIFICATION OF LAW ENFORCE-
10 MENT INSTRUCTORS.—

11 “(A) IN GENERAL.—On and after the date
12 that is 3 years after the date of enactment of
13 the Protecting Communities and Police Act of
14 2015, a State, and any law enforcement agency
15 of or in the State, may not receive or use cov-
16 ered funds to purchase a special justice item
17 unless the chief executive of the State certifies
18 to the Attorney General that the State conducts
19 a program for certifying law enforcement in-
20 structors in the provision of training that meets
21 the requirements under subparagraph (B).

22 “(B) PROGRAM REQUIREMENTS.—The re-
23 quirements for a program described in subpara-
24 graph (A) are the following:

1 “(i) The program shall include in-
2 struction in training on the following:

3 “(I) The use of force by law en-
4 forcement officers in the ordinary
5 course of their duties.

6 “(II) The use of special justice
7 items by law enforcement officers in
8 the ordinary course of their duties.

9 “(III) The use of special justice
10 items by SWAT teams.

11 “(IV) The appropriate deploy-
12 ment of SWAT teams.

13 “(V) Civil rights and civil lib-
14 erties.

15 “(VI) Any other matters on the
16 training of law enforcement officers
17 that the head of the State law en-
18 forcement agency considers appro-
19 priate.

20 “(ii) A list of the instructors who are
21 certified pursuant to the program or pur-
22 suant to the program conducted by the
23 Secretary of Homeland Security under sec-
24 tion 2010 of the Homeland Security Act of
25 2002 shall be maintained and published.

1 “(C) DISCHARGE THROUGH EXISTING PRO-
2 GRAMS.—A State may satisfy the requirement
3 under subparagraph (A) using a program in ef-
4 fect on the date that is 3 years after the date
5 of the enactment of the Protecting Commu-
6 nities and Police Act of 2015 if such program
7 satisfies the requirements in subparagraph (B).

8 “(2) MINIMUM ANNUAL TRAINING REQUIRE-
9 MENTS.—

10 “(A) ESTABLISHMENT.—On and after the
11 date that is 3 years after the date of enactment
12 of the Protecting Communities and Police Act
13 of 2015, a State, and a unit of local govern-
14 ment within the State, may not receive covered
15 funds unless the State establishes minimum an-
16 nual training requirements for all law enforce-
17 ment officers in the State, including—

18 “(i) specialized leadership training re-
19 quirements for chiefs of police or other de-
20 partment heads who have—

21 “(I) decisionmaking authority on
22 the deployment of SWAT teams and
23 tactical military vehicles; or

1 “(II) responsibility for drafting
2 policies on the use of force and SWAT
3 team deployment;

4 “(ii) specialized SWAT team training
5 requirements for all SWAT team members;

6 “(iii) training in appropriate crowd-
7 control tactics; and

8 “(iv) not less than 1 training session
9 on sensitivity, including training on ethnic
10 and racial bias, cultural diversity, and law
11 enforcement interaction with disabled indi-
12 viduals, mentally ill individuals, and new
13 immigrants.

14 “(B) FEDERALLY CERTIFIED OR STATE-
15 CERTIFIED INSTRUCTORS.—The training re-
16 quirements established by a State under sub-
17 paragraph (A) may only be satisfied through
18 training conducted by an instructor certified
19 under—

20 “(i) a program conducted by the Sec-
21 retary of Homeland Security under section
22 2010 of the Homeland Security Act of
23 2002; or

24 “(ii) a program conducted by a State
25 under paragraph (1).

1 “(C) CERTIFICATION OF COMPLETED
2 TRAINING.—On and after the date that is 1
3 year after the date on which a program is es-
4 tablished under paragraph (1), a law enforce-
5 ment agency may not receive covered funds un-
6 less the law enforcement agency certifies to the
7 Attorney General that each sworn law enforce-
8 ment officer employed by the law enforcement
9 agency has met all applicable minimum annual
10 training requirements established by the State
11 in which the law enforcement agency is located
12 under subparagraph (A) of this paragraph.

13 “(D) FALSE CERTIFICATION.—The Attor-
14 ney General shall suspend or terminate the eli-
15 gibility of a law enforcement agency to receive
16 covered funds if the law enforcement agency in-
17 tentiously submits a false certification under
18 subparagraph (C) that a law enforcement offi-
19 cer has met the minimum annual training re-
20 quirements established by the State in which
21 the law enforcement agency is located under
22 subparagraph (A).

23 “(E) SATISFACTION BY RECENT HIREES.—
24 The requirements under subparagraph (A) shall
25 provide for the first completion of the training

1 concerned by an individual who becomes an offi-
2 cer in a law enforcement agency or becomes a
3 member of a SWAT team by not later than 1
4 year after the date on which the individual be-
5 comes an officer in the law enforcement agency
6 or becomes a member of a SWAT team, as ap-
7 plicable.

8 “(3) BEST PRACTICES.—

9 “(A) IN GENERAL.—On and after the date
10 that is 2 years after the date of enactment of
11 the Protecting Communities and Police Act of
12 2015, the Attorney General shall publish, peri-
13 odically review, distribute to each State or unit
14 of local government that applies for a grant
15 under this subpart, and require each such State
16 or unit of local government to distribute to each
17 organization or unit of local government with
18 respect to which the State or unit of local gov-
19 ernment enters into a contract or makes a
20 subaward under section 501(b), best practices
21 for—

22 “(i) training law enforcement officers
23 and the use of lethal and non-lethal force
24 by law enforcement officers;

1 “(ii) training, use, and deployment of
2 SWAT teams; and

3 “(iii) community-oriented police ef-
4 forts.

5 “(B) ATTORNEY GENERAL UPDATES TO
6 CONGRESS REGARDING DELAY IN PUBLICATION
7 OF BEST PRACTICES.—On and after the date
8 that is 2 years after the date of enactment of
9 the Protecting Communities and Police Act of
10 2015, if the Attorney General has not published
11 the best practices required under subparagraph
12 (A), the Attorney General shall provide quar-
13 terly updates to Congress on the reason for the
14 delay in publication and the expected date of
15 publication.

16 “(e) REPORTING AND POLICY REQUIREMENTS.—

17 “(1) REPORTING AND RECORDKEEPING RE-
18 QUIREMENTS FOR GRANT FUNDING RECIPIENTS.—

19 “(A) SWAT TEAM DEPLOYMENT
20 RECORDS.—A law enforcement agency that re-
21 ceives covered funds shall maintain a record of
22 each deployment of a SWAT team by the law
23 enforcement agency, which shall include—

24 “(i) the type of police activity for
25 which the SWAT team is deployed;

1 “(ii) the rationale for the deployment;

2 “(iii) the nexus between—

3 “(I) the use of force policy and
4 SWAT team policy of the law enforce-
5 ment agency; and

6 “(II) the police activity for which
7 the SWAT team is deployed; and

8 “(iv) a description, written after the
9 deployment, of whether force or weapons
10 were used by or against the law enforce-
11 ment officers serving on the SWAT team.

12 “(B) EQUIPMENT PURCHASED.—A law en-
13 forcement agency that purchases equipment
14 using covered funds shall submit to the Attor-
15 ney General a report describing the quantity
16 and type of equipment purchased.

17 “(2) DOJ REPORTS.—

18 “(A) SPECIAL JUSTICE ITEMS.—The At-
19 torney General shall publish and submit to Con-
20 gress, the Secretary of Defense, and the Sec-
21 retary of Homeland Security an annual report
22 on special justice items that includes, with re-
23 spect to the preceding year—

1 “(i) the number and type of special
2 justice items purchased using covered
3 funds; and

4 “(ii) an appendix describing—

5 “(I) each law enforcement agency
6 that used covered funds to purchase a
7 special justice item;

8 “(II) the number of each special
9 justice item described in subclause (I)
10 purchased by each law enforcement
11 agency; and

12 “(III) a summary of the needs
13 justification statement submitted
14 under subsection (c)(1)(A)(i) by each
15 law enforcement agency described in
16 subclause (I) of this clause.

17 “(B) CRIME RATES.—The Attorney Gen-
18 eral shall collect and publish data on crime
19 rates over time for each jurisdiction in which a
20 law enforcement agency receives covered funds.

21 “(C) DOJ GUIDES AND BEST PRAC-
22 TICES.—The Attorney General shall conduct
23 periodic surveys on the use of materials pub-
24 lished by the Attorney General in print and on-
25 line relating to local law enforcement training

1 and the use of force, including lethal and non-
2 lethal force.

3 “(f) WHISTLEBLOWER AND INDEPENDENT OVER-
4 SIGHT REQUIREMENTS.—

5 “(1) WHISTLEBLOWER REQUIREMENTS.—On or
6 after the date that is 3 years after the date of enact-
7 ment of the Protecting Communities and Police Act
8 of 2015, a State or unit of local government of a
9 State may not receive covered funds unless the chief
10 executive of the State certifies to the Attorney Gen-
11 eral that the State—

12 “(A) has in place—

13 “(i) a program, including a public
14 complaint hotline, that provides individuals
15 the ability to disclose any—

16 “(I) misuse of equipment pur-
17 chased using covered funds; or

18 “(II) other waste, fraud, or abuse
19 in connection with the use of covered
20 funds; and

21 “(ii) mechanisms (commonly referred
22 to as ‘whistleblower protections’) to protect
23 individuals who make a disclosure de-
24 scribed in clause (i) from retaliatory or

1 other adverse personnel actions in connec-
2 tion with such disclosures; and

3 “(B) publicizes the existence of the pro-
4 gram and whistleblower protections described in
5 subparagraph (A).

6 “(2) CERTIFICATION OF OVERSIGHT AND AC-
7 COUNTABILITY.—

8 “(A) CERTIFICATION REQUIRED.—A law
9 enforcement agency may not receive covered
10 funds unless the head of the law enforcement
11 agency submits to the Attorney General a writ-
12 ten certification (in the form of a memorandum
13 of understanding, memorandum of agreement,
14 or letterhead correspondence) that an entity
15 that is unaffiliated with the law enforcement
16 agency is authorized—

17 “(i) to receive any complaints regard-
18 ing the use of special justice items and
19 covered funds of the law enforcement agen-
20 cy;

21 “(ii) to periodically review and assess
22 the use of special justice items and covered
23 funds by the law enforcement agency; and

24 “(iii) to make recommendations to the
25 law enforcement agency regarding the use

1 of special justice items and covered funds
2 by the law enforcement agency that are ei-
3 ther—

4 “(I) non-binding in character; or

5 “(II) binding in character, if au-
6 thorized by—

7 “(aa) a law or ordinance
8 governing the law enforcement
9 agency or the entity; or

10 “(bb) an agreement between
11 the governing body of the law en-
12 forcement agency and organiza-
13 tions representing law enforce-
14 ment officers of the law enforce-
15 ment agency.

16 “(B) DISCHARGE THROUGH EXISTING EN-
17 TITIES.—A law enforcement agency may satisfy
18 the requirement in subparagraph (A) through
19 an entity that exists as of the date of the enact-
20 ment of the Protecting Communities and Police
21 Act of 2015, including an independent review
22 board, a Federal, State, or local inspector gen-
23 eral, a Federal, State, county, or city attorney
24 general, a district attorney, the Federal Bureau
25 of Investigation or another Federal agency, a

1 State agency, a State or local governing body
2 (such as a city council or county commission),
3 a law enforcement council, or an independent
4 entity established by one or more such officials,
5 agencies, or entities on behalf of one or more
6 law enforcement agencies.

7 “(g) SUSPENSION AND TERMINATION.—

8 “(1) FOR LOST OR STOLEN ITEMS.—If a special
9 justice item purchased by a law enforcement agency
10 using covered funds is lost, stolen, or misappropriated—
11

12 “(A) in the case of an offensive weapon or
13 ordnance—

14 “(i) on the first occurrence in the case
15 of the law enforcement agency, the Attorney
16 General, after providing the law en-
17 forcement agency with notice and the op-
18 portunity to contest the allegation, shall
19 suspend the law enforcement agency from
20 eligibility to receive covered funds for a pe-
21 riod of not less than 6 months; and

22 “(ii) on the subsequent occurrence in
23 the case of the law enforcement agency,
24 the Attorney General, after providing the
25 law enforcement agency with notice and

1 the opportunity to contest the allegation,
2 shall terminate the law enforcement agency
3 from eligibility to receive covered funds;
4 and

5 “(B) in the case of a special justice item
6 not described in subparagraph (A)—

7 “(i) on the third occurrence in the
8 case of the law enforcement agency, the
9 Director, after providing the law enforce-
10 ment agency with notice and the oppor-
11 tunity to contest the allegation, shall sus-
12 pend the law enforcement agency from eli-
13 gibility to receive covered funds for a pe-
14 riod of 6 months; and

15 “(ii) on any subsequent occurrence in
16 the case of the law enforcement agency,
17 the Director, after providing the law en-
18 forcement agency with notice and the op-
19 portunity to contest the allegation, shall
20 suspend the law enforcement agency from
21 eligibility to receive covered funds for a pe-
22 riod of 3 years.

23 “(2) INTENTIONAL FALSIFICATION OF INFOR-
24 MATION.—If a law enforcement agency is determined
25 by the Attorney General to have intentionally fal-

1 sified any information relating to the use of covered
2 funds, the Attorney General, after providing the law
3 enforcement agency with notice and the opportunity
4 to contest the determination, shall terminate the law
5 enforcement agency from eligibility to receive cov-
6 ered funds.

7 “(h) ADDITIONAL PROGRAM OVERSIGHT.—

8 “(1) ATTORNEY GENERAL OBLIGATIONS.—

9 “(A) SUBGRANTEE OVERSIGHT.—In con-
10 ducting oversight of the use of covered funds,
11 the Attorney General shall conduct inspections
12 of some local law enforcement agencies that re-
13 ceive covered funds through a subaward under
14 section 501(b), to ensure compliance with this
15 section.

16 “(B) LAW ENFORCEMENT EXPERTISE.—

17 “(i) ESTABLISHMENT OF POSITION.—

18 The Attorney General shall appoint indi-
19 viduals with expertise in State and local
20 law enforcement agency functions to posi-
21 tions within the Bureau to assist the At-
22 torney General in assessing grant applica-
23 tions under this subpart by determining
24 whether equipment proposed to be pur-

1 chased by a law enforcement agency using
2 covered funds is—

3 “(I) appropriate to the mission of
4 the law enforcement agency; and

5 “(II) necessary based on the
6 needs justification statement sub-
7 mitted by the law enforcement agency
8 under subsection (c)(1)(A)(iii).

9 “(ii) NUMBER OF INDIVIDUALS.—The
10 Attorney General shall appoint as many in-
11 dividuals under clause (i) as necessary to
12 ensure that—

13 “(I) not less than 1 such indi-
14 vidual is involved in the determination
15 under clause (i) for each grant appli-
16 cation under this subpart; and

17 “(II) the involvement of such in-
18 dividuals in the process of assessing
19 grant applications under this subpart
20 does not delay the process.

21 “(iii) MANAGERIAL EXPERIENCE PRE-
22 FERRED.—In appointing individuals under
23 clause (i), the Attorney General shall give
24 preference to individuals with law enforce-
25 ment managerial expertise.

1 “(2) GRANT RECIPIENT OBLIGATIONS.—

2 “(A) RECORDING SWAT TEAM DEPLOY-
3 MENTS.—A law enforcement agency may not
4 use covered funds to purchase any item for use
5 by a SWAT team unless the law enforcement
6 agency—

7 “(i) certifies to the Attorney General
8 that a video recording shall be made of
9 each SWAT team deployment involving the
10 use of the item; and

11 “(ii) develops, implements, and pub-
12 lishes a policy for video recording SWAT
13 team deployments that—

14 “(I) describes the appropriate
15 use of video recording equipment, in-
16 cluding whether such equipment
17 should be left on at all times;

18 “(II) includes mechanisms to
19 preserve, to the extent practicable, the
20 integrity and security of a video re-
21 cording, including—

22 “(aa) a description of the
23 personnel of the law enforcement
24 agency, and other parties, who

1 are authorized to access the re-
2 cording;

3 “(bb) mechanisms for the
4 storage of the recording; and

5 “(cc) measures to ensure the
6 cybersecurity of the recording (if
7 applicable to the storage, reten-
8 tion, and retrieval of the record-
9 ing);

10 “(III) includes policies on the au-
11 thORIZED and unauthorized public re-
12 lease of a video recording; and

13 “(IV) includes a requirement
14 that any video recording of an inter-
15 action between a law enforcement offi-
16 cer and an individual who is not a law
17 enforcement officer involving the use
18 of force (whether deadly or otherwise)
19 shall be retained by the law enforce-
20 ment agency for a period not shorter
21 than the period of limitation in the
22 State concerned for actions for civil
23 rights violations under section 1979 of
24 the Revised Statutes (42 U.S.C.
25 1983).

1 “(B) USE OF BODY CAMERAS BY LAW EN-
2 FORCEMENT OFFICERS.—A law enforcement
3 agency that uses covered funds to purchase or
4 maintain a body camera, or for related costs,
5 shall have in place, and make available to the
6 public, a policy on the use of a body camera by
7 a law enforcement officer that includes—

8 “(i) a policy on the appropriate use of
9 a body camera, including whether the cam-
10 era should be left on at all times;

11 “(ii) mechanisms to preserve, to the
12 extent practicable, the integrity and secu-
13 rity of a video recording made by a body
14 camera, including—

15 “(I) a description of the per-
16 sonnel of the law enforcement agency,
17 and other parties, who are authorized
18 to access the recording;

19 “(II) mechanisms for the storage
20 of the recording; and

21 “(III) measures to ensure the cy-
22 bersecurity of the recording (if appli-
23 cable to the storage, retention, and re-
24 trieval of the recording);

1 “(iii) a policy on the authorized and
2 unauthorized public release of a video re-
3 cording; and

4 “(iv) a requirement that any video re-
5 cording of an interaction between a law en-
6 forcement officer and an individual who is
7 not a law enforcement officer involving the
8 use of force (whether deadly or otherwise)
9 shall retained by the law enforcement
10 agency for a period not shorter than the
11 period of limitation in the State concerned
12 for actions for civil rights violations under
13 section 1979 of the Revised Statutes (42
14 U.S.C. 1983).”.

15 (b) PROHIBITED USES OF COVERED FUNDS.—Sec-
16 tion 501(d)(2) of title I of the Omnibus Crime Control
17 and Safe Streets Act of 1968 (42 U.S.C. 3751(d)(2)) is
18 amended—

19 (1) by redesignating subparagraphs (B)
20 through (E) as subparagraphs (C) through (F), re-
21 spectively; and

22 (2) by inserting after subparagraph (A) the fol-
23 lowing:

24 “(B) unmanned aerial vehicles, unmanned
25 aircraft, or unmanned aircraft systems;”.

1 (c) FUNDS FOR BODY CAMERAS.—Section 505(b) of
2 title I of the Omnibus Crime Control and Safe Streets Act
3 of 1968 (42 U.S.C. 3755(b)) is amended—

4 (1) in paragraph (1)—

5 (A) by striking “60 percent” and inserting
6 “57.5 percent”; and

7 (B) by striking “and” at the end;

8 (2) in paragraph (2)—

9 (A) by striking “40 percent” and inserting
10 “37.5 percent”; and

11 (B) by striking the period at the end and
12 inserting a semicolon; and

13 (3) by adding at the end the following:

14 “(3) 2.5 percent shall be for direct grants to
15 States for the purchase or maintenance of body cam-
16 eras, dashboard cameras, or gun cameras for law en-
17 forcement agencies and related costs; and

18 “(4) 2.5 percent shall be for direct grants to
19 units of local government for the purchase or main-
20 tenance of body cameras, dashboard cameras, or gun
21 cameras for law enforcement agencies and related
22 costs.”.

1 **SEC. 1051. DEPARTMENT OF JUSTICE REPORTS ON SWAT**
2 **TEAMS.**

3 (a) DEFINITION.—In this section, the term “SWAT
4 team” means a Special Weapons and Tactics team or
5 other specialized tactical team composed of sworn law en-
6 forcement officers.

7 (b) COLLECTION AND ANALYSIS OF DATA.—The At-
8 torney General shall collect and analyze data on the use
9 of SWAT teams by Federal, State, local, and tribal law
10 enforcement agencies.

11 (c) TYPE OF DATA.—The data collected and analyzed
12 by the Attorney General under subsection (b) shall in-
13 clude—

14 (1) the number of deployments of SWAT
15 teams;

16 (2) the reason for each deployment of a SWAT
17 team;

18 (3) the composition of each SWAT team, in-
19 cluding, at minimum, the number of members on
20 each SWAT team;

21 (4) the number of law enforcement agencies
22 with SWAT teams, categorized by the overall size of
23 the law enforcement agencies;

24 (5) the number of SWAT teams composed of
25 officers from multiple law enforcement agencies;

1 (6) the amount of initial training and ongoing
2 training of SWAT teams being conducted;

3 (7) the community outreach undertaken to ex-
4 plain and publicize SWAT team deployment policies;

5 (8) information on the deployment of SWAT
6 teams in low-income neighborhoods; and

7 (9) any other information that the Attorney
8 General determines to be relevant.

9 (d) PUBLIC AVAILABILITY OF DATA.—Not less fre-
10 quently than once every 6 months, the Attorney General
11 shall publish the data collected under subsection (b).

12 (e) REPORT.—Not less frequently than once every 5
13 years, the Attorney General shall publish a report that
14 contains the analysis conducted under subsection (b).

15 **SEC. 1052. FEDERAL LAW ENFORCEMENT TRAINING CEN-**
16 **TER CERTIFICATION OF INSTRUCTORS IN**
17 **TRAINING ON USE OF FORCE AND SPECIAL**
18 **EQUIPMENT.**

19 (a) IN GENERAL.—Subtitle A of title XX of the
20 Homeland Security Act of 2002 (6 U.S.C. 603 et seq.),
21 as amended by this Act, is amended by adding at the end
22 the following:

23 **“SEC. 2010. CERTIFICATION OF INSTRUCTORS IN TRAINING**
24 **ON USE OF FORCE AND SPECIAL EQUIPMENT.**

25 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘eligible defense item’ has the
2 meaning given the term in section 2576a(w) of title
3 10, United States Code;

4 “(2) the terms ‘law enforcement agency’, ‘re-
5 stricted item’, and ‘SWAT team’ have the meanings
6 given those terms in section 2009(a); and

7 “(3) the term ‘special justice item’ has the
8 meaning given the term in section 509(a) of the Om-
9 nibus Crime Control and Safe Streets Act of 1968.

10 “(b) CERTIFICATION OF INSTRUCTORS.—On and
11 after the date that is 3 years after the date of enactment
12 of the Protecting Communities and Police Act of 2015,
13 the Secretary shall, through the Federal Law Enforcement
14 Training Center, conduct programs to certify instructors
15 to conduct training courses on law enforcement tactics for
16 State, local, and tribal law enforcement agencies.

17 “(c) ELEMENTS.—The programs conducted under
18 this section shall include instruction in training on the fol-
19 lowing:

20 “(1) The use of force by State, local, and tribal
21 law enforcement officers in the ordinary course of
22 their duties.

23 “(2) The use of restricted items, eligible defense
24 items, and special justice items by State, local, and

1 tribal law enforcement officers in the ordinary
2 course of their duties.

3 “(3) The use of restricted items, eligible defense
4 items, and special justice items by SWAT teams.

5 “(4) The appropriate deployment of SWAT
6 teams.

7 “(5) Any other matters on the training of
8 State, local, and tribal law enforcement officers that
9 the Secretary considers appropriate.

10 “(d) LIST OF CERTIFIED INSTRUCTORS.—The Sec-
11 retary shall maintain and publish a list of instructors who
12 are certified pursuant to a program conducted under this
13 section.

14 “(e) ADMINISTRATION OF STATE PROGRAMS.—The
15 Federal Law Enforcement Training Center may enter into
16 an agreement with a State to—

17 “(1) manage or implement the State’s program
18 for law enforcement instructor certification described
19 in—

20 “(A) section 2009(d)(1)(A) of this Act;

21 “(B) section 2576a(o)(1) of title 10,
22 United States Code; or

23 “(C) section 509(d)(1)(A) of the Omnibus
24 Crime Control and Safe Streets Act of 1968; or

1 “(2) provide certified instructors for a program
2 described in paragraph (1).”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of contents in section 1(b) of the Homeland Se-
5 curity Act of 2002 (Public Law 107–96; 116 Stat. 2135),
6 as amended by this Act, is amended by inserting after the
7 item relating to section 2009 the following:

 “Sec. 2010. Certification of instructors in training on use of force and special
 equipment.”.

8 **SEC. 1053. CIVIL ACTION BY ATTORNEY GENERAL.**

9 Section 210401(b) of the Violent Crime Control and
10 Law Enforcement Act of 1994 (34 U.S.C. 12601(b)) is
11 amended by striking “may in a civil action” and inserting
12 “shall in a civil action”.

13 **SEC. 1054. ANNUAL REPORTING REQUIREMENT.**

14 Not later than 1 year after the date of enactment
15 of this section, and annually thereafter, the Attorney Gen-
16 eral shall publish a report describing the complaints re-
17 ceived by the Department of Justice alleging violations of
18 section 210401 of the Violent Crime Control and Law En-
19 forcement Act of 1994, including—

20 (1) information on each investigation conducted
21 and each civil action initiated—

22 (A) pursuant to all such complaints; or

23 (B) without such a complaint having been
24 filed; and

1 (2) for each complaint received for which the
2 Attorney General does not initiate an investigation
3 or a civil action, an explanation as to why no inves-
4 tigation or civil action was initiated.

5 **SEC. 1055. GRANTS TO EDUCATE AMERICANS ABOUT THE**
6 **PRINCIPLES AND PRACTICE OF NON-**
7 **VIOLENCE.**

8 (a) GRANTS.—The Attorney General may make
9 grants to eligible entities to prevent or alleviate the effects
10 of community violence by providing education, mentoring,
11 and counseling regarding the principles and application of
12 nonviolence in conflict resolution.

13 (b) PRIORITY.—In awarding grants under this sec-
14 tion, the Attorney General shall give priority to applicants
15 that agree to use the grant in one or more eligible urban,
16 rural, tribal, and suburban communities that can certify—

17 (1) an increased or sustained level of violence or
18 tension in the community; or

19 (2) a lack of monetary or other resources to
20 adopt innovative, integrated, community-based vio-
21 lence prevention programs.

22 (c) LIMITATION.—The Attorney General may not
23 make a grant to an eligible entity under this section unless
24 the entity agrees to use not less than 70 percent of such

1 grant for nonviolence-prevention education and program
2 development.

3 (d) DEFINITIONS.—In this section, the term “eligible
4 entity” means a State or local government entity (includ-
5 ing law enforcement), educational institution, nonprofit
6 community, or faith-based organization.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there is authorized to be appropriated
9 \$60,000,000 for each of the fiscal years 2018 through
10 2023.

11 **SEC. 1056. LIMITATION ON USE OF FUNDS.**

12 None of the funds made available by this Act may
13 be used for activities prohibited by the order issued by
14 the Attorney General entitled “Prohibition on Certain
15 Federal Adoptions of Seizures by State and Local Law
16 Enforcement Agencies” (Order No. 3488–2015, dated
17 January 16, 2015) or the order entitled “Prohibition on
18 Certain Federal Adoptions of Seizures by State and Local
19 Law Enforcement Agencies” (Order No. 3485–2015,
20 dated January 12, 2015).

21 **SEC. 1057. FINDINGS.**

22 Congress finds the following:

23 (1) Nearly 60 percent of the inmates in jails in
24 the United States are pretrial detainees who have
25 not been convicted of a crime, an estimated 75 per-

1 cent of whom have been charged with nonviolent
2 crimes.

3 (2) Under current bail systems that use pay-
4 ment of money as a condition of pretrial release,
5 nearly 50 percent of the most dangerous pretrial de-
6 tainees are released without supervision, according
7 to a study by the Arnold Foundation.

8 (3) Throughout the Nation, those with money
9 can buy their freedom while poor defendants remain
10 incarcerated awaiting trial.

11 (4) Pretrial detention costs State and local gov-
12 ernments an estimated \$14,000,000,000 each year.

13 (5) Pretrial detention should be based on
14 whether the accused is likely to fail to appear in
15 court or is a threat to public safety, not the ability
16 to pay money as a condition of pretrial release.

17 (6) The States, the United States Department
18 of Justice, law enforcement agencies, public officials,
19 and community groups should collaborate to develop
20 pretrial detention systems that improve public safe-
21 ty, reduce costs, and discourage criminal behavior.

22 **SEC. 1058. ELIGIBILITY FOR GRANTS UNDER THE BYRNE**
23 **JAG PROGRAM.**

24 Section 505 of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3755) is amended—

1 (1) in subsection (a)—

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

3 “(3) ELIGIBILITY.—Beginning with the third
4 fiscal year beginning after the enactment of the ‘No
5 Money Bail Act of 2017’, the Attorney General shall
6 not allocate any amounts appropriated to carry out
7 this part to any State that uses payment of money
8 as a condition of pretrial release with respect to
9 criminal cases.”; and

10 (B) in paragraph (1) by striking “in para-
11 graph (2)” and inserting “in paragraphs (2)
12 and (3)”;

13 (2) in subsection (f)—

14 (A) by striking “If the Attorney General”
15 and inserting “(1) IN GENERAL.—If the Attor-
16 ney General”;

17 (B) by adding at the end the following:

18 “(2) STATE INELIGIBLE DUE TO SYSTEM OF
19 BAIL.—Notwithstanding paragraph (1), if the Attor-
20 ney General determines with respect to any grant
21 period that a State is made ineligible by subsection
22 (a)(3), the Attorney General shall reallocate any
23 amounts allocated to or that would have been allo-
24 cated to such State for such period—

25 “(A) among the other eligible States; and

1 “(B) in proportion to allocations among el-
2 igible States under subsection (a).”.

3 **SEC. 1059. PROHIBITION OF MONEY BAIL IN FEDERAL**
4 **CRIMINAL CASES.**

5 Notwithstanding any provision of Federal law, no jus-
6 tice, judge, or other judicial official in any court created
7 by or under article III of the Constitution of the United
8 States may use payment of money as a condition of pre-
9 trial release in any criminal case.

10 **SEC. 1060. REDUCTION IN GRANT FUNDING FOR UNITS OF**
11 **LOCAL GOVERNMENT.**

12 (a) COLLECTION OF FINES FOR VIOLATIONS OF
13 TRAFFIC LAWS.—Except as provided in subsection (b) or
14 section 4, a unit of local government which, during the
15 previous 3 fiscal years, funded an amount that, on aver-
16 age, was greater than 18 percent of its operating budget
17 using revenue generated from collecting fines and other
18 fees related to violations of traffic laws, shall, in the case
19 of a unit of local government receiving grant funds under
20 subpart 1 of part E of title I of the Omnibus Crime Con-
21 trol and Safe Streets Act of 1968 (42 U.S.C. 3750 et
22 seq.), receive only 25 percent of the grant award that
23 would have otherwise been awarded to that unit of local
24 government under such subpart.

1 (b) DISPROPORTIONATE RACIAL COMPOSITION OF
2 LAW ENFORCEMENT AGENCIES.—In the case of a unit of
3 local government described in subsection (a) for which,
4 during the previous fiscal year, the percentage of individ-
5 uals who identify as a race who were employees of the
6 law enforcement agency for that unit of local government,
7 and the percentage of individuals who identify as that race
8 who live in the jurisdiction which that law enforcement
9 agency serves, differs by greater than 30 percent, the unit
10 of local government shall receive only 5 percent of the
11 grant award that would have otherwise been awarded to
12 that unit of local government under subpart 1 of part E
13 of title I of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3750 et seq.).

15 (c) OBLIGATION OF STATES.—A State that receives
16 a grant award under subpart 1 of part E of title I of the
17 Omnibus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3750 et seq.), which does not reduce a subgrant
19 award made under such grant to a unit of local govern-
20 ment in its jurisdiction in accordance with this section,
21 shall, in the succeeding fiscal year, receive only 50 percent
22 of the grant award that would have otherwise been award-
23 ed to that State under such subpart.

24 (d) REALLOCATION.—Any funds withheld from a
25 State or unit of local government from a direct grant

1 award by the Attorney General shall be reallocated in ac-
2 cordance with subpart 1 of part E of title I of the Omni-
3 bus Crime Control and Safe Streets Act of 1968 (42
4 U.S.C. 3750 et seq.).

5 **SEC. 1061. EXEMPTIONS.**

6 The provisions of section 3 shall not apply in the case
7 of any unit of local government—

8 (1) that serves a population of less than 15,000
9 people and so certifies to the Attorney General; or

10 (2) to which the Attorney General has granted
11 a waiver under section 5.

12 **SEC. 1062. WAIVERS.**

13 The Attorney General may, in his or her discretion,
14 grant a waiver under this section to any unit of local gov-
15 ernment for good cause shown, and shall consider the fol-
16 lowing factors:

17 (1) Whether, resulting from allegations of ex-
18 cessive uses of force, false arrests, improper searches
19 and seizures, failures to discipline officers suffi-
20 ciently, or failure to supervise officers, the unit of
21 local government is subject to a consent decree or
22 Memorandum of Understanding, or the subject of an
23 investigation by the Special Litigation Section of the
24 Civil Rights Division of the Department of Justice.

1 (2) Whether the unit of local government has
2 taken affirmative action to ensure that adequate
3 practices and procedures are in place to increase
4 public trust and confidence in the impartial and eq-
5 uitable administration of justice, including—

6 (A) whether incidents of officer involved
7 shootings and uses of excessive force are inves-
8 tigated by a Special Prosecutor appointed by
9 the Governor, State Attorney General, or Pre-
10 siding Judge of the local court of jurisdiction;

11 (B) whether incidents of officer involved
12 shootings and uses of excessive force are adju-
13 dicated in a public proceeding rather than the
14 grand jury process.

15 (3) Whether the minority community is equi-
16 tably represented in the municipality’s legislative
17 body and executive departments.

18 **TITLE II—PUBLIC DEFENSE**

19 **SEC. 2001. CLARIFICATION OF RIGHT TO COUNSEL.**

20 (a) RIGHT TO COUNSEL IN IMMIGRATION PRO-
21 CEEDINGS.—Section 292 of the Immigration and Nation-
22 ality Act (8 U.S.C. 1362) is amended to read as follows:

23 **“SEC. 292. RIGHT TO COUNSEL.**

24 “(a) IN GENERAL.—In any removal, exclusion, or de-
25 portation proceeding or inspection under section 235(a),

1 235(b), 236, 238, 240, or 241, the person subject to such
2 proceeding shall be entitled to representation (at no ex-
3 pense to the Government) by such authorized counsel as
4 the person may choose.

5 “(b) REDRESS OPTIONS.—If counsel cannot person-
6 ally meet with a person subject to holding, detention, or
7 inspection at a port of entry, U.S. Customs and Border
8 Protection or U.S. Immigration and Customs Enforce-
9 ment, as appropriate, shall provide redress options
10 through which counsel may communicate remotely with
11 the held or detained person during the first hour and
12 thereafter of such holding or detention, regardless of the
13 day or time when such holding or detention began.

14 “(c) RECORD OF ABANDONMENT OF LAWFUL PER-
15 MANENT RESIDENT STATUS OR WITHDRAWAL OF APPLI-
16 CATION FOR ADMISSION.—A person held or detained at
17 a port of entry may not submit a valid Record of Abandon-
18 ment of Lawful Permanent Resident Status or Withdrawal
19 of Application for Admission if such person has been de-
20 nied access to counsel in accordance with this section.

21 “(d) DEFINITIONS.—In this section:

22 “(1) INSPECTION.—The term ‘inspection’ does
23 not include primary inspection (as defined in the
24 policies of the Department of Homeland Security).

1 “(2) PERSON.—The term ‘person’ has the
2 meaning given the term in section 101(b)(3).”.

3 (b) RIGHT TO COUNSEL OR REPRESENTATION.—Sec-
4 tion 555(b) of title 5, United States Code, is amended by
5 adding at the end the following: “The right to be accom-
6 panied, represented, and advised by counsel or other quali-
7 fied representative under this subsection shall extend to
8 any person subject to a proceeding, examination, holding,
9 or detention described in section 292 of the Immigration
10 and Nationality Act (8 U.S.C. 1362).”.

11 (c) SAVINGS PROVISION.—Nothing in this section, or
12 in any amendment made by this section, may be construed
13 to limit any preexisting right to counsel under section 292
14 of the Immigration and Nationality Act (8 U.S.C. 1362),
15 as in effect on the day before the date of the enactment
16 of this Act, or under any other law.

17 **SEC. 2002. TREATMENT OF INDIVIDUALS HELD OR DE-**
18 **TAINED AT PORTS OF ENTRY OR AT ANY CBP**
19 **OR ICE DETENTION FACILITY.**

20 (a) IN GENERAL.—The holding or detention of indi-
21 viduals at a port of entry or at any holding or detention
22 facility overseen by U.S. Customs and Border Protection
23 or U.S. Immigration and Customs Enforcement—

1 (1) shall be limited to the briefest term and the
2 least restrictive conditions practicable and consistent
3 with the rationale for such holding or detention; and

4 (2) shall include access to food, water, and rest-
5 room facilities.

6 (b) SAVINGS PROVISION.—Nothing in this section
7 may be construed to limit agencies from complying with
8 other legal authorities, policies, or standards with respect
9 to treatment of individuals held or detained at ports of
10 entry or at any holding or detention facility overseen by
11 U.S. Customs and Border Protection or U.S. Immigration
12 and Customs Enforcement.

13 **SEC. 2003. DUTY TO DISCLOSE FAVORABLE INFORMATION.**

14 Chapter 201 of title 18, United States Code, is
15 amended by adding at the end the following:

16 **“§ 3014. Duty to disclose favorable information**

17 “(a) DEFINITIONS.—In this section—

18 “(1) the term ‘covered information’ means in-
19 formation, data, documents, evidence, or objects that
20 may reasonably appear to be favorable to the de-
21 fendant in a criminal prosecution brought by the
22 United States with respect to—

23 “(A) the determination of guilt;

1 “(B) any preliminary matter before the
2 court before which the criminal prosecution is
3 pending; or

4 “(C) the sentence to be imposed; and

5 “(2) the term ‘prosecution team’ includes, with
6 respect to a criminal prosecution brought by the
7 United States—

8 “(A) the Executive agency, as defined in
9 section 105 of title 5, that brings the criminal
10 prosecution on behalf of the United States; and

11 “(B) any entity or individual, including a
12 law enforcement agency or official, that—

13 “(i) acts on behalf of the United
14 States with respect to the criminal pros-
15 ecution;

16 “(ii) acts under the control of the
17 United States with respect to the criminal
18 prosecution; or

19 “(iii) participates, jointly with the Ex-
20 ecutive agency described in subparagraph
21 (A), in any investigation with respect to
22 the criminal prosecution.

23 “(b) DUTY TO DISCLOSE FAVORABLE INFORMA-
24 TION.—In a criminal prosecution brought by the United

1 States, the attorney for the Government shall provide to
2 the defendant any covered information—

3 “(1) that is within the possession, custody, or
4 control of the prosecution team; or

5 “(2) the existence of which is known, or by the
6 exercise of due diligence would become known, to the
7 attorney for the Government.

8 “(c) TIMING.—Except as provided in subsections (e)
9 and (f), the attorney for the Government shall provide to
10 the defendant any covered information—

11 “(1) without delay after arraignment and before
12 the entry of any guilty plea; and

13 “(2) if the existence of the covered information
14 is not known on the date of the initial disclosure
15 under this subsection, as soon as is reasonably prac-
16 ticable upon the existence of the covered information
17 becoming known, without regard to whether the de-
18 fendant has entered or agreed to enter a guilty plea.

19 “(d) RELATIONSHIP TO OTHER LAWS.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the requirements under subsections (b)
22 and (c) shall apply notwithstanding section 3500(a)
23 or any other provision of law (including any rule or
24 statute).

1 “(2) CLASSIFIED INFORMATION.—Classified in-
2 formation (as defined in section 1 of the Classified
3 Information Procedures Act (18 U.S.C. App.)) shall
4 be treated in accordance with the Classified Infor-
5 mation Procedures Act.

6 “(e) PROTECTIVE ORDERS.—

7 “(1) IN GENERAL.—Upon motion of the United
8 States, the court may issue an order to protect
9 against the immediate disclosure to a defendant of
10 covered information otherwise required to be dis-
11 closed under subsection (b) if—

12 “(A) the covered information is favorable
13 to the defendant solely because the covered in-
14 formation would provide a basis to impeach the
15 credibility of a potential witness; and

16 “(B) the United States establishes a rea-
17 sonable basis to believe that—

18 “(i) the identity of the potential wit-
19 ness is not already known to any defend-
20 ant; and

21 “(ii) disclosure of the covered infor-
22 mation to a defendant would present a
23 threat to the safety of the potential witness
24 or of any other person.

1 “(2) TIME LIMIT.—The court may delay disclo-
2 sure of covered information under this subsection
3 until the earlier of—

4 “(A) the date that the court determines
5 provides a reasonable amount of time before the
6 date set for trial (which shall be not less than
7 30 days before the date set for trial, absent a
8 showing by the United States of compelling cir-
9 cumstances); and

10 “(B) the date on which any requirement
11 under paragraph (1) ceases to exist.

12 “(3) MOTIONS UNDER SEAL.—The court may
13 permit the United States to file all or a portion of
14 a motion under this subsection under seal to the ex-
15 tent necessary to protect the identity of a potential
16 witness, but the United States—

17 “(A) may not file a motion under this sub-
18 section ex parte; and

19 “(B) shall summarize any undisclosed por-
20 tion of a motion filed under this subsection for
21 the defendant in sufficient detail to permit the
22 defendant a meaningful opportunity to be heard
23 on the motion, including the need for a protec-
24 tive order or the scope of the requested protec-
25 tive order.

1 “(f) WAIVER.—

2 “(1) IN GENERAL.—A defendant may not waive
3 a provision of this section except in open court.

4 “(2) REQUIREMENTS.—The court may not ac-
5 cept the waiver of a provision of this section by a
6 defendant unless the court determines that—

7 “(A) the proposed waiver is knowingly, in-
8 telligently, and voluntarily offered; and

9 “(B) the interests of justice require the
10 proposed waiver.

11 “(g) NONCOMPLIANCE.—

12 “(1) IN GENERAL.—Before entry of judgment,
13 upon motion of a defendant or by the court sua
14 sponte, if there is reason to believe the attorney for
15 the Government has failed to comply with subsection
16 (b) or subsection (c), the court shall order the
17 United States to show cause why the court should
18 not find the United States is not in compliance with
19 subsection (b) or subsection (c), respectively.

20 “(2) FINDINGS.—If the court determines under
21 paragraph (1) that the United States is not in com-
22 pliance with subsection (b) or subsection (c), the
23 court shall—

24 “(A) determine the extent of and reason
25 for the noncompliance; and

1 “(B) enter into the record the findings of
2 the court under subparagraph (A).

3 “(h) REMEDIES.—

4 “(1) REMEDIES REQUIRED.—

5 “(A) IN GENERAL.—If the court deter-
6 mines that the United States has violated the
7 requirement to disclose covered information
8 under subsection (b) or the requirement to dis-
9 close covered information in a timely manner
10 under subsection (c), the court shall order an
11 appropriate remedy.

12 “(B) TYPES OF REMEDIES.—A remedy
13 under this subsection may include—

14 “(i) postponement or adjournment of
15 the proceedings;

16 “(ii) exclusion or limitation of testi-
17 mony or evidence;

18 “(iii) ordering a new trial;

19 “(iv) dismissal with or without preju-
20 dice; or

21 “(v) any other remedy determined ap-
22 propriate by the court.

23 “(C) FACTORS.—In fashioning a remedy
24 under this subsection, the court shall consider
25 the totality of the circumstances, including—

1 “(i) the seriousness of the violation;

2 “(ii) the impact of the violation on the
3 proceeding;

4 “(iii) whether the violation resulted
5 from innocent error, negligence, reckless-
6 ness, or knowing conduct; and

7 “(iv) the effectiveness of alternative
8 remedies to protect the interest of the de-
9 fendant and of the public in assuring fair
10 prosecutions and proceedings.

11 “(2) DEFENDANT’S COSTS.—

12 “(A) IN GENERAL.—If the court grants re-
13 lief under paragraph (1) on a finding that the
14 violation of subsection (b) or subsection (c) was
15 due to negligence, recklessness, or knowing con-
16 duct by the United States, the court may order
17 that the defendant, the attorney for the defend-
18 ant, or, subject to paragraph (D), a qualifying
19 entity recover from the United States the costs
20 and expenses incurred by the defendant, the at-
21 torney for the defendant, or the qualifying enti-
22 ty as a result of the violation, including reason-
23 able attorney’s fees (without regard to the
24 terms of any fee agreement between the defend-
25 ant and the attorney for the defendant).

1 “(B) QUALIFYING ENTITIES.—In this
2 paragraph, the term ‘qualifying entity’ means—

3 “(i) a Federal Public Defender Orga-
4 nization;

5 “(ii) a Community Defender Organi-
6 zation; and

7 “(iii) a fund established to furnish
8 representation to persons financially un-
9 able to obtain adequate representation in
10 accordance with section 3006A.

11 “(C) SOURCE OF PAYMENTS FOR COSTS
12 AND EXPENSES.—Costs and expenses ordered
13 by a court under subparagraph (A)—

14 “(i) shall be paid by the Executive
15 agency, as defined in section 105 of title 5,
16 that brings the criminal prosecution on be-
17 half of the United States, from funds ap-
18 propriated to that Executive agency; and

19 “(ii) may not be paid from the appro-
20 priation under section 1304 of title 31.

21 “(D) PAYMENTS TO QUALIFYING ENTI-
22 TIES.—Costs and expenses ordered by the court
23 under subparagraph (A) to a qualifying entity
24 shall be paid—

1 “(i) to the Community Defender Or-
2 ganization that provided the appointed at-
3 torney; or

4 “(ii) in the case of a Federal Public
5 Defender Organization or an attorney ap-
6 pointed under section 3006A, to the court
7 for deposit in the applicable appropriations
8 accounts of the Judiciary as a reimburse-
9 ment to the funds appropriated to carry
10 out section 3006A, to remain available
11 until expended.

12 “(i) STANDARD OF REVIEW.—In any appellate pro-
13 ceeding initiated by a criminal defendant presenting an
14 issue of fact or law under this section, the reviewing court
15 may not find an error arising from conduct not in compli-
16 ance with this section to be harmless unless the United
17 States demonstrates beyond a reasonable doubt that the
18 error did not contribute to the verdict obtained.”.

19 **SEC. 2004. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) TABLE OF SECTIONS.—The table of sections for
21 chapter 201 of title 18, United States Code, is amended
22 by adding at the end the following:

 “3014. Duty to disclose favorable information.”.

23 (b) DEMANDS FOR PRODUCTION OF STATEMENTS
24 AND REPORTS OF WITNESSES.—Section 3500(a) of title

1 18, United States Code, is amended by striking “In” and
2 inserting “Except as provided in section 3014, in”.

3 **TITLE III—DRUG POLICY**
4 **REFORM**

5 **SEC. 3001. DE-SCHEDULING MARIHUANA.**

6 (a) MARIHUANA REMOVED FROM SCHEDULE OF
7 CONTROLLED SUBSTANCES.—Subsection (c) of schedule
8 I of section 202(c) of the Controlled Substances Act (21
9 U.S.C. 812) is amended—

10 (1) by striking “marihuana”; and

11 (2) by striking “tetrahydrocannabinols”.

12 (b) REMOVAL OF PROHIBITION ON IMPORT AND EX-
13 PORT.—Section 1010(b) of the Controlled Substances Im-
14 port and Export Act (21 U.S.C. 960) is amended—

15 **[(1) in paragraph (1)—]**

16 **[(A) in subparagraph (F), by inserting**
17 **“or” after the semicolon;]**

18 **[(B) by striking subparagraph (G); and]**

19 **[(C) by redesignating subparagraph (H)**
20 **as subparagraph (G);]**

21 (2) in paragraph (2)—

22 (A) in subparagraph (F), by inserting “or”
23 after the semicolon;

24 (B) by striking subparagraph (G); and

1 (C) by redesignating subparagraph (H) as
2 subparagraph (G);

3 (3) in paragraph (3), by striking “paragraphs
4 (1), (2), and (4)” and inserting “paragraphs (1) and
5 (2)”;

6 (4) by striking paragraph (4); and

7 (5) by redesignating paragraphs (5), (6), and
8 (7) as paragraphs (4), (5), and (6), respectively.

9 (c) CONFORMING AMENDMENTS TO CONTROLLED
10 SUBSTANCES ACT.—The Controlled Substances Act (21
11 U.S.C. 801 et seq.) is amended—

12 (1) in section 102(44) (21 U.S.C. 802(44)), by
13 striking “marihuana,”;

14 (2) in section 401(b) (21 U.S.C. 841(b))—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) in clause (vi), by inserting
18 “or” after the semicolon;

19 (II) by striking (vii); and

20 (III) by redesignating clause
21 (viii) as clause (vii);

22 (ii) in subparagraph (B)—

23 (I) by striking clause (vii); and

24 (II) by redesignating clause (viii)
25 as clause (vii);

- 1 (iii) in subparagraph (C), in the first
2 sentence, by striking “subparagraphs (A),
3 (B), and (D)” and inserting “subpara-
4 graphs (A) and (B)”;
- 5 (iv) by striking subparagraph (D);
- 6 (v) by redesignating subparagraph (E)
7 as subparagraph (D); and
- 8 (vi) in subparagraph (D)(i), as so re-
9 designated, by striking “subparagraphs (C)
10 and (D)” and inserting “subparagraph
11 (C)”;
- 12 (B) by striking paragraph (4); and
- 13 (C) by redesignating paragraphs (5), (6),
14 and (7) as paragraphs (4), (5), and (6), respec-
15 tively;
- 16 (3) in section 402(c)(2)(B) (21 U.S.C.
17 842(c)(2)(B)), by striking “, marihuana,”;
- 18 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
19 by striking “, marihuana,”;
- 20 (5) in section 418(a) (21 U.S.C. 859(a)), by
21 striking the last sentence;
- 22 (6) in section 419(a) (21 U.S.C. 860(a)), by
23 striking the last sentence;
- 24 (7) in section 422(d) (21 U.S.C. 863(d))—

1 (A) in the matter preceding paragraph (1),
2 by striking “marijuana,”; and

3 (B) in paragraph (5), by striking “, such
4 as a marihuana cigarette,”; and

5 (8) in section 516(d) (21 U.S.C. 886(d)), by
6 striking “section 401(b)(6)” each place the term ap-
7 pears and inserting “section 401(b)(5)”.

8 (d) OTHER CONFORMING AMENDMENTS.—

9 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
10 ACT OF 1986.—The National Forest System Drug
11 Control Act of 1986 (16 U.S.C. 559b et seq.) is
12 amended—

13 (A) in section 15002(a) (16 U.S.C.
14 559b(a)) by striking “marijuana and other”;

15 (B) in section 15003(2) (16 U.S.C.
16 559c(2)) by striking “marijuana and other”;
17 and

18 (C) in section 15004(2) (16 U.S.C.
19 559d(2)) by striking “marijuana and other”.

20 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
21 tion 2516 of title 18, United States Code, is amend-
22 ed—

23 (A) in subsection (1)(e), by striking “mari-
24 huana,”; and

1 (B) in subsection (2) by striking “mari-
2 huana,”.

3 **SEC. 3002. COMMUNITY REINVESTMENT FUND.**

4 (a) ESTABLISHMENT.—There is established in the
5 Treasury of the United States a fund, to be known as the
6 “Community Reinvestment Fund” (referred to in this sec-
7 tion as the “Fund”).

8 (b) DEPOSITS.—The Fund shall consist of—

9 [(1) any amounts not awarded to a covered
10 State because of a determination under section
11 3(b)(1); and]

12 (2) any amounts otherwise appropriated to the
13 Fund.

14 (c) USE OF FUND AMOUNTS.—Amounts in the Fund
15 shall be available to the Secretary of Housing and Urban
16 Development to establish a grant program to reinvest in
17 communities most affected by the war on drugs, which
18 shall include providing grants to impacted communities for
19 programs such as—

20 (1) job training;

21 (2) reentry services;

22 (3) expenses related to the expungement of con-
23 victions;

24 (4) public libraries;

25 (5) community centers;

1 (6) programs and opportunities dedicated to
2 youth;

3 (7) the special purpose fund discussed below;
4 and

5 (8) health education programs.

6 (d) AVAILABILITY OF FUND AMOUNTS.—Amounts in
7 the Fund shall be available without fiscal year limitation.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Fund
10 \$500,000,000 for each of fiscal years 2018 through 2040.

11 **SEC. 3003. FINDINGS; SENSE OF CONGRESS.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) In recent years it has become clear that
14 programs funded by the Edward Byrne Memorial
15 Justice Assistance Grant program (referred to in
16 this Act as the “Byrne grants program”) have per-
17 petuated racial disparities, corruption in law enforce-
18 ment, and the commission of civil rights abuses
19 across the country. This is especially the case when
20 it comes to the program’s funding of hundreds of re-
21 gional antidrug task forces because the grants for
22 these antidrug task forces have been dispensed to
23 State governments with very little Federal oversight
24 and have been prone to misuse and corruption.

1 (2) Numerous Government Accountability Of-
2 fice reports have found that the Department of Jus-
3 tice has inadequately monitored grants provided
4 under the Byrne grants program. A 2001 General
5 Accounting Office report found that one-third of the
6 grants did not contain required monitoring plans.
7 Seventy percent of files on such grants did not con-
8 tain required progress reports. Forty-one percent of
9 such files did not contain financial reports covering
10 the full grant period. A 2002 report by the Heritage
11 Foundation reported that “there is virtually no evi-
12 dence” that the Byrne grants program has been suc-
13 cessful in reducing crime and that the program lacks
14 “adequate measures of performance”.

15 (3) A 2002 report by the American Civil Lib-
16 erties Union of Texas identified 17 recent scandals
17 involving antidrug task forces in Texas that receive
18 funds under the Byrne grants program. Such scan-
19 dals include cases of the falsification of government
20 records, witness tampering, fabricating evidence,
21 false imprisonment, stealing drugs from evidence
22 lockers, selling drugs to children, large-scale racial
23 profiling, sexual harassment, and other abuses of of-
24 ficial capacity. Recent scandals in other States in-
25 clude the misuse of millions of dollars in Byrne

1 grants program money in Kentucky and Massachu-
2 setts, wrongful convictions based on police perjury in
3 Missouri, and negotiations with drug offenders to
4 drop or lower their charges in exchange for money
5 or vehicles in Alabama, Arkansas, Georgia, Massa-
6 chusetts, New York, Ohio, and Wisconsin.

7 (4) The most well-known Byrne-funded task
8 force scandal occurred in Tulia, Texas, where dozens
9 of African American residents (totaling over 16 per-
10 cent of the town's African American population)
11 were arrested, prosecuted, and sentenced to decades
12 in prison, based solely on the uncorroborated testi-
13 mony of one undercover officer whose background
14 included past allegations of misconduct, sexual har-
15 assment, unpaid debts, and habitual use of a racial
16 epithet. The undercover officer was allowed to work
17 alone, and not required to provide audiotapes, video
18 surveillance, or eyewitnesses to corroborate his alle-
19 gations. Despite the lack of physical evidence or cor-
20 roborations, the charges were vigorously prosecuted.
21 After the first few trials resulted in convictions and
22 lengthy sentences, many defendants accepted plea
23 bargains. Suspicions regarding the legitimacy of the
24 charges eventually arose after two of the accused de-
25 fendants were able to produce convincing alibi evi-

1 dence to prove that they were out of State or at
2 work at the time of the alleged drug purchases.
3 Texas Governor Rick Perry eventually pardoned the
4 Tulia defendants (after four years of imprisonment),
5 but these kinds of scandals continue to plague Byrne
6 grant program spending.

7 (5) A case arose in a Federal court in Waco,
8 Texas concerning the wrongful arrests of 28 African
9 Americans out of 4,500 other residents of Hearne,
10 Texas. In November 2000 these individuals were ar-
11 rested on charges of possession or distribution of
12 crack cocaine, and they subsequently filed a case
13 against the county government. On May 11, 2005,
14 a magistrate judge found sufficient evidence that a
15 Byrne-funded anti-drug task force had routinely tar-
16 geted African Americans to hold the county liable
17 for the harm suffered by the plaintiffs. Plaintiffs in
18 that lawsuit alleged that for the past 15 years, based
19 on the uncorroborated tales of informants, task force
20 members annually raided the African American com-
21 munity in eastern Hearne to arrest the residents
22 identified by the confidential informants, resulting in
23 the arrest and prosecution of innocent citizens with-
24 out cause. On the eve of trial the counties involved

1 in the Hearne task force scandal settled the case,
2 agreeing to pay financial damages to the plaintiffs.

3 (6) Scandals related to the Byrne grants pro-
4 gram have grown so prolific that the Texas legisla-
5 ture has passed several reforms in response to them,
6 including outlawing racial profiling and changing
7 Texas law to prohibit drug offense convictions based
8 solely on the word of an undercover informant. The
9 Criminal Jurisprudence Committee of the Texas
10 House of Representatives issued a report in 2004
11 recommending that all of the State’s federally fund-
12 ed antidrug task forces be abolished because they
13 are inherently prone to corruption. The Committee
14 reported, “Continuing to sanction task force oper-
15 ations as stand-alone law enforcement entities—with
16 widespread authority to operate at will across mul-
17 tiple jurisdictional lines—should not continue. The
18 current approach violates practically every sound
19 principle of police oversight and accountability appli-
20 cable to narcotics interdiction.” The Texas legisla-
21 ture passed a law that ends the ability of a narcotics
22 task force to operate as an entity with no clear ac-
23 countability. The legislation transfers authority for
24 multicounty drug task forces to the Department of
25 Public Safety and channels one-quarter of asset for-

1 feiture proceeds received by the task forces to a spe-
2 cial fund to support drug abuse prevention pro-
3 grams, drug treatment, and other programs de-
4 signed to reduce drug use in the county where the
5 assets are seized.

6 (7) Texas’s “corroboration” law was passed
7 thanks to a coalition of Christian conservatives and
8 civil rights activists. As one Texas preacher related,
9 requiring corroboration “puts a protective hedge
10 around the ninth commandment, ‘You shall not bear
11 false witness against your neighbor.’ As long as peo-
12 ple bear false witness against their neighbors, this
13 Biblical law will not be outdated.”

14 (8) During floor debate, conservative Texas leg-
15 islators pointed out that Mosaic law requires cor-
16 roboration: “One witness shall not rise up against a
17 man for any iniquity, or for any sin, in any sin that
18 he sinneth: at the mouth of two witnesses, or at the
19 mouth of three witnesses, shall the matter be estab-
20 lished.” Deuteronomy 19:15. Jesus concurred with
21 the corroboration rule: “If thy brother shall trespass
22 against thee, go and tell him his fault between thee
23 and him alone. . . . But if he will not hear thee, then
24 take with thee one or two more, that in the mouth

1 of two or three witnesses every word may be estab-
2 lished.” Matthew 18:15–16.

3 (9) Texas’s “corroboration” law had an imme-
4 diate positive impact. Once prosecutors needed more
5 than just the word of one person to convict someone
6 of a drug offense they began scrutinizing law en-
7 forcement tactics. This new scrutiny led to the un-
8 covering of massive corruption and civil rights abuse
9 by the Dallas police force. In what became known
10 nationally as the “Sheetrock” scandal, Dallas police
11 officers and undercover informants were found to
12 have set up dozens of innocent people, mostly Mexi-
13 can immigrants, by planting fake drugs on them
14 consisting of chalk-like material used in Sheetrock
15 and other brands of wallboard. The revelations led
16 to the dismissal of over 40 cases (although some of
17 those arrested were already deported). In April
18 2005, a former Dallas narcotics detective was sen-
19 tenced to five years in prison for his role in the
20 scheme. Charges against others are pending.

21 (10) Many regional antidrug task forces receive
22 up to 75 percent of their funding from the Byrne
23 grant program. As such, the United States Govern-
24 ment is accountable for corruption and civil rights
25 abuses inherent in their operation.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) grants under the Byrne grants program
4 should be prohibited for States that do not exercise
5 effective control over antidrug task forces;

6 (2) at a minimum, no State that fails to pro-
7 hibit criminal convictions based solely on the testi-
8 mony of a law enforcement officer or informants
9 should receive a grant under such program; and

10 (3) corroborative evidence, such as video or
11 audio tapes, drugs, and money, should always be re-
12 quired for such criminal convictions to be sustained.

13 **SEC. 3004. LIMITATION ON RECEIPT OF BYRNE GRANT**
14 **FUNDS AND OTHER DEPARTMENT OF JUS-**
15 **TICE LAW ENFORCEMENT ASSISTANCE.**

16 (a) LIMITATION.—For any fiscal year, a State shall
17 not receive any amount that would otherwise be allocated
18 to that State under section 505(a) of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (42 U.S.C.
20 3755(a)), or any amount from any other law enforcement
21 assistance program of the Department of Justice, unless
22 the State—

23 (1) does not fund any antidrug task forces for
24 that fiscal year; or

1 (2) has in effect throughout the State laws that
2 ensure—

3 (A) a person is not convicted of a drug of-
4 fense unless the fact that a drug offense was
5 committed, and the fact that the person com-
6 mitted that offense, are each supported by evi-
7 dence other than the eyewitness testimony of a
8 law enforcement officer or an individual acting
9 on behalf of a law enforcement officer; and

10 (B) a law enforcement officer does not par-
11 ticipate in an antidrug task force unless the
12 honesty and integrity of that officer is evalu-
13 ated and found to be at an appropriately high
14 level.

15 (b) REGULATIONS.—The Attorney General shall pre-
16 scribe regulations to carry out subsection (a).

17 (c) REALLOCATION.—Amounts not allocated by rea-
18 son of subsection (a) shall be reallocated to States not dis-
19 qualified by failure to comply with such subsection.

20 **SEC. 3005. COLLECTION OF DATA.**

21 (a) IN GENERAL.—A State that receives Federal
22 funds pursuant to eligibility under section 3(a)(2), with
23 respect to a fiscal year, shall collect data, for the most
24 recent year for which funds were allocated to such State,
25 with respect to the—

1 (1) racial distribution of charges made during
2 that year;

3 (2) nature of the criminal law specified in the
4 charges made; and

5 (3) city or law enforcement jurisdiction in
6 which the charges were made.

7 (b) REPORT.—As a condition of receiving Federal
8 funds pursuant to section 3(a)(2), a State shall submit
9 to Congress the data collected under subsection (a) by not
10 later than the date that is 180 days prior to the date on
11 which such funds are awarded for a fiscal year.

12 **TITLE IV—JUVENILE JUSTICE**

13 **SEC. 4001. FINDINGS.**

14 Congress makes the following findings:

15 (1) Black men and boys face disproportionate
16 hardships that result in disparities in areas includ-
17 ing: education, criminal justice, health, employment,
18 fatherhood, mentorship, and violence. These hard-
19 ships have negative consequences for national pro-
20 ductivity, especially for Black families and commu-
21 nities.

22 (2) A Commission to study and examine issues
23 which disproportionately have a negative impact on
24 Black men and boys in America will signal that the
25 issues facing the Black male population are a na-

1 tional priority, will develop solutions to these hard-
2 ships, and will help eliminate the obstacles facing
3 Black men and boys.

4 (3) A Commission will also be able to inves-
5 tigate potential civil rights violations affecting this
6 population that attract national attention.

7 (4) Black babies are three times more likely to
8 be born in poverty and rapidly fall behind their
9 White counterparts in cognitive development.

10 (5) By fourth grade, Black students are ex-
11 pected to be three years behind White male students.
12 According to the Educational Testing Service Policy
13 Informational Center, only 12 percent of Black
14 eighth-grade male students are proficient in math,
15 compared to 44 percent of White eighth-grade male
16 students.

17 (6) The Educational Testing Service Policy In-
18 formational Center also found that nationally, more
19 than 50 percent of Black male students attending
20 urban schools will drop out.

21 (7) The low rate of high school retention among
22 Black male students directly relates to high rates of
23 joblessness and incarceration among this population.
24 This barrier to employment exacerbates cycles of
25 poverty, which in turn results in health inequalities,

1 including higher levels of diabetes, obesity, and HIV/
2 AIDS. According to a study by the American Acad-
3 emy of Arts and Sciences, more than 66 percent of
4 Black male dropouts are expected to serve time in
5 State or Federal prison.

6 (8) Black men are subjected to unequal
7 profiling by the police and disproportionately harsh
8 sentences in the judicial system. The Black male
9 population is six times more likely to become incar-
10 cerated than their White counterparts. Although the
11 Black male population comprises approximately six
12 percent of the United States population, of the
13 2,300,000 people incarcerated nationwide, 1 million
14 are Black males. Black males receive ten percent
15 longer Federal sentences than White males who
16 commit the same crime.

17 (9) According to the Bureau of Statistics and
18 the Pew Research Center, Black male unemployment
19 is consistently almost double that of White male un-
20 employment.

21 (10) Black fathers are more than twice as likely
22 to live apart from their children as White fathers.

23 (11) Young boys with male mentors are more
24 likely to progress further in school and have greater
25 financial success in life.

1 **SEC. 4002. COMMISSION ESTABLISHMENT AND MEMBER-**
2 **SHIP.**

3 (a) ESTABLISHMENT.—The Commission on the So-
4 cial Status of Black Men and Boys (hereinafter in this
5 Act referred to as “the Commission”) is hereby estab-
6 lished within the United States Commission on Civil
7 Rights Office of the Staff Director.

8 (b) MEMBERSHIP.—The Commission shall consist of
9 19 members appointed as follows:

10 (1) The Senate majority leader shall appoint
11 one member who is not employed by the Federal
12 Government and is an expert on issues affecting
13 Black men and boys in America.

14 (2) The Senate minority leader shall appoint
15 one member who is not employed by the Federal
16 Government and is an expert on issues affecting
17 Black men and boys in America.

18 (3) The House of Representatives majority
19 leader shall appoint one member who is not em-
20 ployed by the Federal Government and is an expert
21 on issues affecting Black men and boys in America.

22 (4) The House of Representatives minority
23 leader shall appoint one member who is not em-
24 ployed by the Federal Government and is an expert
25 on issues affecting Black men and boys in America.

1 (5) The Chair of the Congressional Black Cau-
2 cus (CBC) shall be a member of the Commission, as
3 well as five additional Members of the CBC who ei-
4 ther sit on the following committees of relevant ju-
5 risdiction or who is an expert on issues affecting
6 Black men and boys in America, including—

7 (A) education;

8 (B) justice and Civil Rights;

9 (C) healthcare;

10 (D) labor and employment; and

11 (E) housing.

12 (6) The Staff Director from the United States
13 Commission on Civil Rights shall appoint one mem-
14 ber from within the staff of the United States Com-
15 mission on Civil Rights who is an expert in issues
16 relating to Black men and boys.

17 (7) The Chair of the United States Equal Em-
18 ployment Opportunity Commission shall appoint one
19 member from within the staff of the United States
20 Equal Employment Opportunity Commission who is
21 an expert in equal employment issues impacting
22 Black men.

23 (8) The Secretary of Education shall appoint
24 one member from within the Department of Edu-
25 cation who is an expert in urban education.

1 (9) The Attorney General of the Department of
2 Justice shall appoint one member from within the
3 Department of Justice who is an expert in racial dis-
4 parities with the criminal justice system.

5 (10) The Secretary of Health and Human Serv-
6 ices shall appoint one member from within the De-
7 partment of Health and Human Services who is an
8 expert in health issues facing Black men.

9 (11) The Secretary of the Department of Hous-
10 ing and Urban Development shall appoint one mem-
11 ber from within the Department of Housing and
12 Urban Development who is an expert in housing and
13 development in urban communities.

14 (12) The Secretary of the Department of Labor
15 shall appoint one member from within the Depart-
16 ment of Labor who is an expert in labor issues im-
17 pacting Black men.

18 (13) The President of the United States shall
19 appoint two members who are not employed by the
20 Federal Government and are experts on issues af-
21 fecting Black men and boys in America.

22 **SEC. 4003. OTHER MATTERS RELATING TO APPOINTMENT;**
23 **REMOVAL.**

24 (a) **TIMING OF INITIAL APPOINTMENTS.**—Each ini-
25 tial appointment to the Commission shall be made no later

1 than 90 days after the Commission is established. If any
2 appointing authorities fail to appoint a member to the
3 Commission, their appointment shall be filled by the
4 United States Commission on Civil Rights.

5 (b) TERMS.—Except as otherwise provided in this
6 section, the term of a member of the Commission shall
7 be four years. For the purpose of providing staggered
8 terms, the first term of those members initially appointed
9 under paragraphs (1) through (5) of section 3 shall be
10 appointed to two-year terms with all other terms lasting
11 four years. Members are eligible for consecutive reappoint-
12 ment.

13 (c) REMOVAL.—A member of the Commission may
14 be removed from the Commission at any time by the ap-
15 pointing authority should the member fail to meet Com-
16 mission responsibilities. Once the seat becomes vacant, the
17 appointing authority is responsible for filling the vacancy
18 in the Commission before the next meeting.

19 (d) VACANCIES.—The appointing authority of a
20 member of the Commission shall either reappoint that
21 member at the end of that member's term or appoint an-
22 other person meeting the qualifications for that appoint-
23 ment. In the event of a vacancy arising during a term,
24 the appointing authority shall, before the next meeting of

1 the Commission, appoint a replacement to finish that
2 term.

3 **SEC. 4004. LEADERSHIP ELECTION.**

4 At the first meeting of the Commission each year,
5 the members shall elect a Chair and a Secretary. A va-
6 cancy in the Chair or Secretary shall be filled by vote of
7 the remaining members. The Chair and Secretary are eli-
8 gible for consecutive reappointment.

9 **SEC. 4005. COMMISSION DUTIES AND POWERS.**

10 (a) **STUDY.**—The Commission shall make a system-
11 atic study of the conditions affecting Black men and boys,
12 including, but not limited to, homicide rates, arrest and
13 incarceration rates, poverty, violence, fatherhood,
14 mentorship, drug abuse, death rates, disparate income and
15 wealth levels, school performance in all grade levels includ-
16 ing postsecondary levels and college, and health issues.
17 The Commission shall also document trends under the
18 above topics and report on the community impacts of rel-
19 evant government programs within the scope of the above
20 topics. All reports shall be made public via a Federal agen-
21 cy website.

22 (b) **PROPOSAL OF MEASURES.**—The Commission
23 shall propose measures to alleviate and remedy the under-
24 lying causes of the conditions described in the subsection
25 (a), which may include recommendations of changes to the

1 law, recommendations for how to implement related poli-
2 cies, and recommendations for how to create, develop, or
3 improve upon government programs.

4 (c) SUGGESTIONS AND COMMENTS.—The Commis-
5 sion shall accept suggestions or comments pertinent to the
6 applicable issues from members of Congress, governmental
7 agencies, public and private organizations, and private
8 citizens.

9 (d) STAFF AND ADMINISTRATIVE SUPPORT.—The
10 Office of the Staff Director of the United States Commis-
11 sion on Civil Rights shall provide staff and administrative
12 support to the Commission. All entities of the United
13 States Government shall provide information that is other-
14 wise a public record at the request of the Commission on
15 Black Men and Boys.

16 **SEC. 4006. COMMISSION MEETING REQUIREMENTS.**

17 (a) FIRST MEETING.—The first meeting of the Com-
18 mission shall take place no later than 30 days after the
19 initial members are all appointed. Meetings shall be fo-
20 cused on significant issues impacting Black men and boys,
21 for the purpose of initiating research ideas and delegating
22 research tasks to Commission members to initiate the first
23 semiannual report.

24 (b) QUARTERLY MEETINGS.—The Commission shall
25 meet quarterly. In addition to all quarterly meetings, the

1 Commission shall meet at other times at the call of the
2 Chair or as determined by a majority of Commission mem-
3 bers.

4 (c) QUORUM; RULE FOR VOTING ON FINAL AC-
5 TIONS.—A majority of the members of the Commission
6 constitute a quorum, and an affirmative vote of a majority
7 of the members present is required for final action.

8 (d) EXPECTATIONS FOR ATTENDANCE BY MEM-
9 BERS.—Members are expected to attend all Commission
10 meetings. In the case of an absence, members are expected
11 to report to the Chair prior to the meeting and allowance
12 may be made for an absent member to participate re-
13 motely. Members will still be responsible for fulfilling prior
14 commitments, regardless of attendance status. If a mem-
15 ber is absent twice in a given year, he or she will be re-
16 viewed by the Chair and appointing authority and further
17 action will be considered, including removal and replace-
18 ment on the Commission.

19 (e) MINUTES.—Minutes shall be taken at each meet-
20 ing by the Secretary, or in that individual's absence, the
21 Chair shall select another Commission member to take
22 minutes during that absence. The Commission shall make
23 its minutes publicly available and accessible not later than
24 one week after each meeting.

1 **SEC. 4007. ANNUAL REPORT GUIDELINES.**

2 The Commission shall make an annual report, begin-
3 ning the year of the first Commission meeting. The report
4 shall address the current conditions affecting Black men
5 and boys and make recommendations to address these
6 issues. The report shall be submitted to the President, the
7 Congress, members of the President’s Cabinet, and the
8 chairs of the appropriate committees of jurisdiction. The
9 Commission shall make the report publicly available online
10 on a centralized Federal website.

11 **SEC. 4008. COMMISSION COMPENSATION.**

12 Members of the Commission shall serve on the Com-
13 mission without compensation.

14 **TITLE V—PARENTAL INCARCER-**
15 **ATION (EXCLUDING CASES IN-**
16 **VOLVING CRIMES AGAINST**
17 **CHILDREN)**

18 **SEC. 5001. TREATMENT OF PRIMARY CARETAKER PARENTS**
19 **AND OTHER INDIVIDUALS IN FEDERAL PRIS-**
20 **ONS.**

21 (a) IN GENERAL.—Chapter 303 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

24 **“§ 4050. Treatment of primary caretaker parents and**
25 **other individuals**

26 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘correctional officer’ means a cor-
2 rectional officer of the Bureau of Prisons;

3 “(2) the term ‘Director’ means the Director of
4 the Bureau of Prisons;

5 “(3) the term ‘primary caretaker parent’ has
6 the meaning given the term in section 31903 of the
7 Violent Crime Control and Law Enforcement Act of
8 1994 (42 U.S.C. 13882); and

9 “(4) the term ‘prisoner’ means an individual
10 who is incarcerated in a Federal penal or correc-
11 tional institution.

12 “(b) GEOGRAPHIC PLACEMENT.—

13 “(1) ESTABLISHMENT OF OFFICE.—The Direc-
14 tor shall establish within the Bureau of Prisons an
15 office that determines the placement of prisoners.

16 “(2) PLACEMENT OF PRISONERS.—In deter-
17 mining the placement of a prisoner, the office estab-
18 lished under paragraph (1) shall—

19 “(A) if the prisoner has children, place the
20 prisoner as close to the children as possible; and

21 “(B) consider any other factor that the of-
22 fice determines appropriate.

23 “(c) VISITATION RULES.—The Director shall pro-
24 mulgate regulations for visitation between prisoners who

1 are primary caretaker parents and their family members
2 under which—

3 “(1) a prisoner may receive visits not fewer
4 than 6 days per week, which shall include Saturday
5 and Sunday;

6 “(2) a Federal penal or correctional institution
7 shall be open for visitation for not fewer than 8
8 hours per day;

9 “(3) a prisoner may have up to 5 adult visitors
10 and an unlimited number of child visitors per visit;
11 and

12 “(4) a prisoner may have physical contact with
13 visitors unless the prisoner presents an immediate
14 physical danger to the visitors.

15 “(d) PLACEMENT IN SEGREGATED HOUSING UNITS;
16 PROHIBITION ON SHACKLING.—

17 “(1) PLACEMENT IN SEGREGATED HOUSING
18 UNITS.—

19 “(A) IN GENERAL.—A Federal penal or
20 correctional institution may not place a prisoner
21 who is pregnant or in the first 8 weeks of
22 postpartum recovery in a segregated housing
23 unit unless the prisoner presents an immediate
24 risk of harm to others or herself.

1 “(B) RESTRICTIONS.—Any placement of a
2 prisoner described in subparagraph (A) in a
3 segregated housing unit shall be limited and
4 temporary.

5 “(2) PROHIBITION ON SHACKLING.—A Federal
6 penal or correctional institution may not use instru-
7 ments of restraint, including handcuffs, chains,
8 irons, straitjackets, or similar items, on a prisoner
9 who is pregnant.

10 “(e) PARENTING CLASSES.—The Director shall pro-
11 vide parenting classes to each prisoner who is a primary
12 caretaker parent.

13 “(f) TRAUMA-INFORMED CARE.—

14 “(1) IN GENERAL.—The Director shall provide
15 trauma-informed care to each prisoner who is diag-
16 nosed with trauma.

17 “(2) IDENTIFICATION AND REFERRAL.—The
18 Director shall provide training to each correctional
19 officer and each other employee of the Bureau of
20 Prisons who regularly interacts with prisoners, in-
21 cluding health care professionals and instructors, to
22 enable the employees to identify prisoners with trau-
23 ma and refer those prisoners to the proper
24 healthcare professional for treatment.

1 “(g) MENTORING BY FORMER PRISONERS.—The Di-
2 rector shall promulgate regulations under which an indi-
3 vidual who was formerly incarcerated in a Federal penal
4 or correctional institution may access such an institution
5 to—

6 “(1) act as a mentor for prisoners; and

7 “(2) assist prisoners in reentry.

8 “(h) OMBUDSMAN.—The Attorney General shall des-
9 ignate an ombudsman to oversee and monitor, with re-
10 spect to Federal penal and correctional institutions—

11 “(1) prisoner transportation;

12 “(2) use of segregated housing;

13 “(3) strip searches of prisoners; and

14 “(4) civil rights violations.

15 “(i) TELECOMMUNICATIONS.—

16 “(1) IN GENERAL.—The Director—

17 “(A) may not charge a fee for a telephone
18 call made by a prisoner; and

19 “(B) shall make videoconferencing avail-
20 able to prisoners in each Federal penal or cor-
21 rectional institution free of charge.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 paragraph (1)(B) shall be construed to authorize the
24 Director to use videoconferencing as a substitute for
25 in-person visits.

1 “(j) INMATE HEALTH.—

2 “(1) HEALTHCARE PRODUCTS.—

3 “(A) AVAILABILITY.—The Director shall
4 make the healthcare products described in sub-
5 paragraph (C) available to prisoners for free, in
6 a quantity that is appropriate to the healthcare
7 needs of each prisoner.

8 “(B) QUALITY OF PRODUCTS.—The Direc-
9 tor shall ensure that the healthcare products
10 provided under this paragraph conform with ap-
11 plicable industry standards.

12 “(C) PRODUCTS.—The healthcare products
13 described in this subparagraph are—

14 “(i) tampons;

15 “(ii) sanitary napkins;

16 “(iii) moisturizing soap, which may
17 not be lye-based;

18 “(iv) shampoo;

19 “(v) body lotion;

20 “(vi) Vaseline;

21 “(vii) toothpaste;

22 “(viii) toothbrushes;

23 “(ix) aspirin;

24 “(x) ibuprofen; and

1 “(xi) any other healthcare product
2 that the Director determines appropriate.

3 “(2) GYNECOLOGIST ACCESS.—The Director
4 shall ensure that female prisoners have access to a
5 gynecologist.

6 “(k) USE OF SEX-APPROPRIATE CORRECTIONAL OF-
7 FICERS.—

8 “(1) REGULATIONS.—The Director shall pro-
9 mulgate regulations under which—

10 “(A) a correctional officer may not conduct
11 a strip search of a prisoner of the opposite sex
12 unless—

13 “(i) the prisoner presents a risk of
14 immediate harm to herself or himself or
15 others; and

16 “(ii) no other correctional officer of
17 the same sex as the prisoner is available to
18 assist; and

19 “(B) a correctional officer may not enter a
20 restroom reserved for prisoners of the opposite
21 sex unless—

22 “(i)(I) a prisoner in the restroom pre-
23 sents a risk of immediate harm to herself
24 or himself or others; or

1 “(II) there is a medical emergency in
2 the restroom; and

3 “(ii) no other correctional officer of
4 the appropriate sex is available to assist.

5 “(2) RELATION TO OTHER LAWS.—Nothing in
6 paragraph (1) shall be construed to affect the re-
7 quirements under the Prison Rape Elimination Act
8 of 2003 (42 U.S.C. 15601 et seq.).”.

9 (b) SUBSTANCE ABUSE TREATMENT.—Section
10 3621(e) of title 18, United States Code, is amended by
11 adding at the end the following:

12 “(7) ELIGIBILITY OF PRIMARY CARETAKER
13 PARENTS AND PREGNANT WOMEN.—The Bureau of
14 Prisons may not prohibit a prisoner who is a pri-
15 mary caretaker parent (as defined in section 4050)
16 or pregnant from participating in a program of resi-
17 dential substance abuse treatment provided under
18 paragraph (1) based on the failure of the individual,
19 before being committed to the custody of the Bu-
20 reau, to disclose to any official that the individual
21 had a substance abuse problem.”.

22 (c) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 303 of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

“4050. Treatment of primary caretaker parents and other individuals.”.

1 **SEC. 5002. OVERNIGHT VISIT PILOT PROGRAM.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “Director” means the Director of
4 the Bureau of Prisons;

5 (2) the term “primary caretaker parent” has
6 the meaning given the term in section 31903 of the
7 Violent Crime Control and Law Enforcement Act of
8 1994 (42 U.S.C. 13882); and

9 (3) the term “prisoner” means an individual
10 who is incarcerated in a Federal penal or correc-
11 tional institution.

12 (b) PILOT PROGRAM.—The Director shall carry out
13 a pilot program under which prisoners who are primary
14 caretaker parents and meet eligibility criteria established
15 by the Director may receive overnight visits from family
16 members.

17 (c) ELIGIBILITY CRITERIA.—In establishing eligi-
18 bility criteria for the pilot program under subsection (b),
19 the Director shall—

20 (1) require that a prisoner have displayed good
21 behavior; and

22 (2) prohibit participation by any prisoner who
23 has been convicted of a crime of violence (as defined
24 in section 16 of title 18, United States Code).

1 **TITLE VI—SENTENCING REFORM**

2 **SEC. 6001. FINDINGS.**

3 Congress makes the following findings:

4 (1) Mandatory minimum sentences are statu-
5 torily prescribed terms of imprisonment that auto-
6 matically attach upon conviction of certain criminal
7 conduct, usually pertaining to drug or firearm of-
8 fenses. Absent very narrow criteria for relief, a sen-
9 tencing judge is powerless to mandate a term of im-
10 prisonment below the mandatory minimum. Manda-
11 tory minimum sentences for drug offenses rely solely
12 upon the weight of the substance as a proxy for the
13 degree of involvement of a defendant's role.

14 (2) In the Anti-Drug Abuse Act of 1986, and
15 at the height of the public outcry over crack cocaine,
16 Congress acted hastily, without sufficient hearings,
17 and enacted hard line penalties that targeted low-
18 level drug offenders. These penalties included new,
19 long mandatory minimum sentences for such offend-
20 ers.

21 (3) According to the Bureau of Prisons, in
22 1986, when the new drug law containing lengthy
23 mandatory minimum sentences passed, the prison
24 population was 46,055. Today, the Federal prison

1 population is over 186,094 prisoners, up almost 300
2 percent in 31 years.

3 (4) According to the Bureau of Prisons, the
4 cost to keep one prisoner in Federal prison for one
5 year is over \$31,000.

6 (5) According to the Department of Justice,
7 since the enactment of mandatory minimum sen-
8 tencing for drug users, the Federal Bureau of Pris-
9 ons budget increased from \$876 million in 1987 to
10 about \$7.1 billion in 2017.

11 (6) According to the U.S. Sentencing Commis-
12 sion, between 1995 and 2010, over 400,000 drug of-
13 fenders were sentenced under Federal law; of these,
14 almost 250,000 (61 percent) received mandatory
15 minimum sentences.

16 (7) According to the U.S. Sentencing Commis-
17 sion, drug offenders released from prison in 1986
18 who had been sentenced before the adoption of man-
19 datory sentences and sentencing guidelines had
20 served an average of 22 months in prison. In 2010,
21 almost two-thirds of all drug offenders received a
22 mandatory sentence, with most receiving a 10-year
23 minimum. Most of these offenders are nonviolent or
24 lower-level offenders with little or no criminal his-
25 tory: in 2010, 51.6 percent had few or no prior con-

1 victions, 83.6 percent did not have weapons involved
2 in their offense, and only 6 percent were considered
3 leaders, managers, or supervisors of drug operations.

4 (8) Mandatory minimum sentences have con-
5 sistently been shown to have a disproportionate im-
6 pact on African-Americans. The United States Sen-
7 tencing Commission, in a 15-year overview of the
8 Federal sentencing system, concluded that “manda-
9 tory penalty statutes are used inconsistently” and
10 disproportionately affect African-American defend-
11 ants. African-American drug defendants are 20 per-
12 cent more likely to be sentenced to prison than
13 White drug defendants.

14 (9) According to the U.S. Sentencing Commis-
15 sion, between 1994 and 2003, the average time
16 served by African-Americans for a drug offense in-
17 creased by 62 percent, compared to a 17 percent in-
18 crease among White drug defendants.

19 (10) According to the Substance Abuse and
20 Mental Health Services Administration, government
21 surveys document that drug use is roughly con-
22 sistent across racial and ethnic groups. While there
23 is less data available regarding drug sellers, research
24 from the Office of National Drug Control Policy and
25 the National Institute of Justice has found that

1 drug users generally buy drugs from someone of
2 their own racial or ethnic background. But, accord-
3 ing to the U.S. Sentencing Commission, over 70 per-
4 cent of all Federal narcotics offenders sentenced
5 each year are African-Americans and Hispanic
6 Americans, many of whom are low-level offenders.

7 (11) As a result of Federal prosecutors' focus
8 on low-level drug offenders, the overwhelming major-
9 ity of individuals subject to the heightened crack co-
10 caine penalties are African-American. According to
11 the U.S. Sentencing Commission's 2007 Report to
12 Congress on crack cocaine, only 8.8 percent of Fed-
13 eral crack cocaine convictions were imposed on
14 White Americans, while 81.8 percent and 8.4 per-
15 cent were imposed on African-Americans and His-
16 panics, respectively.

17 (12) According to the U.S. Census, African-
18 Americans comprise 12 percent of the U.S. popu-
19 lation and, according to the Substance Abuse and
20 Mental Health Services Administration, about 10
21 percent of all drug users, but almost 30 percent of
22 all Federal drug convictions according to the U.S.
23 Sentencing Commission.

24 (13) According to the U.S. Sentencing Commis-
25 sion, African-Americans, on average, now serve al-

1 most as much time in Federal prison for a drug of-
2 fense (58.7 months) as Whites do for a violent of-
3 fense (61.7 months).

4 (14) According to the U.S. Sentencing Commis-
5 sion, in 2010, almost 30 percent of women entering
6 Federal prison did so for a drug offense. Linking
7 drug quantity with punishment severity has had a
8 particularly profound impact on women, who are
9 more likely to play peripheral roles in a drug enter-
10 prise than men. However, because prosecutors can
11 attach drug quantities to an individual regardless of
12 the level of a defendant's participation in the
13 charged offense, women have been exposed to in-
14 creasingly punitive sentences to incarceration.

15 (15) Low-level and mid-level drug offenders can
16 be adequately prosecuted by the States and punished
17 or supervised in treatment as appropriate.

18 (16) The Departments of Justice, Treasury,
19 and Homeland Security are the agencies with the
20 greatest capacity to investigate, prosecute and dis-
21 mantle the highest level of drug trafficking organiza-
22 tions. Low-level drug offender investigations and
23 prosecutions divert Federal personnel and resources
24 from prosecuting high-level traffickers.

1 (17) Congress must have the most current in-
2 formation on the number of prosecutions of high-
3 level and low-level drug offenders in order to prop-
4 erly reauthorize Federal drug enforcement programs.

5 (18) Congress has an obligation to taxpayers to
6 use sentencing policies that are cost-effective and in-
7 crease public safety, in addition to establishing a
8 criminal justice system that is fair, efficient and pro-
9 vides just sentences for offenders. Mandatory sen-
10 tences have not been conclusively shown to reduce
11 recidivism or deter crime.

12 (19) Prisons are important and expensive; the
13 limited resources in the Federal criminal justice sys-
14 tem should be used to protect society by incapacit-
15 ating dangerous and violent offenders who pose a
16 threat to public safety. The Federal judiciary has
17 the expertise and is in the best position to sentence
18 each offender and determine who should be sent to
19 Federal prisons and the amount of time each of-
20 fender should serve.

21 **SEC. 6002. APPROVAL OF CERTAIN PROSECUTIONS BY AT-**
22 **TORNEY GENERAL.**

23 A Federal prosecution for an offense under the Con-
24 trolled Substances Act, the Controlled Substances Import
25 and Export Act, or for any conspiracy to commit such an

1 offense, where the offense involves the illegal distribution
2 or possession of a controlled substance in an amount less
3 than that amount specified as a minimum for an offense
4 under section 401(b)(1)(A) of the Controlled Substances
5 Act (21 U.S.C. 841(b)(1)(A)) or, in the case of any sub-
6 stance containing cocaine or cocaine base, in an amount
7 less than 500 grams, shall not be commenced without the
8 prior written approval of the Attorney General.

9 **SEC. 6003. MODIFICATION OF CERTAIN SENTENCING PRO-**
10 **VISIONS.**

11 (a) SECTION 404.—Section 404(a) of the Controlled
12 Substances Act (21 U.S.C. 844(a)) is amended—

13 (1) by striking “not less than 15 days but”;

14 (2) by striking “not less than 90 days but”;

15 and

16 (3) by striking the sentence beginning “The im-
17 position or execution of a minimum sentence”.

18 (b) SECTION 401.—Section 401(b) of the Controlled
19 Substances Act (21 U.S.C. 841(b)) is amended—

20 (1) in paragraph (1)(A)—

21 (A) by striking “which may not be less
22 than 10 years and or more than” and inserting
23 “for any term of years or for”;

24 (B) by striking “and if death” the first
25 place it appears and all that follows through

1 “20 years or more than life” the first place it
2 appears;

3 (C) by striking “which may not be less
4 than 20 years and not more than life imprison-
5 ment” and inserting “for any term of years or
6 for life”;

7 (D) by inserting “imprisonment for any
8 term of years or” after “if death or serious bod-
9 ily injury results from the use of such substance
10 shall be sentenced to”;

11 (E) by striking the sentence beginning “If
12 any person commits a violation of this subpara-
13 graph”; and

14 (F) by striking the sentence beginning
15 “Notwithstanding any other provision of law”
16 and the sentence beginning “No person sen-
17 tenced”; and

18 (2) in paragraph (1)(B)—

19 (A) by striking “which may not be less
20 than 5 years and” and inserting “for”;

21 (B) by striking “not less than 20 years or
22 more than” and inserting “for any term of
23 years or to”;

1 (C) by striking “which may not be less
2 than 10 years and more than” and inserting
3 “for any term of years or for”;

4 (D) by inserting “imprisonment for any
5 term of years or to” after “if death or serious
6 bodily injury results from the use of such sub-
7 stance shall be sentenced to”; and

8 (E) by striking the sentence beginning
9 “Notwithstanding any other provision of law”.

10 (c) SECTION 1010.—Section 1010(b) of the Con-
11 trolled Substances Import and Export Act (21 U.S.C.
12 960(b)) is amended—

13 (1) in paragraph (1)—

14 (A) by striking “of not less than 10 years
15 and not more than” and inserting “for any
16 term of years or for”;

17 (B) by striking “and if death” the first
18 place it appears and all that follows through
19 “20 years and not more than life” the first
20 place it appears;

21 (C) by striking “of not less than 20 years
22 and not more than life imprisonment” and in-
23 serting “for any term of years or for life”;

24 (D) by inserting “imprisonment for any
25 term of years or to” after “if death or serious

1 bodily injury results from the use of such sub-
2 stance shall be sentenced to”; and

3 (E) by striking the sentence beginning
4 “Notwithstanding any other provision of law”;
5 and

6 (2) in paragraph (2)—

7 (A) by striking “not less than 5 years
8 and”;

9 (B) by striking “of not less than twenty
10 years and not more than” and inserting “for
11 any term of years or for”;

12 (C) by striking “of not less than 10 years
13 and not more than” and inserting “for any
14 term of years or to”;

15 (D) by inserting “imprisonment for any
16 term of years or to” after “if death or serious
17 bodily injury results from the use of such sub-
18 stance shall be sentenced to”; and

19 (E) by striking the sentence beginning
20 “Notwithstanding any other provision of law”.

21 (d) SECTION 418.—Section 418 of the Controlled
22 Substances Act (21 U.S.C. 859) is amended by striking
23 the sentence beginning “Except to the extent” each place
24 it appears and by striking the sentence beginning “The
25 mandatory minimum”.

1 (e) SECTION 419.—Section 419 of the Controlled
2 Substances Act (21 U.S.C. 860) is amended by striking
3 the sentence beginning “Except to the extent” each place
4 it appears and by striking the sentence beginning “The
5 mandatory minimum”.

6 (f) SECTION 420.—Section 420 of the Controlled
7 Substances Act (21 U.S.C. 861) is amended—

8 (1) in each of subsections (b) and (c), by strik-
9 ing the sentence beginning “Except to the extent”;

10 (2) by striking subsection (e); and

11 (3) in subsection (f), by striking “, (c), and (e)”
12 and inserting “and (e)”.

13 **SEC. 6004. ELIGIBILITY FOR RESENTENCING BASED ON**
14 **CHANGES IN LAW.**

15 In the case of a defendant who was sentenced to a
16 term of imprisonment for an offense for which the min-
17 imum or maximum term of imprisonment was subse-
18 quently reduced as a result of the amendments made by
19 this Act, upon motion of the defendant, counsel for the
20 defendant, counsel for the Government, or the Director
21 of the Bureau of Prisons, or, on its own motion, the court
22 may reduce the term of imprisonment consistent with that
23 reduction, after considering the factors set forth in sub-
24 sections (a) and (d) through (g) of section 3553 to the
25 extent applicable. If the court does grant a sentence reduc-

1 tion, the reduced sentence shall not be less than permitted
2 under current statutory law. If the court denies a motion
3 made under this paragraph, the movant may file another
4 motion under this subsection, not earlier than 5 years
5 after each denial, which may be granted if the offender
6 demonstrates the offender's compliance with recidivism-re-
7 duction programming or other efforts the offender has un-
8 dertaken to improve the likelihood of successful re-entry
9 and decrease any risk to public safety posed by the defend-
10 ant's release. If the court denies the motion due to incor-
11 rect legal conclusions or facts or other mistakes by the
12 court, probation officer, or counsel, the defendant may file
13 another motion under this subsection at any time."

14 **SEC. 6005. DIRECTIVES TO THE SENTENCING COMMISSION.**

15 (a) **GENERALLY.**—Pursuant to its authority under
16 section 994(p) of title 28, United States Code, and in ac-
17 cordance with this section, the United States Sentencing
18 Commission shall review and amend its guidelines and its
19 policy statements applicable to persons convicted of an of-
20 fense under the Controlled Substances Act (21 U.S.C. 801
21 et seq.), the Controlled Substances Import and Export Act
22 (21 U.S.C. 951 et seq.), or any offense deriving its pen-
23 alties therefrom to ensure that the guidelines and policy
24 statements are consistent with the amendments made by
25 this title.

1 (b) CONSIDERATIONS.—In carrying out this section,
2 the United States Sentencing Commission shall con-
3 sider—

4 (1) the mandate of the United States Sen-
5 tencing Commission, under section 994(g) of title
6 28, United States Code, to formulate the sentencing
7 guidelines in such a way as to “minimize the likeli-
8 hood that the Federal prison population will exceed
9 the capacity of the Federal prisons”;

10 (2) the relevant public safety concerns, includ-
11 ing the need to preserve limited prison resources for
12 more serious, repeat, and violent offenders;

13 (3) the intent of Congress that violent, repeat,
14 and high-level drug traffickers who present public
15 safety risks receive sufficiently severe sentences, and
16 that nonviolent, lower- and street-level drug offend-
17 ers without serious records receive proportionally
18 less severe sentences;

19 (4) the fiscal implications of any amendments
20 or revisions to the sentencing guidelines or policy
21 statements made by the United States Sentencing
22 Commission;

23 (5) the appropriateness of, and likelihood of un-
24 warranted sentencing disparity resulting from, use

1 of drug type and quantity as the primary factors de-
2 termining a sentencing guideline range; and

3 (6) the need to reduce and prevent racial dis-
4 parities in Federal sentencing.

5 (c) GENERAL INSTRUCTION TO SENTENCING COM-
6 MISSION.—Section 994(h) of title 28, United States Code,
7 is amended to read as follows:

8 “(h) The Commission shall ensure that the guidelines
9 specify a sentence to a term of imprisonment at or near
10 the maximum term authorized for categories of defendants
11 in which the defendant is 18 years old or older and—

12 “(1) has been convicted of a felony that is—

13 “(A) a violent felony as defined in section
14 924(e)(2)(B) of title 18; or

15 “(B) an offense under—

16 “(i) section 401 of the Controlled
17 Substances Act;

18 “(ii) section 1002(a), 1005, or 1009
19 of the Controlled Substances Import and
20 Export Act; or

21 “(iii) chapter 705 of title 46, United
22 States Code; and

23 “(2) has previously been convicted of two or
24 more prior offenses, each of which is—

1 “(A) is classified by the applicable law of
2 the convicting jurisdiction as a felony; and

3 “(B) is (i) a violent felony as defined in
4 section 924(e)(2)(B) of title 18; or

5 “(ii) a felony drug offense as defined
6 in section 102(44) of the Controlled Sub-
7 stances Act.”.

8 **SEC. 6006. EXCLUSION OF ACQUITTED CONDUCT AND DIS-**
9 **CRETION TO DISREGARD MANIPULATED CON-**
10 **DUCT FROM CONSIDERATION DURING SEN-**
11 **TENCING.**

12 (a) **ACQUITTED CONDUCT NOT TO BE CONSIDERED**
13 **IN SENTENCING.**—Section 3661 of title 18, United States
14 Code, is amended by striking the period at the end and
15 inserting “, except that a court shall not consider conduct
16 of which a person has not been convicted.”.

17 (b) **PROVIDING DISCRETION TO DISREGARD CER-**
18 **TAIN FACTORS IN SENTENCING.**—

19 (1) **TITLE 18, UNITED STATES CODE.**—Section
20 3553 of title 18, United States Code, is amended by
21 adding at the end the following:

22 “(g) **DISCRETION TO DISREGARD CERTAIN FAC-**
23 **TORS.**—A court, in sentencing a defendant convicted
24 under the Controlled Substances Act, the Controlled Sub-
25 stances Import and Export Act, any offense deriving its

1 penalties from either such Act, or an offense under section
2 924(c) based on a drug trafficking crime, may disregard,
3 in determining the statutory range, calculating the guide-
4 line range or considering the factors set forth in section
5 3553(a), any type or quantity of a controlled substance,
6 counterfeit substance, firearm or ammunition that was de-
7 termined by a confidential informant, cooperating witness,
8 or law enforcement officer who solicited the defendant to
9 participate in a reverse sting or fictitious stash-house rob-
10 bery.”.

11 (2) CONTROLLED SUBSTANCES ACT.—Section
12 401(b)(1) of the Controlled Substances Act (21
13 U.S.C. 841(b)(1)) is amended by adding at the end
14 the following:

15 “(F) In the case of a person who conspires
16 to commit an offense under this title, the type
17 and quantity of the controlled or counterfeit
18 substance for the offense that was the object of
19 the conspiracy shall be the type and quantity
20 involved in—

21 “(i) the defendant’s own unlawful
22 acts; and

23 “(ii) any unlawful act of a co-con-
24 spirator that—

1 “(I) the defendant agreed to
2 jointly undertake;

3 “(II) was in furtherance of that
4 unlawful act the defendant agreed to
5 jointly undertake; and

6 “(III) was intended by the de-
7 fendant.”.

8 (3) CONTROLLED SUBSTANCES IMPORT AND
9 EXPORT ACT.—Section 1010(b) of the Controlled
10 Substances Import and Export Act (21 U.S.C.
11 960(b)) is amended by adding at the end the fol-
12 lowing:

13 “(8) In the case of a person who conspires to
14 commit an offense under this title, the type and
15 quantity of the controlled or counterfeit substance
16 for the offense that was the object of the conspiracy
17 shall be the type and quantity involved in—

18 “(A) the defendant’s own unlawful acts;

19 and

20 “(B) any unlawful act of a co-conspirator
21 that—

22 “(i) the defendant agreed to jointly
23 undertake;

1 “(ii) was in furtherance of that unlaw-
2 ful act the defendant agreed to jointly un-
3 dertake; and

4 “(iii) was intended by the defend-
5 ant.”.

6 (4) DIRECTIVE TO THE SENTENCING COMMIS-
7 SION.—Pursuant to its authority under section
8 994(p) of title 28, United States Code, and in ac-
9 cordance with this section, the United States Sen-
10 tencing Commission shall review and amend its
11 guidelines and policy statements applicable to rel-
12 evant conduct to ensure that they are consistent
13 with the amendments made by this section.

14 (5) DEFINITIONS.—The following definitions
15 apply in this section:

16 (A) REVERSE STING.—The term “reverse
17 sting” means a situation in which a person who
18 is a law enforcement officer or is acting on be-
19 half of law enforcement initiates a transaction
20 involving the sale of a controlled substance,
21 counterfeit substance, firearms or ammunition
22 to a targeted individual.

23 (B) STASH HOUSE.—The term “stash
24 house” means a location where drugs and/or

1 money are stored in furtherance of a drug dis-
2 tribution operation.

3 (C) FICTITIOUS STASH HOUSE ROB-
4 BERY.—The term “fictitious stash house rob-
5 bery” means a situation in which a person who
6 is a law enforcement officer or is acting on be-
7 half of law enforcement describes a fictitious
8 stash house to a targeted individual and invites
9 the targeted individual to rob such fictitious
10 stash house.

11 **SEC. 6007. AMENDMENTS TO ENHANCED PENALTIES PROVI-**
12 **SION.**

13 Section 924(e) of title 18, United States Code, is
14 amended—

15 (1) in paragraph (1)(C), by striking, “In the
16 case of a second or subsequent conviction under this
17 subsection” and inserting “If a person is convicted
18 under this subsection after a prior conviction under
19 this subsection has become final”;

20 (2) in clause (i), by striking “not less than 25
21 years” and inserting “no greater than 25 years”;

22 (3) by removing the language “or drug traf-
23 ficking crime” every time it appears;

24 (4) by removing paragraph (2); and

1 (5) by renumbering paragraphs (3), (4), and
2 (5) as (2), (3), and (4), respectively.

3 **SEC. 6008. ABILITY TO PETITION FOR RELEASE TO EX-**
4 **TENDED SUPERVISION FOR CERTAIN PRIS-**
5 **ONERS WHO ARE MEDICALLY INCAPACI-**
6 **TATED, GERIATRIC, OR CAREGIVER PARENTS**
7 **OF MINOR CHILDREN AND WHO DO NOT**
8 **POSE PUBLIC SAFETY RISKS.**

9 (a) **ELIGIBILITY.**—Subparagraph (A) of section
10 3582(c)(1) of title 18, United States Code, is amended
11 to read as follows:

12 “(A) the court, upon motion of the defend-
13 ant, the Director of the Bureau of Prisons, or
14 on its own motion, may reduce the term of im-
15 prisonment after considering the factors set
16 forth in section 3553(a) to the extent they are
17 applicable, if it finds that—

18 “(i) extraordinary and compelling rea-
19 sons warrant such a reduction; or

20 “(ii) the defendant—

21 “(I) is at least 60 years of age;

22 “(II) has an extraordinary health
23 condition; or

24 “(III) has been notified that—

1 “(aa) the primary caregiver
2 of the defendant’s biological or
3 adopted child under the age of 18
4 has died or has become medi-
5 cally, mentally, or psychologically
6 incapacitated;

7 “(bb) the primary caregiver
8 is therefore unable to care for the
9 child any longer; and

10 “(cc) other family members
11 or caregivers are unable to care
12 for the child, such that the child
13 is at risk of being placed in the
14 foster care system; and”.

15 (b) INELIGIBILITY AND PROCEDURE.—Section 3582
16 of title 18, United States Code, is amended by adding at
17 the end the following:

18 “(e) INELIGIBILITY.—No prisoner is eligible for a
19 modification of sentence under subsection (c)(1)(A) if the
20 prisoner is serving a sentence of imprisonment for any of
21 the following offenses:

22 “(1) A Federal conviction for homicide in which
23 the prisoner was proven beyond a reasonable doubt
24 to have had the intent to cause death and death re-
25 sulted.

1 “(2) A Federal crime of terrorism, as defined
2 under section 2332b(g)(5).

3 “(3) A Federal sex offense, as described in sec-
4 tion 111 of the Sex Offender Registration and Noti-
5 fication Act (42 U.S.C. 16911).

6 “(f) REQUIREMENTS FOR CERTAIN MOTIONS.—If
7 the prisoner makes a motion under subsection (c)(1)(A)
8 on the basis of an extraordinary health condition or the
9 death or incapacitation of the primary caregiver of the
10 prisoner’s minor child, that prisoner shall provide docu-
11 mentation, as the case may be—

12 “(1) setting forth a relevant diagnosis regard-
13 ing the extraordinary health condition; or

14 “(2) that—

15 “(A) the requirements of subsection
16 (c)(1)(A)(ii)(III) are met; and

17 “(B) the prisoner’s release—

18 “(i) is in the best interest of the child;

19 and

20 “(ii) would not endanger public safety.

21 “(g) PROCEDURE FOR COURT DETERMINATION.—(1)
22 Upon receipt of a prisoner’s motion under subsection
23 (c)(1)(A), the court, after obtaining relevant contact infor-
24 mation from the Attorney General, shall send notice of the
25 motion to the victim or victims, or appropriate surviving

1 relatives of a deceased victim, of the crime committed by
2 the prisoner. The notice shall inform the victim or victims
3 or surviving relatives of a deceased victim of how to pro-
4 vide a statement prior to a determination by the court on
5 the motion.

6 “(2) Not later than 60 days after receiving a pris-
7 oner’s motion for modification under subsection (c)(1)(A),
8 the court shall hold a hearing on the motion if the motion
9 has not been granted.

10 “(3) The court shall grant the modification under
11 subsection (c)(1)(A) if the court determines that—

12 “(A) the prisoner meets the criteria pursuant to
13 section (c)(1)(A); and

14 “(B) there is a low likelihood that the prisoner
15 will pose a risk to public safety.

16 “(4) In determining a prisoner’s motion for a modi-
17 fication of sentence under subsection (c)(1)(A) the court
18 shall consider the following:

19 “(A) The age of the prisoner and years served
20 in prison.

21 “(B) The criminogenic needs and risk factors of
22 the offender.

23 “(C) The prisoner’s behavior in prison.

24 “(D) An evaluation of the prisoner’s community
25 and familial bonds.

1 “(E) An evaluation of the prisoner’s health.

2 “(F) A victim statement, if applicable, pursuant
3 to paragraph (1).

4 “(h) ACTIONS WITH RESPECT TO SUCCESSFUL MO-
5 TION.—If the court grants the prisoner’s motion pursuant
6 to subsection (c)(1)(A), the court shall—

7 “(1) reduce the term of imprisonment for the
8 prisoner in a manner that provides for the release of
9 the prisoner not later than 30 days after the date
10 on which the prisoner was approved for sentence
11 modification;

12 “(2) modify the remainder of the term of im-
13 prisonment to home confinement or residential re-
14 entry confinement with or without electronic moni-
15 toring; or

16 “(3) lengthen or impose a term of supervised
17 release so that it expires on the same date as if the
18 defendant received no relief under subsection (c)(1)
19 (A) .

20 “(i) SUBSEQUENT MOTIONS.—If the court denies a
21 prisoner’s motion pursuant to subsection (c)(1)(A), the
22 prisoner may not file another motion under subsection
23 (c)(1)(A) earlier than one year after the date of denial.
24 If the court denies the motion due to incorrect legal con-
25 clusions or facts or other mistakes by the court, probation

1 officer, or counsel, the prisoner may file another motion
2 under that subsection without regard to this limitation.

3 “(j) DEFINITION.—In this section, the term ‘extraor-
4 dinary health conditions’ means a condition afflicting a
5 person, such as infirmity, significant disability, or a need
6 for advanced medical treatment or services not readily or
7 reasonably available within the correctional institution.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section take effect 1 year after the date of the enact-
10 ment of this Act.

11 **TITLE VII—DEATH PENALTY** 12 **REFORM**

13 **SEC. 7001. REPEAL OF FEDERAL LAWS PROVIDING FOR THE** 14 **DEATH PENALTY.**

15 (a) HOMICIDE-RELATED OFFENSES.—

16 (1) MURDER RELATED TO THE SMUGGLING OF
17 ALIENS.—Section 274(a)(1)(B)(iv) of the Immigra-
18 tion and Nationality Act (8 U.S.C.
19 1324(a)(1)(B)(iv)) is amended by striking “punished
20 by death or”.

21 (2) DESTRUCTION OF AIRCRAFT, MOTOR VEHI-
22 CLES, OR RELATED FACILITIES RESULTING IN
23 DEATH.—Section 34 of title 18, United States Code,
24 is amended by striking “to the death penalty or”.

1 (3) MURDER COMMITTED DURING A DRUG-RE-
2 LATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A)
3 of title 18, United States Code, is amended by strik-
4 ing “death or”.

5 (4) MURDER COMMITTED AT AN AIRPORT SERV-
6 ING INTERNATIONAL CIVIL AVIATION.—Section
7 37(a) of title 18, United States Code, is amended,
8 in the matter following paragraph (2), by striking
9 “punished by death or”.

10 (5) MURDER COMMITTED USING CHEMICAL
11 WEAPONS.—Section 229A(a)(2) of title 18, United
12 States Code, is amended—

13 (A) in the paragraph heading, by striking
14 “DEATH PENALTY” and inserting “CAUS-
15 ING DEATH”; and

16 (B) by striking “punished by death or”.

17 (6) CIVIL RIGHTS OFFENSES RESULTING IN
18 DEATH.—Chapter 13 of title 18, United States
19 Code, is amended—

20 (A) in section 241, by striking “, or may
21 be sentenced to death”;

22 (B) in section 242, by striking “, or may
23 be sentenced to death”;

24 (C) in section 245(b), by striking “, or
25 may be sentenced to death”; and

1 (D) in section 247(d)(1), by striking “, or
2 may be sentenced to death”.

3 (7) MURDER OF A MEMBER OF CONGRESS, AN
4 IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME
5 COURT JUSTICE.—Section 351 of title 18, United
6 States Code, is amended—

7 (A) in subsection (b)—

8 (i) by striking “(1)”; and

9 (ii) by striking “, or (2) by death”

10 and all that follows through the end of the
11 subsection and inserting a period; and

12 (B) in subsection (d)—

13 (i) by striking “(1)”; and

14 (ii) by striking “, or (2) by death”

15 and all that follows through the end of the
16 subsection and inserting a period.

17 (8) DEATH RESULTING FROM OFFENSES IN-
18 VOLVING TRANSPORTATION OF EXPLOSIVES, DE-
19 STRUCTION OF GOVERNMENT PROPERTY, OR DE-
20 STRUCTION OF PROPERTY RELATED TO FOREIGN OR
21 INTERSTATE COMMERCE.—Section 844 of title 18,
22 United States Code, is amended—

23 (A) in subsection (d), by striking “or to
24 the death penalty”;

1 (B) in subsection (f)(3), by striking “sub-
2 ject to the death penalty, or”;

3 (C) in subsection (i), by striking “or to the
4 death penalty”; and

5 (D) in subsection (n), by striking “(other
6 than the penalty of death)”.

7 (9) MURDER COMMITTED BY USE OF A FIRE-
8 ARM OR ARMOR PIERCING AMMUNITION DURING
9 COMMISSION OF A CRIME OF VIOLENCE OR A DRUG
10 TRAFFICKING CRIME.—Section 924 of title 18,
11 United States Code, is amended—

12 (A) in subsection (c)(5)(B)(i), by striking
13 “punished by death or”; and

14 (B) in subsection (j)(1), by striking “by
15 death or”.

16 (10) GENOCIDE.—Section 1091(b)(1) of title
17 18, United States Code, is amended by striking
18 “death or”.

19 (11) FIRST DEGREE MURDER.—Section
20 1111(b) of title 18, United States Code, is amended
21 by striking “by death or”.

22 (12) MURDER BY A FEDERAL PRISONER.—Sec-
23 tion 1118 of title 18, United States Code, is amend-
24 ed—

1 (A) in subsection (a), by striking “by
2 death or”; and

3 (B) in subsection (b), in the third undesig-
4 nated paragraph—

5 (i) by inserting “or” before “an inde-
6 terminate”; and

7 (ii) by striking “, or an unexecuted
8 sentence of death”.

9 (13) MURDER OF A STATE OR LOCAL LAW EN-
10 FORCEMENT OFFICIAL OR OTHER PERSON AIDING IN
11 A FEDERAL INVESTIGATION; MURDER OF A STATE
12 CORRECTIONAL OFFICER.—Section 1121 of title 18,
13 United States Code, is amended—

14 (A) in subsection (a), by striking “by sen-
15 tence of death or”; and

16 (B) in subsection (b)(1), by striking “or
17 death”.

18 (14) MURDER DURING A KIDNAPPING.—Section
19 1201(a) of title 18, United States Code, is amended
20 by striking “death or”.

21 (15) MURDER DURING A HOSTAGE-TAKING.—
22 Section 1203(a) of title 18, United States Code, is
23 amended by striking “death or”.

24 (16) MURDER WITH THE INTENT OF PRE-
25 VENTING TESTIMONY BY A WITNESS, VICTIM, OR IN-

1 FORMANT.—Section 1512(a)(2)(A) of title 18,
2 United States Code, is amended by striking “the
3 death penalty or”.

4 (17) MAILING OF INJURIOUS ARTICLES WITH
5 INTENT TO KILL OR RESULTING IN DEATH.—Section
6 1716(j)(3) of title 18, United States Code, is amend-
7 ed by striking “to the death penalty or”.

8 (18) ASSASSINATION OR KIDNAPPING RESULT-
9 ING IN THE DEATH OF THE PRESIDENT OR VICE
10 PRESIDENT.—Section 1751 of title 18, United
11 States Code, is amended—

12 (A) in subsection (b)—

13 (i) by striking “(1)”; and

14 (ii) by striking “, or (2) by death”

15 and all that follows through the end of the
16 subsection and inserting a period; and

17 (B) in subsection (d)—

18 (i) by striking “(1)”; and

19 (ii) by striking “, or (2) by death”

20 and all that follows through the end of the
21 subsection and inserting a period.

22 (19) MURDER FOR HIRE.—Section 1958(a) of
23 title 18, United States Code, is amended by striking
24 “death or”.

1 (20) MURDER INVOLVED IN A RACKETEERING
2 OFFENSE.—Section 1959(a)(1) of title 18, United
3 States Code, is amended by striking “death or”.

4 (21) WILLFUL WRECKING OF A TRAIN RESULT-
5 ING IN DEATH.—Section 1992 of title 18, United
6 States Code, is amended—

7 (A) in subsection (a), in the matter fol-
8 lowing paragraph (10), by striking “or subject
9 to death,”; and

10 (B) in subsection (b), in the matter fol-
11 lowing paragraph (3), by striking “, and if the
12 offense resulted in the death of any person, the
13 person may be sentenced to death”.

14 (22) BANK ROBBERY-RELATED MURDER OR
15 KIDNAPPING.—Section 2113(e) of title 18, United
16 States Code, is amended by striking “death or”.

17 (23) MURDER RELATED TO A CARJACKING.—
18 Section 2119(3) of title 18, United States Code, is
19 amended by striking “, or sentenced to death”.

20 (24) MURDER RELATED TO AGGRAVATED
21 CHILD SEXUAL ABUSE.—Section 2241(c) of title 18,
22 United States Code, is amended by striking “unless
23 the death penalty is imposed,”.

1 (25) MURDER RELATED TO SEXUAL ABUSE.—
2 Section 2245 of title 18, United States Code, is
3 amended by striking “punished by death or”.

4 (26) MURDER RELATED TO SEXUAL EXPLOI-
5 TATION OF CHILDREN.—Section 2251(e) of title 18,
6 United States Code, is amended by striking “pun-
7 ished by death or”.

8 (27) MURDER COMMITTED DURING AN OF-
9 FENSE AGAINST MARITIME NAVIGATION.—Section
10 2280(a)(1) of title 18, United States Code, is
11 amended by striking “punished by death or”.

12 (28) MURDER COMMITTED DURING AN OF-
13 FENSE AGAINST A MARITIME FIXED PLATFORM.—
14 Section 2281(a)(1) of title 18, United States Code,
15 is amended by striking “punished by death or”.

16 (29) MURDER USING DEVICES OR DANGEROUS
17 SUBSTANCES IN WATERS OF THE UNITED STATES.—
18 Section 2282A of title 18, United States Code, is
19 amended—

20 (A) by striking subsection (b); and

21 (B) by redesignating subsections (c) and
22 (d) as subsections (b) and (c), respectively.

23 (30) MURDER INVOLVING THE TRANSPOR-
24 TATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR

1 RADIOACTIVE OR NUCLEAR MATERIALS.—Section
2 2283 of title 18, United States Code, is amended—

3 (A) by striking subsection (b); and

4 (B) by redesignating subsection (c) as sub-
5 section (b).

6 (31) MURDER INVOLVING THE DESTRUCTION
7 OF VESSEL OR MARITIME FACILITY.—Section
8 2291(d) of title 18, United States Code, is amended
9 by striking “to the death penalty or”.

10 (32) MURDER OF A UNITED STATES NATIONAL
11 IN ANOTHER COUNTRY.—Section 2332(a)(1) of title
12 18, United States Code, is amended by striking
13 “death or”.

14 (33) MURDER BY THE USE OF A WEAPON OF
15 MASS DESTRUCTION.—Section 2332a of title 18,
16 United States Code, is amended—

17 (A) in subsection (a), in the matter fol-
18 lowing paragraph (4), by striking “, and if
19 death results shall be punished by death” and
20 all that follows through the end of the sub-
21 section and inserting a period; and

22 (B) in subsection (b), by striking “, and if
23 death results shall be punished by death” and
24 all that follows through the end of the sub-
25 section and inserting a period.

1 (34) MURDER BY ACT OF TERRORISM TRAN-
2 SCENDING NATIONAL BOUNDARIES.—Section
3 2332b(c)(1)(A) of title 18, United States Code, is
4 amended by striking “by death, or”.

5 (35) MURDER INVOLVING TORTURE.—Section
6 2340A(a) of title 18, United States Code, is amend-
7 ed by striking “punished by death or”.

8 (36) MURDER INVOLVING A WAR CRIME.—Sec-
9 tion 2441(a) of title 18, United States Code, is
10 amended by striking “, and if death results to the
11 victim, shall also be subject to the penalty of death”.

12 (37) MURDER RELATED TO A CONTINUING
13 CRIMINAL ENTERPRISE OR RELATED MURDER OF A
14 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT
15 OFFICER.—Section 408(e) of the Controlled Sub-
16 stances Act (21 U.S.C. 848(e)) is amended—

17 (A) in the subsection heading, by striking
18 “Death Penalty” and inserting “Intentional
19 Killing”; and

20 (B) in paragraph (1)—

21 (i) subparagraph (A), by striking “, or
22 may be sentenced to death”; and

23 (ii) in subparagraph (B), by striking
24 “, or may be sentenced to death”.

1 (38) DEATH RESULTING FROM AIRCRAFT HI-
2 JACKING.—Section 46502 of title 49, United States
3 Code, is amended—

4 (A) in subsection (a)(2)(B), by striking
5 “put to death or”; and

6 (B) in subsection (b)(1)(B), by striking
7 “put to death or”.

8 (b) NON-HOMICIDE-RELATED OFFENSES.—

9 (1) ESPIONAGE.—Section 794(a) of title 18,
10 United States Code, is amended by striking “pun-
11 ished by death or” and all that follows before the pe-
12 riod and inserting “imprisoned for any term of years
13 or for life”.

14 (2) TREASON.—Section 2381 of title 18, United
15 States Code, is amended by striking “shall suffer
16 death, or”.

17 (c) TITLE 10.—

18 (1) IN GENERAL.—Section 856 of title 10 is
19 amended by inserting before the period at the end
20 the following: “, except that the punishment may not
21 include death”.

22 (2) OFFENSES.—

23 (A) CONSPIRACY.—Section 881(b) of title
24 10, United States Code (article 81(b) of the
25 Uniform Code of Military Justice), is amended

1 by striking “, if death results” and all that fol-
2 lows through the end and inserting “as a court-
3 martial or military commission may direct.”.

4 (B) DESERTION.—Section 885(c) of title
5 10, United States Code (article 85(c)), is
6 amended by striking “, if the offense is com-
7 mitted in time of war” and all that follows
8 through the end and inserting “as a court-mar-
9 tial may direct.”.

10 (C) ASSAULTING OR WILLFULLY DIS-
11 OBEYING SUPERIOR COMMISSIONED OFFICER.—
12 Section 890 of title 10, United States Code (ar-
13 ticle 90), is amended by striking “, if the of-
14 fense is committed in time of war” and all that
15 follows and inserting “as a court-martial may
16 direct.”.

17 (D) MUTINY OR SEDITION.—Section
18 894(b) of title 10, United States Code (article
19 94(b)), is amended by striking “by death or
20 such other punishment”.

21 (E) MISBEHAVIOR BEFORE THE ENEMY.—
22 Section 899 of title 10, United States Code (ar-
23 ticle 99), is amended by striking “by death or
24 such other punishment”.

1 (F) SUBORDINATE COMPELLING SUR-
2 RENDER.—Section 900 of title 10, United
3 States Code (article 100), is amended by strik-
4 ing “by death or such other punishment”.

5 (G) IMPROPER USE OF COUNTERSIGN.—
6 Section 901 of title 10, United States Code (ar-
7 ticle 101), is amended by striking “by death or
8 such other punishment”.

9 (H) FORCING A SAFEGUARD.—Section 902
10 of title 10, United States Code (article 102), is
11 amended by striking “suffer death” and all that
12 follows and inserting “be punished as a court-
13 martial may direct.”.

14 (I) AIDING THE ENEMY.—Section 904 of
15 title 10, United States Code (article 104), is
16 amended by striking “suffer death or such
17 other punishment as a court-martial or military
18 commission may direct” and inserting “be pun-
19 ished as a court-martial or military commission
20 may direct”.

21 (J) SPIES.—Section 906 of title 10, United
22 States Code (article 106), is amended by strik-
23 ing “by death” and inserting “by imprisonment
24 for life”.

1 (K) ESPIONAGE.—Section 906a of title 10,
2 United States Code (article 106a), is amend-
3 ed—

4 (i) by striking subsections (b) and (c);

5 (ii) by redesignating paragraphs (2)
6 and (3) of subsection (a) as subsections (b)
7 and (c), respectively;

8 (iii) in subsection (a)—

9 (I) by striking “(1)”;

10 (II) by striking “paragraph (2)”
11 and inserting “subsection (b)”;

12 (III) by striking “paragraph (3)”
13 and inserting “subsection (c)”; and

14 (IV) by striking “as a court-mar-
15 tial may direct,” and all that follows
16 and inserting “as a court-martial may
17 direct.”;

18 (iv) in subsection (b), as so redesign-
19 nated—

20 (I) by striking “paragraph (1)”
21 and inserting “subsection (a)”; and

22 (II) by redesignating subpara-
23 graphs (A), (B), and (C) as para-
24 graphs (1), (2), and (3), respectively;
25 and

1 (v) in subsection (c), as so redesign-
2 nated, by striking “paragraph (1)” and in-
3 serting “subsection (a)”.

4 (L) IMPROPER HAZARDING OF VESSEL.—
5 The text of section 910 of title 10, United
6 States Code (article 110), is amended to read
7 as follows:

8 “Any person subject to this chapter who willfully and
9 wrongfully, or negligently, hazards or suffers to be haz-
10 arded any vessel of the Armed Forces shall be punished
11 as a court-martial may direct.”.

12 (M) MISBEHAVIOR OF SENTINEL.—Section
13 913 of title 10, United States Code (article
14 113), is amended by striking “, if the offense
15 is committed in time of war” and all that fol-
16 lows and inserting “as a court-martial may di-
17 rect.”.

18 (N) MURDER.—Section 918 of title 10,
19 United States Code (article 118), is amended
20 by striking “death or imprisonment for life as
21 a court-martial may direct” and inserting “im-
22 prisonment for life”.

23 (O) DEATH OR INJURY OF AN UNBORN
24 CHILD.—Section 919a(a) of title 10, United
25 States Code, is amended—

1 (i) in paragraph (1), by striking “,
2 other than death,”; and

3 (ii) by striking paragraph (4).

4 (P) CRIMES TRIABLE BY MILITARY COM-
5 MISSION.—Section 950v(b) of title 10, United
6 States Code, is amended—

7 (i) in paragraph (1), by striking “by
8 death or such other punishment”;

9 (ii) in paragraph (2), by striking “, if
10 death results” and all that follows and in-
11 sserting “as a military commission under
12 this chapter may direct.”;

13 (iii) in paragraph (7), by striking “, if
14 death results” and all that follows and in-
15 sserting “as a military commission under
16 this chapter may direct.”;

17 (iv) in paragraph (8), by striking “, if
18 death results” and all that follows and in-
19 sserting “as a military commission under
20 this chapter may direct.”;

21 (v) in paragraph (9), by striking “, if
22 death results” and all that follows and in-
23 sserting “as a military commission under
24 this chapter may direct.”;

1 (vi) in paragraph (11)(A), by striking
2 “, if death results” and all that follows and
3 inserting “as a military commission under
4 this chapter may direct.”;

5 (vii) in paragraph (12)(A), by striking
6 “, if death results” and all that follows and
7 inserting “as a military commission under
8 this chapter may direct.”;

9 (viii) in paragraph (13)(A), by strik-
10 ing “, if death results” and all that follows
11 and inserting “as a military commission
12 under this chapter may direct.”;

13 (ix) in paragraph (14), by striking “,
14 if death results” and all that follows and
15 inserting “as a military commission under
16 this chapter may direct.”;

17 (x) in paragraph (15), by striking “by
18 death or such other punishment”;

19 (xi) in paragraph (17), by striking “,
20 if death results” and all that follows and
21 inserting “as a military commission under
22 this chapter may direct.”;

23 (xii) in paragraph (23), by striking “,
24 if death results” and all that follows and

1 inserting “as a military commission under
2 this chapter may direct.”;

3 (xiii) in paragraph (24), by striking “,
4 if death results” and all that follows and
5 inserting “as a military commission under
6 this chapter may direct.”;

7 (xiv) in paragraph (27), by striking
8 “by death or such other punishment”; and

9 (xv) in paragraph (28), by striking “,
10 if death results” and all that follows and
11 inserting “as a military commission under
12 this chapter may direct.”

13 (3) JURISDICTIONAL AND PROCEDURAL MAT-
14 TERS.—

15 (A) DISMISSED OFFICER’S RIGHT TO TRIAL
16 BY COURT-MARTIAL.—Section 804(a) of title
17 10, United States Code (article 4(a) of the Uni-
18 form Code of Military Justice), is amended by
19 striking “or death”.

20 (B) COURTS-MARTIAL CLASSIFIED.—Sec-
21 tion 816(1)(A) of title 10, United States Code
22 (article 10(1)(A)), is amended by striking “or,
23 in a case in which the accused may be sen-
24 tenced to a penalty of death” and all that fol-
25 lows through “(article 25a)”.

1 (C) JURISDICTION OF GENERAL COURTS-
2 MARTIAL.—Section 818 of title 10, United
3 States Code (article 18), is amended—

4 (i) in the first sentence by striking
5 “including the penalty of death when spe-
6 cifically authorized by this chapter” and
7 inserting “except death”; and

8 (ii) by striking the third sentence.

9 (D) JURISDICTION OF SPECIAL COURTS-
10 MARTIAL.—Section 819 of title 10, United
11 States Code (article 19), is amended in the first
12 sentence by striking “for any noncapital of-
13 fense” and all that follows and inserting “for
14 any offense made punishable by this chapter.”.

15 (E) JURISDICTION OF SUMMARY COURTS-
16 MARTIAL.—Section 820 of title 10, United
17 States Code (article 20), is amended in the first
18 sentence by striking “noncapital”.

19 (F) NUMBER OF MEMBERS IN CAPITAL
20 CASES.—

21 (i) IN GENERAL.—Section 825a of
22 title 10, United States Code (article 25a),
23 is repealed.

24 (ii) CLERICAL AMENDMENT.—The
25 table of sections at the beginning of sub-

1 chapter V of chapter 47 of title 10, United
2 States Code, is amended by striking the
3 item relating to section 825a (article 25a).

4 (G) ABSENT AND ADDITIONAL MEM-
5 BERS.—Section 829(b)(2) of title 10, United
6 States Code (article 29(b)(2)), is amended by
7 striking “or, in a case in which the death pen-
8 alty may be adjudged” and all that follows and
9 inserting a period.

10 (H) STATUTE OF LIMITATIONS.—Sub-
11 section (a) of section 843 of title 10, United
12 States Code (article 43), is amended to read as
13 follows:

14 “(a)(1) A person charged with an offense described
15 in paragraph (2) may be tried and punished at any time
16 without limitation.

17 “(2) An offense described in this paragraph is any
18 offense as follows:

19 “(A) Absence without leave or missing move-
20 ment in time of war.

21 “(B) Murder.

22 “(C) Rape.

23 “(D) A violation of section 881 of this title (ar-
24 ticle 81) that results in death to one or more of the
25 victims.

1 “(E) Desertion or attempt to desert in time of
2 war.

3 “(F) A violation of section 890 of this title (ar-
4 ticle 90) committed in time of war.

5 “(G) Attempted mutiny, mutiny, sedition, or
6 failure to suppress or report a mutiny or sedition.

7 “(H) A violation of section 899 of this title (ar-
8 ticle 99).

9 “(I) A violation of section 900 of this title (arti-
10 cle 100).

11 “(J) A violation of section 901 of this title (ar-
12 ticle 101).

13 “(K) A violation of section 902 of this title (ar-
14 ticle 102).

15 “(L) A violation of section 904 of this title (ar-
16 ticle 104).

17 “(M) A violation of section 906 of this title (ar-
18 ticle 106).

19 “(N) A violation of section 906a of this title
20 (article 106a).

21 “(O) A violation of section 910 of this title (ar-
22 ticle 110) in which the person subject to this chapter
23 willfully and wrongfully hazarded or suffered to be
24 hazarded any vessel of the Armed Forces.

1 “(P) A violation of section 913 of this title (ar-
2 ticle 113) committed in time of war.”.

3 (I) PLEAS OF ACCUSED.—Section 845(b)
4 of title 10, United States Code (article 45(b)),
5 is amended—

6 (i) by striking the first sentence; and

7 (ii) by striking “With respect to any
8 other charge” and inserting “With respect
9 to any charge”.

10 (J) DEPOSITIONS.—Section 849 of title
11 10, United States Code (article 49), is amend-
12 ed—

13 (i) in subsection (d), by striking “in
14 any case not capital”; and

15 (ii) by striking subsections (e) and (f).

16 (K) ADMISSIBILITY OF RECORDS OF
17 COURTS OF INQUIRY.—Section 850 of title 10,
18 United States Code (article 50), is amended—

19 (i) in subsection (a), by striking “not
20 capital and”; and

21 (ii) in subsection (b), by striking
22 “capital cases or”.

23 (L) NUMBER OF VOTES REQUIRED FOR
24 CONVICTION AND SENTENCING BY COURT-MAR-

1 TRIAL.—Section 852 of title 10, United States
2 Code (article 52), is amended—

3 (i) in subsection (a)—

4 (I) by striking paragraph (1);

5 (II) by redesignating paragraph
6 (2) as subsection (a); and

7 (III) by striking “any other of-
8 fense” and inserting “any offense”;
9 and

10 (ii) in subsection (b)—

11 (I) by striking paragraph (1);

12 and

13 (II) by redesignating paragraphs
14 (2) and (3) as paragraphs (1) and
15 (2), respectively.

16 (M) RECORD OF TRIAL.—Section
17 854(c)(1)(A) of title 10, United States Code
18 (article 54(c)(1)(A)), is amended by striking
19 “death.”

20 (N) FORFEITURE OF PAY AND ALLOW-
21 ANCES DURING CONFINEMENT.—Section
22 858b(a)(2)(A) of title 10, United States Code
23 (article 58b(a)(2)(A)), is amended by striking
24 “or death”.

1 (O) WAIVER OR WITHDRAWAL OF AP-
2 PEAL.—Section 861 of title 10, United States
3 Code (article 61), is amended—

4 (i) in subsection (a), by striking “ex-
5 cept a case in which the sentence as ap-
6 proved under section 860(c) of this title
7 (article 60(c)) includes death,”; and

8 (ii) in subsection (b), by striking “Ex-
9 cept in a case in which the sentence as ap-
10 proved under section 860(c) of this title
11 (article 60(c)) includes death, the accused”
12 and inserting “The accused”.

13 (P) REVIEW BY COURT OF CRIMINAL AP-
14 PEALS.—Section 866(b) of title 10, United
15 States Code (article 66(b)), is amended—

16 (i) in the matter preceding paragraph
17 (1), by inserting “in which” after “court-
18 martial”;

19 (ii) in paragraph (1), by striking “in
20 which the sentence, as approved, extends
21 to death,” and inserting “the sentence, as
22 approved, extends to”; and

23 (iii) in paragraph (2), by striking “ex-
24 cept in the case of a sentence extending to
25 death,”.

1 (Q) REVIEW BY COURT OF APPEALS FOR
2 THE ARMED FORCES.—Section 867(a) of title
3 10, United States Code (article 67(a)), is
4 amended—

5 (i) by striking paragraph (1); and
6 (ii) by redesignating paragraphs (2)
7 and (3) as paragraphs (1) and (2), respec-
8 tively.

9 (R) EXECUTION OF SENTENCE.—Section
10 871 of title 10, United States Code (article 71),
11 is amended—

12 (i) by striking subsection (a);
13 (ii) by redesignating subsection (b) as
14 subsection (a);
15 (iii) by striking subsection (c) and in-
16 serting the following:

17 “(b)(1) If a sentence extends to dismissal or a dishon-
18 orable or bad conduct discharge and if the right of the
19 accused to appellate review is not waived, and an appeal
20 is not withdrawn, under section 861 of this title (article
21 61), that part of the sentence extending to dismissal or
22 a dishonorable or bad conduct discharge may not be exe-
23 cuted until there is a final judgment as to the legality of
24 the proceedings (and with respect to dismissal, approval
25 under subsection (a)). A judgment as to legality of the

1 proceedings is final in such cases when review is completed
2 by a Court of Criminal Appeals and—

3 “(A) the time for the accused to file a petition
4 for review by the Court of Appeals for the Armed
5 Forces has expired and the accused has not filed a
6 timely petition for such review and the case is not
7 otherwise under review by that Court;

8 “(B) such a petition is rejected by the Court of
9 Appeals for the Armed Forces; or

10 “(C) review is completed in accordance with the
11 judgment of the Court of Appeals for the Armed
12 Forces and—

13 “(i) a petition for a writ of certiorari is not
14 filed within the time limits prescribed by the
15 Supreme Court;

16 “(ii) such a petition is rejected by the Su-
17 preme Court; or

18 “(iii) review is otherwise completed in ac-
19 cordance with the judgment of the Supreme
20 Court.

21 “(2) If a sentence extends to dismissal or a dishonor-
22 able or bad conduct discharge and if the right of the ac-
23 cused to appellate review is waived, or an appeal is with-
24 drawn, under section 861 of this title (article 61), that
25 part of the sentence extending to dismissal or a bad con-

1 duct or dishonorable discharge may not be executed until
2 review of the case by a judge advocate (and any action
3 on that review) under section 864 of this title (article 64)
4 is completed. Any other part of a court-martial sentence
5 may be ordered executed by the convening authority or
6 other person acting on the case under section 860 of this
7 title (article 60) when approved by him under that sec-
8 tion.”;

9 (iv) by redesignating subsection (d) as
10 subsection (c); and

11 (v) in subsection (c), as so redesign-
12 nated, by striking “, except a sentence of
13 death”.

14 (S) GENERAL ARTICLE.—Section 934 of
15 title 10, United States Code (article 134), is
16 amended by striking “crimes and offenses not
17 capital” and inserting “crimes and offenses”.

18 (T) JURISDICTION OF MILITARY COMMIS-
19 SIONS.—Section 948d of title 10, United States
20 Code, is amended by striking “including the
21 penalty of death” and all that follows and in-
22 serting “except death.”.

23 (U) NUMBER OF MEMBERS OF MILITARY
24 COMMISSIONS.—Subsection (a) of section 948m

1 of title 10, United States Code, is amended to
2 read as follows:

3 “(a) NUMBER OF MEMBERS.—A military commission
4 under this chapter shall have at least 5 members.”.

5 (V) NUMBER OF VOTES REQUIRED FOR
6 SENTENCING BY MILITARY COMMISSION.—Sec-
7 tion 949m of title 10, United States Code, is
8 amended—

9 (i) in subsection (b)—

10 (I) by striking paragraph (1);

11 and

12 (II) by redesignating paragraphs

13 (2) and (3) as paragraphs (1) and

14 (2), respectively; and

15 (ii) by striking subsection (c).

16 (W) APPELLATE REFERRAL FOR MILITARY
17 COMMISSIONS.—Section 950c of title 10, United
18 States Code, is amended—

19 (i) in subsection (b)(1), by striking

20 “Except a case in which the sentence as

21 approved under section 950b of this title

22 extends to death, an accused” and insert-

23 ing “An accused”; and

24 (ii) in subsection (c), by striking “Ex-

25 cept in a case in which the sentence as ap-

1 proved under section 950b of this title ex-
2 tends to death, the accused” and inserting
3 “The accused”.

4 (X) EXECUTION OF SENTENCE BY MILI-
5 TARY COMMISSIONS.—

6 (i) IN GENERAL.—Section 950i of title
7 10, United States Code, is amended—

8 (I) in the section heading, by
9 striking “Execution of sentence; sus-
10 pension” and inserting “Suspension”;

11 (II) by striking subsections (b)
12 and (c);

13 (III) by redesignating subsection
14 (d) as subsection (b); and

15 (IV) in subsection (b), as so re-
16 designated, by striking “, except a
17 sentence of death”.

18 (ii) CLERICAL AMENDMENT.—The
19 table of sections at the beginning of sub-
20 chapter VI of chapter 47A of title 10,
21 United States Code, is amended by strik-
22 ing the item relating to section 950i and
23 inserting the following new item:

“950i. Execution of sentence.”.

24 (d) CONFORMING AMENDMENTS.—

1 (1) REPEAL OF CRIMINAL PROCEDURES RELAT-
2 ING TO IMPOSITION OF DEATH SENTENCE.—

3 (A) IN GENERAL.—Chapter 228 of title
4 18, United States Code, is repealed.

5 (B) CLERICAL AMENDMENT.—The table of
6 chapters for part II of title 18, United States
7 Code, is amended by striking the item relating
8 to chapter 228.

9 (2) OTHER PROVISIONS.—

10 (A) INTERCEPTION OF WIRE, ORAL, OR
11 ELECTRONIC COMMUNICATIONS.—Section
12 2516(1)(a) of title 18, United States Code, is
13 amended by striking “by death or”.

14 (B) RELEASE AND DETENTION PENDING
15 JUDICIAL PROCEEDINGS.—Chapter 207 of title
16 18, United States Code, is amended—

17 (i) in section 3142(f)(1)(B), by strik-
18 ing “or death”; and

19 (ii) in section 3146(b)(1)(A)(i), by
20 striking “death, life imprisonment,” and
21 inserting “life imprisonment”.

22 (C) VENUE IN CAPITAL CASES.—Chapter
23 221 of title 18, United States Code, is amend-
24 ed—

25 (i) by striking section 3235; and

1 (ii) in the table of sections, by striking
2 the item relating to section 3235.

3 (D) PERIOD OF LIMITATIONS.—

4 (i) IN GENERAL.—Chapter 213 of title
5 18, United States Code, is amended by
6 striking section 3281 and inserting the fol-
7 lowing:

8 **“§ 3281. Offenses with no period of limitations**

9 “An indictment may be found at any time without
10 limitation for the following offenses:

11 “(1) A violation of section 274(a)(1)(A) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1324(a)(1)(A)) resulting in the death of any person.

14 “(2) A violation of section 34 of this title.

15 “(3) A violation of section 36(b)(2)(A) of this
16 title.

17 “(4) A violation of section 37(a) of this title
18 that results in the death of any person.

19 “(5) A violation of section 229A(a)(2) of this
20 title.

21 “(6) A violation of section 241, 242, 245(b), or
22 247(a) of this title that—

23 “(A) results in death; or

24 “(B) involved kidnapping or an attempt to
25 kidnap, aggravated sexual abuse or an attempt

1 to commit aggravated sexual abuse, or an at-
2 tempt to kill.

3 “(7) A violation of subsection (b) or (d) of sec-
4 tion 351 of this title.

5 “(8) A violation of section 794(a) of this title.

6 “(9) A violation of subsection (d), (f), or (i) of
7 section 844 of this title that results in the death of
8 any person (including any public safety officer per-
9 forming duties as a direct or proximate result of
10 conduct prohibited by such subsection).

11 “(10) An offense punishable under subsection
12 (c)(5)(B)(i) or (j)(1) of section 924 of this title.

13 “(11) An offense punishable under section
14 1091(b)(1) of this title.

15 “(12) A violation of section 1111 of this title
16 that is murder in the first degree.

17 “(13) A violation of section 1118 of this title.

18 “(14) A violation of subsection (a) or (b) of sec-
19 tion 1121 of this title.

20 “(15) A violation of section 1201(a) of this title
21 that results in the death of any person.

22 “(16) A violation of section 1203(a) of this title
23 that results in the death of any person.

1 “(17) An offense punishable under section
2 1512(a)(3) of this title that is murder (as that term
3 is defined in section 1111 of this title).

4 “(18) An offense punishable under section
5 1716(j)(3) of this title.

6 “(19) A violation of subsection (b) or (d) of sec-
7 tion 1751 of this title.

8 “(20) A violation of section 1958(a) of this title
9 that results in death.

10 “(21) A violation of section 1959(a) of this title
11 that is murder.

12 “(22) A violation of subsection (a) (except for
13 a violation of paragraph (8), (9), or (10) of such
14 subsection) or (b) of section 1992 of this title that
15 results in the death of any person.

16 “(23) A violation of section 2113(e) of this title
17 that results in death.

18 “(24) An offense punishable under section
19 2119(3) of this title.

20 “(25) An offense punishable under section
21 2245(a) of this title.

22 “(26) A violation of section 2251 of this title
23 that results in the death of a person.

24 “(27) A violation of section 2280(a)(1) of this
25 title that results in the death of any person.

1 “(28) A violation of section 2281(a)(1) of this
2 title that results in the death of any person.

3 “(29) A violation of section 2282A(a) of this
4 title that causes the death of any person.

5 “(30) A violation of section 2283(a) of this title
6 that causes the death of any person.

7 “(31) An offense punishable under section
8 2291(d) of this title.

9 “(32) An offense punishable under section
10 2332(a)(1) of this title.

11 “(33) A violation of subsection (a) or (b) of sec-
12 tion 2332a of this title that results in death.

13 “(34) An offense punishable under section
14 2332b(c)(1)(A) of this title.

15 “(35) A violation of section 2340A(a) of this
16 title that results in the death of any person.

17 “(36) A violation of section 2381 of this title.

18 “(37) A violation of section 2441(a) of this title
19 that results in the death of the victim.

20 “(38) A violation of section 408(e) of the Con-
21 trolled Substances Act (21 U.S.C. 848(e)).

22 “(39) An offense punishable under subsection
23 (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.”.

24 (ii) CLERICAL AMENDMENT.—The
25 table of sections for chapter 213 of title

1 18, United States Code, is amended by
2 striking the item relating to section 3281
3 and inserting the following:

“3281. Offenses with no period of limitations.”.

4 **SEC. 7002. PROHIBITION ON IMPOSITION OF DEATH SEN-**
5 **TENCE.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, no person may be sentenced to death or put
8 to death on or after the date of enactment of this Act
9 for any violation of Federal law.

10 (b) PERSONS SENTENCED BEFORE DATE OF ENACT-
11 MENT.—Notwithstanding any other provision of law, any
12 person sentenced to death before the date of enactment
13 of this Act for any violation of Federal law shall serve
14 a sentence of life imprisonment without the possibility of
15 parole.

16 **TITLE VIII—VOTING**

17 **SEC. 8000. SHORT TITLE.**

18 (a) SHORT TITLE.—This title may be cited as the
19 “Voter Empowerment Act of 2018”.

20 (b) STATEMENT OF POLICY.—It is the policy of the
21 United States that—

22 (1) all eligible citizens of the United States
23 should access and exercise their constitutional right
24 to vote in a free, fair, and timely manner; and

1 (2) the integrity, security, and accountability of
2 the voting process must be vigilantly protected,
3 maintained, and enhanced in order to protect and
4 preserve electoral and participatory democracy in the
5 United States.

6 **Subtitle A—Voting Rights** 7 **Advancement**

8 **SEC. 8001. SHORT TITLE.**

9 This subtitle may be cited as the “Voting Rights Ad-
10 vancement Act of 2018”.

11 **SEC. 8002. VOTING ON INDIAN LANDS.**

12 Section 2 of the Voting Rights Act of 1965 (42
13 U.S.C. 1973) is amended by adding at the end the fol-
14 lowing:

15 “(c) VOTING ON INDIAN LANDS.—

16 “(1) TRIBAL REQUESTS FOR POLLING PLACES;
17 POLLING PLACE PROVIDED.—

18 “(A) IN GENERAL.—A representative offi-
19 cial of an Indian tribe, with authorization from
20 the governing body of the tribe, may request
21 one or more polling places to be located on the
22 Indian lands of the Indian tribe. Such request
23 shall be delivered in writing to the State or po-
24 litical subdivision with responsibility for assign-
25 ing polling places at least 6 months prior to the

1 next election for which the request is made, and
2 shall specify the location of each requested poll-
3 ing place.

4 “(B) POLLING PLACES PROVIDED.—Each
5 requested polling place shall be provided by the
6 State or political subdivision in response to a
7 request made under paragraph (1), at no ex-
8 pense to the Indian tribe, if the voting-age pop-
9 ulation within the geographic area of the Indian
10 lands relevant to the requested polling place is
11 at least equal to the smallest voting-age popu-
12 lation served by any other polling place in the
13 State. Each polling place that is provided under
14 this subparagraph shall continue to be provided
15 after the election for which the request was
16 made, until such time as the Indian tribe that
17 requested that polling place delivers a written
18 request to the State or political subdivision ask-
19 ing that such polling place be withdrawn.

20 “(C) RULE OF CONSTRUCTION.—Nothing
21 in this paragraph shall be construed to prevent
22 a State or political subdivision from providing
23 additional polling places on Indian lands if no
24 request was made under subparagraph (A), or
25 if such request was made less than 6 months

1 prior to the next election for which the request
2 was made.

3 “(2) REQUIREMENT TO PROVIDE EQUITABLE
4 POLLING LOCATIONS.—

5 “(A) IN GENERAL.—A State or political
6 subdivision shall provide the same ratio of poll
7 workers and voting devices, the same rate of
8 pay to poll workers, and the same days and
9 hours of operation, for polling places that are
10 located on Indian lands as are provided in other
11 locations of polling places in the State or polit-
12 ical subdivision.

13 “(B) ELIGIBILITY TO VOTE AT A POLLING
14 LOCATION.—A polling place located on Indian
15 lands shall be open to voting by all persons who
16 are otherwise eligible to vote residing within the
17 precinct, voting unit, or electoral district.

18 “(C) FEDERAL FACILITIES.—Polling
19 places located on Indian lands may be des-
20 igned at—

21 “(i) a Federal facility, such as Indian
22 Health Service or Bureau of Indian Affairs
23 service buildings;

24 “(ii) any tribal government facility
25 that meets the requirements of Federal

1 and State law applied to other polling loca-
2 tions within the State;

3 “(iii) a tribally owned building; or

4 “(iv) another facility that meets the
5 requirements for polling places in the
6 State.

7 “(3) ABSENTEE BALLOTS AND EARLY VOT-
8 ING.—

9 “(A) IN GENERAL.—A representative offi-
10 cial of an Indian tribe, with authorization from
11 the governing body of the Indian tribe, may de-
12 liver a request to the appropriate State or polit-
13 ical subdivision that a location on Indian lands
14 be designated as an absentee ballot location or
15 an early voting location, and such State or po-
16 litical subdivision shall grant the request, at no
17 expense to the Indian tribe, if—

18 “(i) the requested location on Indian
19 lands is in a State that permits voting by
20 an absentee or mail-in ballot or early vot-
21 ing (also called absentee in-person voting),
22 as the case may be; and

23 “(ii) the voting-age population within
24 the geographic area of Indian lands rel-
25 evant to the requested absentee ballot loca-

1 tion or early voting location is at least
2 equal to the smallest voting-age population
3 served by any other absentee ballot loca-
4 tion or early voting location in the State.

5 “(B) INDIAN LANDS AS ABSENTEE BALLOT
6 LOCATION.—If a location on Indian lands is
7 designated as an absentee ballot location or an
8 early voting location, absentee ballots, or early
9 ballots, as the case may be, shall be provided,
10 at no expense to the Indian tribe, to each reg-
11 istered voter living in such designated location
12 without the requirement of an excuse for an ab-
13 sentee ballot or early voting. Bilingual election
14 materials and oral language assistance shall be
15 provided if required by section 203.

16 “(4) TRIBAL REQUESTS FOR VOTER REGISTRA-
17 TION AGENCIES.—A representative official of an In-
18 dian tribe, with authorization from the governing
19 body of the tribe, may request that tribal govern-
20 ment service offices be designated as voter registra-
21 tion agencies under section 7 of the National Voter
22 Registration Act of 1993 (52 U.S.C. 20506). Such
23 a request shall be delivered in writing to the State
24 or political subdivision with responsibility for assign-
25 ing polling locations at least 6 months prior to the

1 next election for which the request is made. Such a
2 request shall be granted if the tribal government
3 service office meets the requirements of Federal and
4 State law applied to other designated voter registra-
5 tion agencies within the State.”.

6 **SEC. 8003. VIOLATIONS TRIGGERING AUTHORITY OF**
7 **COURT TO RETAIN JURISDICTION.**

8 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
9 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
10 by striking “violations of the fourteenth or fifteenth
11 amendment” and inserting “violations of the 14th or 15th
12 Amendment, violations of this Act, or violations of any
13 Federal law that prohibits discrimination in voting on the
14 basis of race, color, or membership in a language minority
15 group,”.

16 (b) CONFORMING AMENDMENT.—Section 3(a) of
17 such Act (52 U.S.C. 10302(a)) is amended by striking
18 “violations of the fourteenth or fifteenth amendment” and
19 inserting “violations of the 14th or 15th Amendment, vio-
20 lations of this Act, or violations of any Federal law that
21 prohibits discrimination in voting on the basis of race,
22 color, or membership in a language minority group,”.

1 **SEC. 8004. CRITERIA FOR COVERAGE OF STATES AND PO-**
2 **LITICAL SUBDIVISIONS.**

3 (a) DETERMINATION OF STATES AND POLITICAL
4 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

5 (1) IN GENERAL.—Section 4(b) of the Voting
6 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
7 ed to read as follows:

8 “(b) DETERMINATION OF STATES AND POLITICAL
9 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

10 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
11 TIONS DURING PREVIOUS 25 YEARS.—

12 “(A) STATEWIDE APPLICATION.—Sub-
13 section (a) applies with respect to a State and
14 all political subdivisions within the State during
15 a calendar year if—

16 “(i) 15 or more voting rights viola-
17 tions occurred in the State during the pre-
18 vious 25 calendar years; or

19 “(ii) 10 or more voting rights viola-
20 tions occurred in the State during the pre-
21 vious 25 calendar years, at least one of
22 which was committed by the State itself
23 (as opposed to a political subdivision with-
24 in the State).

25 “(B) APPLICATION TO SPECIFIC POLITICAL
26 SUBDIVISIONS.—Subsection (a) applies with re-

1 spect to a political subdivision as a separate
2 unit during a calendar year if 3 or more voting
3 rights violations occurred in the subdivision
4 during the previous 25 calendar years.

5 “(2) PERIOD OF APPLICATION.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), if, pursuant to paragraph
8 (1), subsection (a) applies with respect to a
9 State or political subdivision during a calendar
10 year, subsection (a) shall apply with respect to
11 such State or political subdivision for the pe-
12 riod—

13 “(i) that begins on January 1 of the
14 year in which subsection (a) applies; and

15 “(ii) that ends on the date which is 10
16 years after the date described in clause (i).

17 “(B) NO FURTHER APPLICATION AFTER
18 DECLARATORY JUDGMENT.—

19 “(i) STATES.—If a State obtains a de-
20 claratory judgment under subsection (a),
21 and the judgment remains in effect, sub-
22 section (a) shall no longer apply to such
23 State pursuant to paragraph (1)(A) unless,
24 after the issuance of the declaratory judg-
25 ment, paragraph (1)(A) applies to the

1 State solely on the basis of voting rights
2 violations occurring after the issuance of
3 the declaratory judgment.

4 “(ii) POLITICAL SUBDIVISIONS.—If a
5 political subdivision obtains a declaratory
6 judgment under subsection (a), and the
7 judgment remains in effect, subsection (a)
8 shall no longer apply to such political sub-
9 division pursuant to paragraph (1), includ-
10 ing pursuant to paragraph (1)(A) (relating
11 to the statewide application of subsection
12 (a)), unless, after the issuance of the de-
13 claratory judgment, paragraph (1)(B) ap-
14 plies to the political subdivision solely on
15 the basis of voting rights violations occur-
16 ring after the issuance of the declaratory
17 judgment.

18 “(3) DETERMINATION OF VOTING RIGHTS VIO-
19 LATION.—For purposes of paragraph (1), a voting
20 rights violation occurred in a State or political sub-
21 division if any of the following applies:

22 “(A) FINAL JUDGMENT; VIOLATION OF
23 THE 14TH OR 15TH AMENDMENT.—In a final
24 judgment (which has not been reversed on ap-
25 peal), any court of the United States has deter-

1 mined that a denial or abridgement of the right
2 of any citizen of the United States to vote on
3 account of race, color, or membership in a lan-
4 guage minority group, in violation of the 14th
5 or 15th Amendment, occurred anywhere within
6 the State or subdivision.

7 “(B) FINAL JUDGMENT; VIOLATIONS OF
8 THIS ACT.—In a final judgment (which has not
9 been reversed on appeal), any court of the
10 United States has determined that a voting
11 qualification or prerequisite to voting or stand-
12 ard, practice, or procedure with respect to vot-
13 ing was imposed or applied or would have been
14 imposed or applied anywhere within the State
15 or subdivision in a manner that resulted or
16 would have resulted in a denial or abridgement
17 of the right of any citizen of the United States
18 to vote on account of race, color, or membership
19 in a language minority group, in violation of
20 subsection (e) or (f), or section 2 or 203 of this
21 Act.

22 “(C) FINAL JUDGMENT; DENIAL OF DE-
23 CLARATORY JUDGMENT.—In a final judgment
24 (which has not been reversed on appeal), any
25 court of the United States has denied the re-

1 quest of the State or subdivision for a declara-
2 tory judgment under section 3(c) or section 5,
3 and thereby prevented a voting qualification or
4 prerequisite to voting or standard, practice, or
5 procedure with respect to voting from being en-
6 forced anywhere within the State or subdivision.

7 “(D) OBJECTION BY THE ATTORNEY GEN-
8 ERAL.—The Attorney General has interposed
9 an objection under section 3(c) or section 5
10 (and the objection has not been overturned by
11 a final judgment of a court or withdrawn by the
12 Attorney General), and thereby prevented a vot-
13 ing qualification or prerequisite to voting or
14 standard, practice, or procedure with respect to
15 voting from being enforced anywhere within the
16 State or subdivision.

17 “(E) CONSENT DECREE, SETTLEMENT, OR
18 OTHER AGREEMENT.—A consent decree, settle-
19 ment, or other agreement was entered into,
20 which resulted in the alteration or abandonment
21 of a voting practice anywhere in the territory of
22 such State that was challenged on the ground
23 that the practice denied or abridged the right of
24 any citizen of the United States to vote on ac-
25 count of race, color, or membership in a lan-

1 guage minority group in violation of subsection
2 (e) or (f), or section 2 or 203 of this Act, or
3 the 14th or 15th Amendment.

4 “(4) TIMING OF DETERMINATIONS.—

5 “(A) DETERMINATIONS OF VOTING RIGHTS
6 VIOLATIONS.—As early as practicable during
7 each calendar year, the Attorney General shall
8 make the determinations required by this sub-
9 section, including updating the list of voting
10 rights violations occurring in each State and po-
11 litical subdivision for the previous calendar
12 year.

13 “(B) EFFECTIVE UPON PUBLICATION IN
14 FEDERAL REGISTER.—A determination or cer-
15 tification of the Attorney General under this
16 section or under section 8 or 13 shall be effec-
17 tive upon publication in the Federal Register.”.

18 (2) CONFORMING AMENDMENTS.—Section 4(a)
19 of such Act (52 U.S.C. 10303(a)) is amended—

20 (A) in paragraph (1), in the first sentence
21 of the matter preceding subparagraph (A), by
22 striking “any State with respect to which” and
23 all that follows through “unless” and inserting
24 “any State to which this subsection applies dur-
25 ing a calendar year pursuant to determinations

1 made under subsection (b), or in any political
2 subdivision of such State (as such subdivision
3 existed on the date such determinations were
4 made with respect to such State), though such
5 determinations were not made with respect to
6 such subdivision as a separate unit, or in any
7 political subdivision with respect to which this
8 subsection applies during a calendar year pur-
9 suant to determinations made with respect to
10 such subdivision as a separate unit under sub-
11 section (b), unless”;

12 (B) in paragraph (1) in the matter pre-
13 ceding subparagraph (A), by striking the second
14 sentence;

15 (C) in paragraph (1)(A), by striking “(in
16 the case of a State or subdivision seeking a de-
17 claratory judgment under the second sentence
18 of this subsection)”;

19 (D) in paragraph (1)(B), by striking “(in
20 the case of a State or subdivision seeking a de-
21 claratory judgment under the second sentence
22 of this subsection)”;

23 (E) in paragraph (3), by striking “(in the
24 case of a State or subdivision seeking a declara-

1 tory judgment under the second sentence of this
 2 subsection)”;

3 (F) in paragraph (5), by striking “(in the
 4 case of a State or subdivision which sought a
 5 declaratory judgment under the second sentence
 6 of this subsection)”;

7 (G) by striking paragraphs (7) and (8);
 8 and

9 (H) by redesignating paragraph (9) as
 10 paragraph (7).

11 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
 12 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
 13 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
 14 or color,” and inserting “race, color, or in contravention
 15 of the guarantees of subsection (f)(2),”.

16 **SEC. 8005. DETERMINATION OF STATES AND POLITICAL**
 17 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 18 **FOR COVERED PRACTICES.**

19 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
 20 seq.) is further amended by inserting after section 4 the
 21 following:

22 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
 23 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 24 **FOR COVERED PRACTICES.**

25 “(a) PRACTICE-BASED PRECLEARANCE.—

1 “(1) IN GENERAL.—Each State and each polit-
2 ical subdivision shall—

3 “(A) identify any newly enacted or adopted
4 law, regulation, or policy that includes a voting
5 qualification or prerequisite to voting, or a
6 standard, practice, or procedure with respect to
7 voting, that is a covered practice described in
8 subsection (b); and

9 “(B) ensure that no such covered practice
10 is implemented unless or until the State or po-
11 litical subdivision, as the case may be, complies
12 with subsection (c).

13 “(2) DETERMINATIONS OF CHARACTERISTICS
14 OF VOTING-AGE POPULATION.—

15 “(A) IN GENERAL.—As early as prac-
16 ticable during each calendar year, the Attorney
17 General, in consultation with the Director of
18 the Bureau of the Census and the heads of
19 other relevant offices of the government, shall
20 make the determinations required by this sec-
21 tion regarding voting-age populations and the
22 characteristics of such populations, and shall
23 publish a list of the States and political subdivi-
24 sions to which a voting-age population char-
25 acteristic described in subsection (b) applies.

1 “(B) PUBLICATION IN THE FEDERAL REG-
2 ISTER.—A determination or certification of the
3 Attorney General under this paragraph shall be
4 effective upon publication in the Federal Reg-
5 ister.

6 “(b) COVERED PRACTICES.—To assure that the right
7 of citizens of the United States to vote is not denied or
8 abridged on account of race, color, or membership in a
9 language minority group as a result of the implementation
10 of certain qualifications or prerequisites to voting, or
11 standards, practices, or procedures with respect to voting
12 newly adopted in a State or political subdivision, the fol-
13 lowing shall be covered practices subject to the require-
14 ments described in subsection (a):

15 “(1) CHANGES TO METHOD OF ELECTION.—
16 Any change to the method of election—

17 “(A) to add seats elected at-large in a
18 State or political subdivision where—

19 “(i) 2 or more racial groups or lan-
20 guage minority groups each represent 20
21 percent or more of the political subdivi-
22 sion’s voting-age population; or

23 “(ii) a single language minority group
24 represents 20 percent or more of the vot-
25 ing-age population on Indian lands located

1 in whole or in part in the political subdivi-
2 sion; or

3 “(B) to convert one or more seats elected
4 from a single-member district to one or more
5 at-large seats or seats from a multi-member
6 district in a State or political subdivision
7 where—

8 “(i) 2 or more racial groups or lan-
9 guage minority groups each represent 20
10 percent or more of the political subdivi-
11 sion’s voting-age population; or

12 “(ii) a single language minority group
13 represents 20 percent or more of the vot-
14 ing-age population on Indian lands located
15 in whole or in part in the political subdivi-
16 sion.

17 “(2) CHANGES TO JURISDICTION BOUND-
18 ARIES.—Any change or series of changes within a
19 year to the boundaries of a jurisdiction that reduces
20 by 3 or more percentage points the proportion of the
21 jurisdiction’s voting-age population that is comprised
22 of members of a single racial group or language mi-
23 nority group in a State or political subdivision
24 where—

1 “(A) 2 or more racial groups or language
2 minority groups each represent 20 percent or
3 more of the political subdivision’s voting-age
4 population; or

5 “(B) a single language minority group rep-
6 resents 20 percent or more of the voting-age
7 population on Indian lands located in whole or
8 in part in the political subdivision.

9 “(3) CHANGES THROUGH REDISTRICTING.—
10 Any change to the boundaries of election districts in
11 a State or political subdivision where any racial
12 group or language minority group experiences a pop-
13 ulation increase, over the preceding decade (as cal-
14 culated by the Bureau of the Census under the most
15 recent decennial census), of at least—

16 “(A) 10,000; or

17 “(B) 20 percent of voting-age population
18 of the State or political subdivision, as the case
19 may be.

20 “(4) CHANGES IN DOCUMENTATION OR QUALI-
21 FICATIONS TO VOTE.—Any change to requirements
22 for documentation or proof of identity to vote such
23 that the requirements will exceed or be more strin-
24 gent than the requirements for voting that are de-
25 scribed in section 303(b) of the Help America Vote

1 Act of 2002 (52 U.S.C. 21083(b)) or any change to
2 the requirements for documentation or proof of iden-
3 tity to register to vote that will exceed or be more
4 stringent than such requirements under State law on
5 the day before the date of enactment of the Voting
6 Rights Advancement Act of 2018.

7 “(5) CHANGES TO MULTILINGUAL VOTING MA-
8 TERIALS.—Any change that reduces multilingual
9 voting materials or alters the manner in which such
10 materials are provided or distributed, where no simi-
11 lar reduction or alteration occurs in materials pro-
12 vided in English for such election.

13 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
14 OR RELOCATE VOTING LOCATIONS.—Any change
15 that reduces, consolidates, or relocates voting loca-
16 tions, including early, absentee, and election-day vot-
17 ing locations—

18 “(A) in 1 or more census tracts wherein 2
19 or more language minority groups or racial
20 groups each represent 20 percent or more of
21 the voting-age population of the political sub-
22 division; or

23 “(B) on Indian lands wherein at least 20
24 percent of the voting-age population belongs to
25 a single language minority group.

1 “(c) PRECLEARANCE.—

2 “(1) IN GENERAL.—Whenever a State or polit-
3 ical subdivision with respect to which the require-
4 ments set forth in subsection (a) are in effect shall
5 enact, adopt, or seek to implement any covered prac-
6 tice described under subsection (b), such State or
7 subdivision may institute an action in the United
8 States District Court for the District of Columbia
9 for a declaratory judgment that such covered prac-
10 tice neither has the purpose nor will have the effect
11 of denying or abridging the right to vote on account
12 of race, color, or membership in a language minority
13 group, and unless and until the court enters such
14 judgment such covered practice shall not be imple-
15 mented. Notwithstanding the previous sentence, such
16 covered practice may be implemented without such
17 proceeding if the covered practice has been sub-
18 mitted by the chief legal officer or other appropriate
19 official of such State or subdivision to the Attorney
20 General and the Attorney General has not inter-
21 posed an objection within 60 days after such submis-
22 sion, or upon good cause shown, to facilitate an ex-
23 pedited approval within 60 days after such submis-
24 sion, the Attorney General has affirmatively indi-
25 cated that such objection will not be made. Neither

1 an affirmative indication by the Attorney General
2 that no objection will be made, nor the Attorney
3 General's failure to object, nor a declaratory judg-
4 ment entered under this section shall bar a subse-
5 quent action to enjoin implementation of such cov-
6 ered practice. In the event the Attorney General af-
7 firmatively indicates that no objection will be made
8 within the 60-day period following receipt of a sub-
9 mission, the Attorney General may reserve the right
10 to reexamine the submission if additional informa-
11 tion comes to the Attorney General's attention dur-
12 ing the remainder of the 60-day period which would
13 otherwise require objection in accordance with this
14 section. Any action under this section shall be heard
15 and determined by a court of three judges in accord-
16 ance with the provisions of section 2284 of title 28,
17 United States Code, and any appeal shall lie to the
18 Supreme Court.

19 “(2) DENYING OR ABRIDGING THE RIGHT TO
20 VOTE.—Any covered practice described in subsection
21 (b) that has the purpose of or will have the effect
22 of diminishing the ability of any citizens of the
23 United States on account of race, color, or member-
24 ship in a language minority group, to elect their pre-
25 ferred candidates of choice denies or abridges the

1 right to vote within the meaning of paragraph (1) of
2 this subsection.

3 “(3) PURPOSE DEFINED.—The term ‘purpose’
4 in paragraphs (1) and (2) of this subsection shall in-
5 clude any discriminatory purpose.

6 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
7 pose of paragraph (2) of this subsection is to protect
8 the ability of such citizens to elect their preferred
9 candidates of choice.

10 “(d) ENFORCEMENT.—The Attorney General or any
11 aggrieved citizen may file an action in a Federal district
12 court to compel any State or political subdivision to satisfy
13 the obligations set forth in this section. Such actions shall
14 be heard and determined by a court of 3 judges under
15 section 2284 of title 28, United States Code. In any such
16 action, the court shall provide as a remedy that any voting
17 qualification or prerequisite to voting, or standard, prac-
18 tice, or procedure with respect to voting, that is the sub-
19 ject of the action under this subsection be enjoined unless
20 the court determines that—

21 “(1) the voting qualification or prerequisite to
22 voting, or standard, practice, or procedure with re-
23 spect to voting, is not a covered practice described
24 in subsection (b); or

1 “(2) the State or political subdivision has com-
2 plied with subsection (c) with respect to the covered
3 practice at issue.

4 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
5 MINORITY GROUPS.—For purposes of this section, the cal-
6 culation of the population of a racial group or a language
7 minority group shall be carried out using the methodology
8 in the guidance promulgated in the Federal Register on
9 February 9, 2011 (76 Fed. Reg. 7470).

10 “(f) SPECIAL RULE.—For purposes of determina-
11 tions under this section, any data provided by the Bureau
12 of the Census, whether based on estimation from sample
13 or actual enumeration, shall not be subject to challenge
14 or review in any court.

15 “(g) MULTILINGUAL VOTING MATERIALS.—In this
16 section, the term ‘multilingual voting materials’ means
17 registration or voting notices, forms, instructions, assist-
18 ance, or other materials or information relating to the
19 electoral process, including ballots, provided in the lan-
20 guage or languages of one or more language minority
21 groups.”.

22 **SEC. 8006. PROMOTING TRANSPARENCY TO ENFORCE THE**
23 **VOTING RIGHTS ACT.**

24 (a) TRANSPARENCY.—

1 (1) IN GENERAL.—The Voting Rights Act of
2 1965 (52 U.S.C. 10301 et seq.) is amended by in-
3 serting after section 5 the following new section:

4 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
5 **TECT VOTING RIGHTS.**

6 “(a) NOTICE OF ENACTED CHANGES.—

7 “(1) NOTICE OF CHANGES.—If a State or polit-
8 ical subdivision makes any change in any pre-
9 requisite to voting or standard, practice, or proce-
10 dure with respect to voting in any election for Fed-
11 eral office that will result in the prerequisite, stand-
12 ard, practice, or procedure being different from that
13 which was in effect as of 180 days before the date
14 of the election for Federal office, the State or polit-
15 ical subdivision shall provide reasonable public notice
16 in such State or political subdivision and on the
17 Internet, of a concise description of the change, in-
18 cluding the difference between the changed pre-
19 requisite, standard, practice, or procedure and the
20 prerequisite, standard, practice, or procedure which
21 was previously in effect. The public notice described
22 in this paragraph, in such State or political subdivi-
23 sion and on the Internet, shall be in a format that
24 is reasonably convenient and accessible to voters

1 with disabilities, including voters who have low vi-
2 sion or are blind.

3 “(2) DEADLINE FOR NOTICE.—A State or polit-
4 ical subdivision shall provide the public notice re-
5 quired under paragraph (1) not later than 48 hours
6 after making the change involved.

7 “(b) TRANSPARENCY REGARDING POLLING PLACE
8 RESOURCES.—

9 “(1) IN GENERAL.—In order to identify any
10 changes that may impact the right to vote of any
11 person, prior to the 30th day before the date of an
12 election for Federal office, each State or political
13 subdivision with responsibility for allocating reg-
14 istered voters, voting machines, and official poll
15 workers to particular precincts and polling places
16 shall provide reasonable public notice in such State
17 or political subdivision and on the Internet, of the
18 information described in paragraph (2) for precincts
19 and polling places within such State or political sub-
20 division. The public notice described in this para-
21 graph, in such State or political subdivision and on
22 the Internet, shall be in a format that is reasonably
23 convenient and accessible to voters with disabilities
24 including voters who have low vision or are blind.

1 “(2) INFORMATION DESCRIBED.—The informa-
2 tion described in this paragraph with respect to a
3 precinct or polling place is each of the following:

4 “(A) The name or number.

5 “(B) In the case of a polling place, the lo-
6 cation, including the street address, and wheth-
7 er such polling place is accessible to persons
8 with disabilities.

9 “(C) The voting-age population of the area
10 served by the precinct or polling place, broken
11 down by demographic group if such breakdown
12 is reasonably available to such State or political
13 subdivision.

14 “(D) The number of registered voters as-
15 signed to the precinct or polling place, broken
16 down by demographic group if such breakdown
17 is reasonably available to such State or political
18 subdivision.

19 “(E) The number of voting machines as-
20 signed, including the number of voting ma-
21 chines accessible to voters with disabilities, in-
22 cluding voters who have low vision or are blind.

23 “(F) The number of official paid poll
24 workers assigned.

1 “(G) The number of official volunteer poll
2 workers assigned.

3 “(H) In the case of a polling place, the
4 dates and hours of operation.

5 “(3) UPDATES IN INFORMATION REPORTED.—

6 If a State or political subdivision makes any change
7 in any of the information described in paragraph
8 (2), the State or political subdivision shall provide
9 reasonable public notice in such State or political
10 subdivision and on the Internet, of the change in the
11 information not later than 48 hours after the change
12 occurs or, if the change occurs fewer than 48 hours
13 before the date of the election for Federal office, as
14 soon as practicable after the change occurs. The
15 public notice described in this paragraph in such
16 State or political subdivision and on the Internet
17 shall be in a format that is reasonably convenient
18 and accessible to voters with disabilities including
19 voters who have low vision or are blind.

20 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
21 MOGRAPHICS AND ELECTORAL DISTRICTS.—

22 “(1) REQUIRING PUBLIC NOTICE OF
23 CHANGES.—Not later than 10 days after making
24 any change in the constituency that will participate
25 in an election for Federal, State, or local office or

1 the boundaries of a voting unit or electoral district
2 in an election for Federal, State, or local office (in-
3 cluding through redistricting, reapportionment,
4 changing from at-large elections to district-based
5 elections, or changing from district-based elections
6 to at-large elections), a State or political subdivision
7 shall provide reasonable public notice in such State
8 or political subdivision and on the Internet, of the
9 demographic and electoral data described in para-
10 graph (3) for each of the geographic areas described
11 in paragraph (2).

12 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
13 ographic areas described in this paragraph are as
14 follows:

15 “(A) The State as a whole, if the change
16 applies statewide, or the political subdivision as
17 a whole, if the change applies across the entire
18 political subdivision.

19 “(B) If the change includes a plan to re-
20 place or eliminate voting units or electoral dis-
21 tricts, each voting unit or electoral district that
22 will be replaced or eliminated.

23 “(C) If the change includes a plan to es-
24 tablish new voting units or electoral districts,
25 each such new voting unit or electoral district.

1 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—

2 The demographic and electoral data described in this
3 paragraph with respect to a geographic area de-
4 scribed in paragraph (2) are each of the following:

5 “(A) The voting-age population, broken
6 down by demographic group.

7 “(B) If it is reasonably available to the
8 State or political subdivision involved, an esti-
9 mate of the population of the area which con-
10 sists of citizens of the United States who are 18
11 years of age or older, broken down by demo-
12 graphic group.

13 “(C) The number of registered voters, bro-
14 ken down by demographic group if such break-
15 down is reasonably available to the State or po-
16 litical subdivision involved.

17 “(D)(i) If the change applies to a State,
18 the actual number of votes, or (if it is not rea-
19 sonably practicable for the State to ascertain
20 the actual number of votes) the estimated num-
21 ber of votes received by each candidate in each
22 statewide election held during the 5-year period
23 which ends on the date the change involved is
24 made; and

1 “(ii) if the change applies to only one polit-
2 ical subdivision, the actual number of votes, or
3 (if it is not reasonably practicable for the polit-
4 ical subdivision to ascertain the actual number
5 of votes) in each subdivision-wide election held
6 during the 5-year period which ends on the date
7 the change involved is made.

8 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
9 RISDICTIONS.—Compliance with this subsection shall
10 be voluntary for a political subdivision of a State un-
11 less the subdivision is one of the following:

12 “(A) A county or parish.

13 “(B) A municipality with a population
14 greater than 10,000, as determined by the Bu-
15 reau of the Census under the most recent de-
16 cennial census.

17 “(C) A school district with a population
18 greater than 10,000, as determined by the Bu-
19 reau of the Census under the most recent de-
20 cennial census. For purposes of this subpara-
21 graph, the term ‘school district’ means the geo-
22 graphic area under the jurisdiction of a local
23 educational agency (as defined in section 9101
24 of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 7801)).

1 “(d) RULES REGARDING FORMAT OF INFORMA-
2 TION.—The Attorney General may issue rules specifying
3 a reasonably convenient and accessible format that States
4 and political subdivisions shall use to provide public notice
5 of information under this section.

6 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
7 vote of any person shall not be denied or abridged because
8 the person failed to comply with any change made by a
9 State or political subdivision if the State or political sub-
10 division involved did not meet the applicable requirements
11 of this section with respect to the change.

12 “(f) DEFINITIONS.—In this section—

13 “(1) the term ‘demographic group’ means each
14 group which section 2 protects from the denial or
15 abridgement of the right to vote on account of race
16 or color, or in contravention of the guarantees set
17 forth in section 4(f)(2);

18 “(2) the term ‘election for Federal office’ means
19 any general, special, primary, or runoff election held
20 solely or in part for the purpose of electing any can-
21 didate for the office of President, Vice President,
22 Presidential elector, Senator, Member of the House
23 of Representatives, or Delegate or Resident Commis-
24 sioner to the Congress; and

1 “(3) the term ‘persons with disabilities’, means
2 individuals with a disability, as defined in section 3
3 of the Americans with Disabilities Act of 1990 (42
4 U.S.C. 12102).”.

5 (2) CONFORMING AMENDMENT.—Section 3(a)
6 of such Act (52 U.S.C. 10302(a)) is amended by
7 striking “in accordance with section 6”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a)(1) shall apply with respect to changes which
10 are made on or after the expiration of the 60-day period
11 which begins on the date of the enactment of this Act.

12 **SEC. 8007. AUTHORITY TO ASSIGN OBSERVERS.**

13 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
14 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
15 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
16 10305(a)(2)(B)) is amended to read as follows:

17 “(B) in the Attorney General’s judgment,
18 the assignment of observers is otherwise nec-
19 essary to enforce the guarantees of the 14th or
20 15th Amendment or any provision of this Act
21 or any other Federal law protecting the right of
22 citizens of the United States to vote;”.

23 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
24 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
25 such Act (52 U.S.C. 10305(a)) is amended—

1 (1) by striking “or” at the end of paragraph
2 (1); and

3 (2) by adding after paragraph (2) the following:

4 “(3) the Attorney General certifies with respect
5 to a political subdivision that—

6 “(A) the Attorney General has received
7 written meritorious complaints from residents,
8 elected officials, or civic participation organiza-
9 tions that efforts to violate section 203 are like-
10 ly to occur; or

11 “(B) in the Attorney General’s judgment,
12 the assignment of observers is necessary to en-
13 force the guarantees of section 203; or

14 “(4) the Attorney General certifies that the At-
15 torney General has received from the appropriate of-
16 ficial of the governing body of a federally recognized
17 Indian tribe—

18 “(A) a written complaint that efforts to
19 deny or abridge the right to vote under the
20 color of law on account of race or color, or in
21 contravention of the guarantees set forth in sec-
22 tion 4(f)(2) are likely to occur; and

23 “(B) a written request for the authoriza-
24 tion of Federal observers for elections that
25 occur on Indian lands;”.

1 **SEC. 8008. PRELIMINARY INJUNCTIVE RELIEF.**

2 (a) CLARIFICATION OF SCOPE AND PERSONS AU-
3 THORIZED TO SEEK RELIEF.—Section 12(d) of the Vot-
4 ing Rights Act of 1965 (52 U.S.C. 10308(d)) is amend-
5 ed—

6 (1) by striking “section 2, 3, 4, 5, 7, 10, 11,
7 or subsection (b) of this section” and inserting “the
8 14th or 15th Amendment, this Act, or any Federal
9 voting rights law that prohibits discrimination on
10 the basis of race, color, or membership in a language
11 minority group”; and

12 (2) by striking “the Attorney General may in-
13 stitute for the United States, or in the name of the
14 United States,” and inserting “the aggrieved person
15 or (in the name of the United States) the Attorney
16 General may institute”.

17 (b) GROUNDS FOR GRANTING RELIEF.—Section
18 12(d) of such Act (52 U.S.C. 10308(d)) is amended—

19 (1) by striking “(d) Whenever any person” and
20 inserting “(d)(1) Whenever any person”;

21 (2) by striking “(1) to permit” and inserting
22 “(A) to permit”;

23 (3) by striking “(2) to count” and inserting
24 “(B) to count”; and

25 (4) by adding at the end the following new
26 paragraph:

1 “(2)(A) In any action for preliminary relief described
2 in this subsection, the court shall grant the relief if the
3 court determines that the complainant has raised a serious
4 question whether the challenged voting qualification or
5 prerequisite to voting or standard, practice, or procedure
6 violates this Act or the Constitution and, on balance, the
7 hardship imposed upon the defendant by the grant of the
8 relief will be less than the hardship which would be im-
9 posed upon the plaintiff if the relief were not granted. In
10 balancing the harms, the court shall give due weight to
11 the fundamental right to cast an effective ballot.

12 “(B) In making its determination under this para-
13 graph with respect to a change in any voting qualification,
14 prerequisite to voting, or standard, practice, or procedure
15 with respect to voting, the court shall consider all relevant
16 factors and give due weight to the following factors, if they
17 are present:

18 “(i) Whether the qualification, prerequisite,
19 standard, practice, or procedure in effect prior to the
20 change was adopted as a remedy for a Federal court
21 judgment, consent decree, or admission regarding—

22 “(I) discrimination on the basis of race or
23 color in violation of the 14th or 15th Amend-
24 ment;

25 “(II) a violation of this Act; or

1 “(III) voting discrimination on the basis of
2 race, color, or membership in a language minor-
3 ity group in violation of any other Federal or
4 State law.

5 “(ii) Whether the qualification, prerequisite,
6 standard, practice, or procedure in effect prior to the
7 change served as a ground for the dismissal or set-
8 tlement of a claim alleging—

9 “(I) discrimination on the basis of race or
10 color in violation of the 14th or 15th Amend-
11 ment;

12 “(II) a violation of this Act; or

13 “(III) voting discrimination on the basis of
14 race, color, or membership in a language minor-
15 ity group in violation of any other Federal or
16 State law.

17 “(iii) Whether the change was adopted fewer
18 than 180 days before the date of the election with
19 respect to which the change is to take effect.

20 “(iv) Whether the defendant has failed to pro-
21 vide timely or complete notice of the adoption of the
22 change as required by applicable Federal or State
23 law.”.

1 **SEC. 8009. DEFINITIONS.**

2 Title I of the Voting Rights Act of 1965 (52 U.S.C.
3 10301) is amended by adding at the end the following:

4 **“SEC. 21. DEFINITIONS.**

5 “In this Act:

6 “(1) INDIAN LANDS.—The term ‘Indian lands’
7 means—

8 “(A) any Indian country of the Indian
9 tribe, as defined in section 1151 of title 18,
10 United States Code;

11 “(B) any land in Alaska that is owned,
12 pursuant to the Alaska Native Claims Settle-
13 ment Act (43 U.S.C. 1601 et seq.), by an In-
14 dian tribe that is a Native village (as defined in
15 section 3 of that Act (43 U.S.C. 1602)) or by
16 a Village Corporation that is associated with
17 the Indian tribe (as defined in section 3 of that
18 Act (43 U.S.C. 1602));

19 “(C) any land on which the seat of govern-
20 ment of the Indian tribe is located; and

21 “(D) any land that is part or all of a tribal
22 designated statistical area associated with the
23 Indian tribe, or is part or all of an Alaska Na-
24 tive village statistical area associated with the
25 tribe, as defined by the Bureau of the Census

1 for the purposes of the most recent decennial
2 census.

3 “(2) INDIAN TRIBE.—The term ‘Indian tribe’ or
4 ‘tribe’ means any American Indian or Alaska Native
5 tribe, band, nation, pueblo, village, or community
6 that the Secretary of the Interior acknowledges to
7 exist as a federally recognized Indian tribe under the
8 Federally Recognized Indian Tribe List Act of 1994
9 (25 U.S.C. 479a et seq.).

10 “(3) VOTING-AGE POPULATION.—The term
11 ‘voting-age population’ means the numerical size of
12 the population within a State, within a political sub-
13 division, or within a political subdivision that con-
14 tains Indian lands, as the case may be, that consists
15 of persons age 18 or older, as calculated by the Bu-
16 reau of the Census under the most recent decennial
17 census.”.

18 **SEC. 8010. BILINGUAL ELECTION REQUIREMENTS.**

19 Section 203(c) of the Voting Rights Act of 1965 (52
20 U.S.C. 10503(c)) is amended by striking “or in the case
21 of Alaskan natives and American Indians, if the predomi-
22 nant language is historically unwritten” and inserting “(as
23 of the date on which the materials or information is pro-
24 vided)”.

1 **SEC. 8011. REQUIRING DECLARATORY JUDGMENT OR**
2 **PRECLEARANCE AS PREREQUISITE FOR MUL-**
3 **TIPLE CONGRESSIONAL REDISTRICTING**
4 **PLANS ENACTED PURSUANT TO SAME DE-**
5 **CENNIAL CENSUS AND APPORTIONMENT OF**
6 **REPRESENTATIVES.**

7 (a) DECLARATORY JUDGMENT THAT PLAN DOES
8 NOT DENY OR ABRIDGE RIGHT TO VOTE ON ACCOUNT
9 OF RACE OR COLOR.—Except as provided in subsection
10 (b), after a State enacts a Congressional redistricting plan
11 in the manner provided by law after an apportionment of
12 Representatives under section 22(a) of the Act entitled
13 “An Act to provide for the fifteenth and subsequent decen-
14 nial censuses and to provide for an apportionment of Rep-
15 resentatives in Congress”, approved June 18, 1929 (2
16 U.S.C. 2a), any subsequent Congressional redistricting
17 plan enacted by the State prior to the next apportionment
18 of Representatives under such section shall not take effect
19 unless and until—

20 (1) the State commences a civil action in the
21 United States District Court for the District of Co-
22 lumbia for a declaratory judgment that such subse-
23 quent plan neither has the purpose nor will have the
24 effect of denying or abridging the right to vote on
25 account of race or color, or in contravention of the

1 guarantees set forth in section 4(f)(2) of the Voting
2 Rights Act of 1965 (52 U.S.C. 10303(f)(2)); and

3 (2) the court enters such a declaratory judg-
4 ment.

5 (b) PRECLEARANCE.—A subsequent Congressional
6 redistricting plan described in subsection (a) may take ef-
7 fect if—

8 (1) the chief legal officer or other appropriate
9 official of the State involved submits the plan to the
10 Attorney General and the Attorney General has not
11 interposed an objection within 60 days of such sub-
12 mission; or

13 (2) upon good cause shown, to facilitate an ex-
14 pedited approval within 60 days of such submission,
15 the Attorney General has affirmatively indicated
16 that such objection will not be made.

17 (c) APPLICATION OF VOTING RIGHTS ACT OF
18 1965.—For purposes of the Voting Rights Act of 1965,
19 a declaratory judgment under subsection (a) or a
20 preclearance under subsection (b), and the proceedings re-
21 lated to such judgment or preclearance, shall be treated
22 as a declaratory judgment or preclearance under section
23 5 of such Act (52 U.S.C. 10304).

24 (d) NO EFFECT ON REDISTRICTING PLANS ENACTED
25 PURSUANT TO COURT ORDER.—This section does not

1 apply with respect to any subsequent Congressional redis-
2 tricting plan described in subsection (a) if the plan is en-
3 acted by a State pursuant to a court order in order to
4 comply with the Constitution or to enforce the Voting
5 Rights Act of 1965 (52 U.S.C. 10301 et seq.).

6 **SEC. 8012. OTHER TECHNICAL AND CONFORMING AMEND-**
7 **MENTS.**

8 (a) ACTIONS COVERED UNDER SECTION 3.—Section
9 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
10 10302(c)) is amended—

11 (1) by striking “any proceeding instituted by
12 the Attorney General or an aggrieved person under
13 any statute to enforce” and inserting “any action
14 under any statute in which a party (including the
15 Attorney General) seeks to enforce”; and

16 (2) by striking “at the time the proceeding was
17 commenced” and inserting “at the time the action
18 was commenced”.

19 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
20 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
21 (52 U.S.C. 10303(f)) is amended—

22 (1) in paragraph (1), by striking the second
23 sentence; and

24 (2) by striking paragraphs (3) and (4).

1 (c) PERIOD DURING WHICH CHANGES IN VOTING
2 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
3 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
4 is amended—

5 (1) in subsection (a), by striking “based upon
6 determinations made under the first sentence of sec-
7 tion 4(b) are in effect” and inserting “are in effect
8 during a calendar year”;

9 (2) in subsection (a), by striking “November 1,
10 1964” and all that follows through “November 1,
11 1972” and inserting “the applicable date of cov-
12 erage”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(e) The term ‘applicable date of coverage’ means,
16 with respect to a State or political subdivision—

17 “(1) June 25, 2013, if the most recent deter-
18 mination for such State or subdivision under section
19 4(b) was made on or before December 31, 2015; or

20 “(2) the date on which the most recent deter-
21 mination for such State or subdivision under section
22 4(b) was made, if such determination was made
23 after December 31, 2015.”.

1 **SEC. 8013. TRIBAL VOTING CONSULTATION.**

2 The Attorney General shall consult annually with
3 tribal organizations regarding issues related to voting for
4 members of an Indian tribe (as defined under section 21
5 of the Voting Rights Act of 1965, as added by section
6 8009 of this Act).

7 **Subtitle B—Promoting Internet**
8 **Registration**

9 **SEC. 8100. SHORT TITLE.**

10 This subtitle may be cited as the “Voter Registration
11 Modernization Act of 2018”.

12 **PART 1—PROMOTING INTERNET REGISTRATION**

13 **SEC. 8101. REQUIRING AVAILABILITY OF INTERNET FOR**
14 **VOTER REGISTRATION.**

15 (a) REQUIRING AVAILABILITY OF INTERNET FOR
16 REGISTRATION.—The National Voter Registration Act of
17 1993 (52 U.S.C. 20501 et seq.) is amended by inserting
18 after section 6 the following new section:

19 **“SEC. 6A. INTERNET REGISTRATION.**

20 **“(a) REQUIRING AVAILABILITY OF INTERNET FOR**
21 **ONLINE REGISTRATION.—**

22 **“(1) AVAILABILITY OF ONLINE REGISTRA-**
23 **TION.—**Each State, acting through the chief State
24 election official, shall ensure that the following serv-
25 ices are available to the public at any time on the
26 official public websites of the appropriate State and

1 local election officials in the State, in the same man-
2 ner and subject to the same terms and conditions as
3 the services provided by voter registration agencies
4 under section 7(a):

5 “(A) Online application for voter registra-
6 tion.

7 “(B) Online assistance to applicants in ap-
8 plying to register to vote.

9 “(C) Online completion and submission by
10 applicants of the mail voter registration applica-
11 tion form prescribed by the Election Assistance
12 Commission pursuant to section 9(a)(2), includ-
13 ing assistance with providing a signature in
14 electronic form as required under subsection
15 (c).

16 “(D) Online receipt of completed voter reg-
17 istration applications.

18 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
19 A State shall accept an online voter registration applica-
20 tion provided by an individual under this section, and en-
21 sure that the individual is registered to vote in the State,
22 if—

23 “(1) the individual meets the same voter reg-
24 istration requirements applicable to individuals who
25 register to vote by mail in accordance with section

1 6(a)(1) using the mail voter registration application
2 form prescribed by the Election Assistance Commis-
3 sion pursuant to section 9(a)(2); and

4 “(2) the individual provides a signature in elec-
5 tronic form in accordance with subsection (c) (but
6 only in the case of applications submitted during or
7 after the second year in which this section is in ef-
8 fect in the State).

9 “(c) SIGNATURES IN ELECTRONIC FORM.—For pur-
10 poses of this section, an individual provides a signature
11 in electronic form by—

12 “(1) executing a computerized mark in the sig-
13 nature field on an online voter registration applica-
14 tion; or

15 “(2) submitting with the application an elec-
16 tronic copy of the individual’s handwritten signature
17 through electronic means.

18 “(d) CONFIRMATION AND DISPOSITION.—

19 “(1) CONFIRMATION OF RECEIPT.—Upon the
20 online submission of a completed voter registration
21 application by an individual under this section, the
22 appropriate State or local election official shall send
23 the individual a notice confirming the State’s receipt
24 of the application and providing instructions on how

1 the individual may check the status of the applica-
2 tion.

3 “(2) NOTICE OF DISPOSITION.—As soon as the
4 appropriate State or local election official has ap-
5 proved or rejected an application submitted by an in-
6 dividual under this section, the official shall send the
7 individual a notice of the disposition of the applica-
8 tion.

9 “(3) METHOD OF NOTIFICATION.—The appro-
10 priate State or local election official shall send the
11 notices required under this subsection by regular
12 mail, and, in the case of an individual who has re-
13 quested that the State provide voter registration and
14 voting information through electronic mail, by both
15 electronic mail and regular mail.

16 “(e) PROVISION OF SERVICES IN NONPARTISAN
17 MANNER.—The services made available under subsection
18 (a) shall be provided in a manner that ensures that, con-
19 sistent with section 7(a)(5)—

20 “(1) the online application does not seek to in-
21 fluence an applicant’s political preference or party
22 registration; and

23 “(2) there is no display on the website pro-
24 moting any political preference or party allegiance,
25 except that nothing in this paragraph may be con-

1 strued to prohibit an applicant from registering to
2 vote as a member of a political party.

3 “(f) PROTECTION OF SECURITY OF INFORMATION.—

4 In meeting the requirements of this section, the State shall
5 establish appropriate technological security measures to
6 prevent to the greatest extent practicable any unauthor-
7 ized access to information provided by individuals using
8 the services made available under subsection (a).

9 “(g) USE OF ADDITIONAL TELEPHONE-BASED SYS-
10 TEM.—A State shall make the services made available on-
11 line under subsection (a) available through the use of an
12 automated telephone-based system, subject to the same
13 terms and conditions applicable under this section to the
14 services made available online, in addition to making the
15 services available online in accordance with the require-
16 ments of this section.

17 “(h) NONDISCRIMINATION AMONG REGISTERED
18 VOTERS USING MAIL AND ONLINE REGISTRATION.—In
19 carrying out this Act, the Help America Vote Act of 2002,
20 or any other Federal, State, or local law governing the
21 treatment of registered voters in the State or the adminis-
22 tration of elections for public office in the State, a State
23 shall treat a registered voter who registered to vote online
24 in accordance with this section in the same manner as the

1 State treats a registered voter who registered to vote by
2 mail.”.

3 (b) SPECIAL REQUIREMENTS FOR INDIVIDUALS
4 USING ONLINE REGISTRATION.—

5 (1) TREATMENT AS INDIVIDUALS REGISTERING
6 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
7 VOTER IDENTIFICATION REQUIREMENTS.—Section
8 303(b)(1)(A) of the Help America Vote Act of 2002
9 (52 U.S.C. 21083(b)(1)(A)) is amended by striking
10 “by mail” and inserting “by mail or online under
11 section 6A of the National Voter Registration Act of
12 1993”.

13 (2) REQUIRING SIGNATURE FOR FIRST-TIME
14 VOTERS IN JURISDICTION.—Section 303(b) of such
15 Act (52 U.S.C. 21083(b)) is amended—

16 (A) by redesignating paragraph (5) as
17 paragraph (6); and

18 (B) by inserting after paragraph (4) the
19 following new paragraph:

20 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
21 TIME VOTERS USING ONLINE REGISTRATION.—

22 “(A) IN GENERAL.—A State shall, in a
23 uniform and nondiscriminatory manner, require
24 an individual to meet the requirements of sub-
25 paragraph (B) if—

1 “(i) the individual registered to vote
2 in the State online under section 6A of the
3 National Voter Registration Act of 1993;
4 and

5 “(ii) the individual has not previously
6 voted in an election for Federal office in
7 the State.

8 “(B) REQUIREMENTS.—An individual
9 meets the requirements of this subparagraph
10 if—

11 “(i) in the case of an individual who
12 votes in person, the individual provides the
13 appropriate State or local election official
14 with a handwritten signature; or

15 “(ii) in the case of an individual who
16 votes by mail, the individual submits with
17 the ballot a handwritten signature.

18 “(C) INAPPLICABILITY.—Subparagraph
19 (A) does not apply in the case of an individual
20 who is—

21 “(i) entitled to vote by absentee ballot
22 under the Uniformed and Overseas Citi-
23 zens Absentee Voting Act (52 U.S.C.
24 20302 et seq.);

1 “(ii) provided the right to vote other-
2 wise than in person under section
3 3(b)(2)(B)(ii) of the Voting Accessibility
4 for the Elderly and Handicapped Act (52
5 U.S.C. 20102(b)(2)(B)(ii)); or

6 “(iii) entitled to vote otherwise than
7 in person under any other Federal law.”.

8 (3) CONFORMING AMENDMENT RELATING TO
9 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
10 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
11 striking “Each State” and inserting “Except as pro-
12 vided in subsection (b)(5), each State”.

13 (c) CONFORMING AMENDMENTS.—

14 (1) TIMING OF REGISTRATION.—Section 8(a)(1)
15 of the National Voter Registration Act of 1993 (52
16 U.S.C. 20507(a)(1)) is amended—

17 (A) by striking “and” at the end of sub-
18 paragraph (C);

19 (B) by redesignating subparagraph (D) as
20 subparagraph (E); and

21 (C) by inserting after subparagraph (C)
22 the following new subparagraph:

23 “(D) in the case of online registration
24 through the official public website of an election
25 official under section 6A, if the valid voter reg-

1 istration application is submitted online not
2 later than the lesser of 30 days, or the period
3 provided by State law, before the date of the
4 election (as determined by treating the date on
5 which the application is sent electronically as
6 the date on which it is submitted); and”.

7 (2) INFORMING APPLICANTS OF ELIGIBILITY
8 REQUIREMENTS AND PENALTIES.—Section 8(a)(5)
9 of such Act (52 U.S.C. 20507(a)(5)) is amended by
10 striking “and 7” and inserting “6A, and 7”.

11 **SEC. 8102. USE OF INTERNET TO UPDATE REGISTRATION**
12 **INFORMATION.**

13 (a) IN GENERAL.—

14 (1) UPDATES TO INFORMATION CONTAINED ON
15 COMPUTERIZED STATEWIDE VOTER REGISTRATION
16 LIST.—Section 303(a) of the Help America Vote Act
17 of 2002 (52 U.S.C. 21083(a)) is amended by adding
18 at the end the following new paragraph:

19 “(6) USE OF INTERNET BY REGISTERED VOT-
20 ERS TO UPDATE INFORMATION.—

21 “(A) IN GENERAL.—The appropriate State
22 or local election official shall ensure that any
23 registered voter on the computerized list may at
24 any time update the voter’s registration infor-
25 mation, including the voter’s address and elec-

1 tronic mail address, online through the official
2 public website of the election official responsible
3 for the maintenance of the list, so long as the
4 voter attests to the contents of the update by
5 providing a signature in electronic form in the
6 same manner required under section 6A(c) of
7 the National Voter Registration Act of 1993.

8 “(B) PROCESSING OF UPDATED INFORMA-
9 TION BY ELECTION OFFICIALS.—If a registered
10 voter updates registration information under
11 subparagraph (A), the appropriate State or
12 local election official shall—

13 “(i) revise any information on the
14 computerized list to reflect the update
15 made by the voter; and

16 “(ii) if the updated registration infor-
17 mation affects the voter’s eligibility to vote
18 in an election for Federal office, ensure
19 that the information is processed with re-
20 spect to the election if the voter updates
21 the information not later than the lesser of
22 7 days, or the period provided by State
23 law, before the date of the election.

24 “(C) CONFIRMATION AND DISPOSITION.—

1 “(i) CONFIRMATION OF RECEIPT.—

2 Upon the online submission of updated
3 registration information by an individual
4 under this paragraph, the appropriate
5 State or local election official shall send
6 the individual a notice confirming the
7 State’s receipt of the updated information
8 and providing instructions on how the indi-
9 vidual may check the status of the update.

10 “(ii) NOTICE OF DISPOSITION.—As

11 soon as the appropriate State or local elec-
12 tion official has accepted or rejected up-
13 dated information submitted by an indi-
14 vidual under this paragraph, the official
15 shall send the individual a notice of the
16 disposition of the update.

17 “(iii) METHOD OF NOTIFICATION.—

18 The appropriate State or local election offi-
19 cial shall send the notices required under
20 this subparagraph by regular mail, and, in
21 the case of an individual who has re-
22 quested that the State provide voter reg-
23 istration and voting information through
24 electronic mail, by both electronic mail and
25 regular mail.”.

1 (2) CONFORMING AMENDMENT RELATING TO
2 EFFECTIVE DATE.—Section 303(d)(1)(A) of such
3 Act (52 U.S.C. 21083(d)(1)(A)) is amended by
4 striking “subparagraph (B)” and inserting “sub-
5 paragraph (B) and subsection (a)(6)”.

6 (b) ABILITY OF REGISTRANT TO USE ONLINE UP-
7 DATE TO PROVIDE INFORMATION ON RESIDENCE.—Sec-
8 tion 8(d)(2)(A) of the National Voter Registration Act of
9 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—

10 (1) in the first sentence, by inserting after “re-
11 turn the card” the following: “or update the reg-
12 istrant’s information on the computerized Statewide
13 voter registration list using the online method pro-
14 vided under section 303(a)(6) of the Help America
15 Vote Act of 2002”; and

16 (2) in the second sentence, by striking “re-
17 turned,” and inserting the following: “returned or if
18 the registrant does not update the registrant’s infor-
19 mation on the computerized Statewide voter reg-
20 istration list using such online method,”.

1 **SEC. 8103. PROVISION OF ELECTION INFORMATION BY**
2 **ELECTRONIC MAIL TO INDIVIDUALS REG-**
3 **ISTERED TO VOTE.**

4 (a) INCLUDING OPTION ON VOTER REGISTRATION
5 APPLICATION TO PROVIDE E-MAIL ADDRESS AND RE-
6 CEIVE INFORMATION.—

7 (1) IN GENERAL.—Section 9(b) of the National
8 Voter Registration Act of 1993 (52 U.S.C.
9 20508(b)) is amended—

10 (A) by striking “and” at the end of para-
11 graph (3);

12 (B) by striking the period at the end of
13 paragraph (4) and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(5) shall include a space for the applicant to
17 provide (at the applicant’s option) an electronic mail
18 address, together with a statement that, if the appli-
19 cant so requests, instead of using regular mail the
20 appropriate State and local election officials shall
21 provide to the applicant, through electronic mail sent
22 to that address, the same voting information (as de-
23 fined in section 302(b)(2) of the Help America Vote
24 Act of 2002) which the officials would provide to the
25 applicant through regular mail.”.

1 (2) PROHIBITING USE FOR PURPOSES UNRE-
2 LATED TO OFFICIAL DUTIES OF ELECTION OFFI-
3 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
4 amended by adding at the end the following new
5 subsection:

6 “(c) PROHIBITING USE OF ELECTRONIC MAIL AD-
7 DRESSES FOR OTHER THAN OFFICIAL PURPOSES.—The
8 chief State election official shall ensure that any electronic
9 mail address provided by an applicant under subsection
10 (b)(5) is used only for purposes of carrying out official
11 duties of election officials and is not transmitted by any
12 State or local election official (or any agent of such an
13 official, including a contractor) to any person who does
14 not require the address to carry out such official duties
15 and who is not under the direct supervision and control
16 of a State or local election official.”.

17 (b) REQUIRING PROVISION OF INFORMATION BY
18 ELECTION OFFICIALS.—Section 302(b) of the Help Amer-
19 ica Vote Act of 2002 (52 U.S.C. 21082(b)) is amended
20 by adding at the end the following new paragraph:

21 “(3) PROVISION OF OTHER INFORMATION BY
22 ELECTRONIC MAIL.—If an individual who is a reg-
23 istered voter has provided the State or local election
24 official with an electronic mail address for the pur-
25 pose of receiving voting information (as described in

1 section 9(b)(5) of the National Voter Registration
2 Act of 1993), the appropriate State or local election
3 official, through electronic mail transmitted not later
4 than 7 days before the date of the election involved,
5 shall provide the individual with information on how
6 to obtain the following information by electronic
7 means:

8 “(A) The name and address of the polling
9 place at which the individual is assigned to vote
10 in the election.

11 “(B) The hours of operation for the polling
12 place.

13 “(C) A description of any identification or
14 other information the individual may be re-
15 quired to present at the polling place.”.

16 **SEC. 8104. CLARIFICATION OF REQUIREMENT REGARDING**
17 **NECESSARY INFORMATION TO SHOW ELIGI-**
18 **BILITY TO VOTE.**

19 Section 8 of the National Voter Registration Act of
20 1993 (52 U.S.C. 20507) is amended—

21 (1) by redesignating subsection (j) as sub-
22 section (k); and

23 (2) by inserting after subsection (i) the fol-
24 lowing new subsection:

1 “(j) REQUIREMENT FOR STATE TO REGISTER APPLI-
2 CANTS PROVIDING NECESSARY INFORMATION TO SHOW
3 ELIGIBILITY TO VOTE.—For purposes meeting the re-
4 quirement of subsection (a)(1) that an eligible applicant
5 is registered to vote in an election for Federal office within
6 the deadlines required under such subsection, the State
7 shall consider an applicant to have provided a ‘valid voter
8 registration form’ if—

9 “(1) the applicant has accurately completed the
10 application form and attested to the statement re-
11 quired by section 9(b)(2); and

12 “(2) in the case of an applicant who registers
13 to vote online in accordance with section 6A, the ap-
14 plicant provides a signature in accordance with sub-
15 section (c) of such section.”.

16 **SEC. 8105. EFFECTIVE DATE.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), the amendments made by this part (other than the
19 amendments made by section 8104) shall take effect Jan-
20 uary 1, 2020.

21 (b) WAIVER.—Subject to the approval of the Election
22 Assistance Commission, if a State certifies to the Election
23 Assistance Commission that the State will not meet the
24 deadline referred to in subsection (a) because of extraor-
25 dinary circumstances and includes in the certification the

1 reasons for the failure to meet the deadline, subsection
2 (a) shall apply to the State as if the reference in such
3 subsection to “January 1, 2020” were a reference to
4 “January 1, 2022”.

5 **PART 2—AUTOMATED REGISTRATION OF**
6 **CERTAIN INDIVIDUALS**

7 **SEC. 8111. AUTOMATED VOTER REGISTRATION.**

8 (a) COLLECTION OF INFORMATION BY SOURCE
9 AGENCIES.—

10 (1) DUTIES OF SOURCE AGENCIES.—Each
11 source agency in a State (as defined in subsection
12 (e)) shall, with each application for services or as-
13 sistance by an individual, and with each recertifi-
14 cation, renewal, or change of address relating to
15 such services or assistance—

16 (A) notify each such individual of the sub-
17 stantive qualifications of an elector in the State,
18 using language approved by the State’s chief
19 election official;

20 (B) notify each such individual that there
21 is an opportunity to be registered to vote or up-
22 date voter registration, but that voter registra-
23 tion is voluntary, and that neither registering
24 nor declining to register to vote will in any way

1 affect the availability of services or benefits, nor
2 be used for other purposes;

3 (C) require that each such individual indi-
4 cate, after considering the substantive qualifica-
5 tion of an elector in the State, whether or not
6 the person wishes to be registered;

7 (D) ensure that each such individual's
8 transaction with the agency cannot be com-
9 pleted until the individual has indicated whether
10 he or she wishes to register to vote; and

11 (E) for each such individual who consents
12 to using the individual's records with the source
13 agency to enable the individual to register to
14 vote under this section, collect a signed affirma-
15 tion of eligibility to register to vote in the State.

16 (2) NO EFFECT ON RIGHT TO DECLINE VOTER
17 REGISTRATION.—Nothing in this part shall be con-
18 strued to interfere with the right of any person to
19 decline to be registered to vote for any reason.

20 (b) TRANSFER OF INFORMATION ON INDIVIDUALS
21 CONSENTING TO VOTER REGISTRATION.—

22 (1) TRANSFER.—For each individual who noti-
23 fies the source agency that the individual consents to
24 voter registration under this section, the source
25 agency shall transfer to the chief State election offi-

1 cial of the State the following data, to the extent the
2 data is available to the source agency:

3 (A) The given name or names and sur-
4 name or surnames.

5 (B) Date of birth.

6 (C) Residential address.

7 (D) Mailing address.

8 (E) Signature, in electronic form.

9 (F) Date of the last change to the infor-
10 mation.

11 (G) The motor vehicle driver's license
12 number.

13 (H) The last four digits of the Social Secu-
14 rity number.

15 (2) TIMING OF TRANSFER.—The source agency
16 shall transfer the data described in paragraph (1) to
17 the chief State election official on a daily basis.

18 (3) FORMAT.—The data transferred under
19 paragraph (1) shall be transferred in a format com-
20 patible with the Statewide computerized voter reg-
21 istration list under section 303 of the Help America
22 Vote Act of 2002.

23 (4) PROHIBITING STORAGE OF INFORMATION.—
24 Any information collected by the source agency
25 under this section with respect to an individual who

1 consents to register to vote under this section may
2 not be stored by the source agency in any form after
3 the information is transferred to the chief State elec-
4 tion official under paragraph (1).

5 (c) REGISTRATION OF INDIVIDUALS BY CHIEF STATE
6 ELECTION OFFICIAL.—

7 (1) COMPARISON WITH STATEWIDE VOTER REG-
8 ISTRATION LIST.—Upon receiving information from
9 a source agency with respect to an individual under
10 subsection (b), the chief State election official shall
11 determine whether the individual is included in the
12 computerized Statewide voter registration list estab-
13 lished and maintained under section 303 of the Help
14 America Vote Act of 2002 (52 U.S.C. 21083).

15 (2) REGISTRATION OF INDIVIDUALS NOT ON
16 STATEWIDE LIST.—If an individual for whom infor-
17 mation is received from a source agency under sub-
18 section (b) is eligible to vote in elections for Federal
19 office in the State and is not on the computerized
20 Statewide voter registration list, the chief State elec-
21 tion official shall—

22 (A) ensure that the individual is registered
23 to vote in such elections not later than 5 days
24 after receiving the information, without regard
25 to whether or not the information provided by

1 the source agency includes the individual's sig-
2 nature;

3 (B) update the Statewide computerized
4 voter registration list to include the individual;
5 and

6 (C) notify the individual that the individual
7 is registered to vote in elections for Federal of-
8 fice in the State.

9 (3) TREATMENT OF INFORMATION INCOR-
10 RECTLY PROVIDED.—If a source agency provides the
11 chief State election official with information with re-
12 spect to an individual who did not consent to be reg-
13 istered to vote under this section, the chief State
14 election official shall not take any action to register
15 the individual to vote, except that no such individual
16 who is already included on the computerized State-
17 wide voter registration list shall be removed from the
18 list solely because the information was incorrectly
19 provided under subsection (b).

20 (4) NO EFFECT ON OTHER MEANS OF REG-
21 ISTRATION.—Nothing in this section affects a
22 State's obligation to register voters upon receipt of
23 a valid voter registration application through means
24 provided by National Voter Registration Act of 1993

1 (52 U.S.C. 20501 et seq.), the internet registration
2 procedure described in part 1, or other valid means.

3 (5) INDIVIDUALS IN EXISTING RECORDS.—No
4 later than January 2021, each individual who is list-
5 ed in a source agency’s records and for whom there
6 exists reason to believe the individual is a citizen
7 and not otherwise ineligible to vote shall be mailed
8 a postage pre-paid return postcard including a box
9 for the individual to check, together with the state-
10 ment (in close proximity to the box and in promi-
11 nent type), “By checking this box, I affirm that I
12 am a citizen of the United States, am eligible to vote
13 in this State, and will be at least eighteen years old
14 by the next general election. I understand that by
15 checking this box, I will be registered to vote if I am
16 eligible to vote in the State.”, along with a clear de-
17 scription of the voting eligibility requirements in the
18 State. The postcard shall also include, where re-
19 quired for voter registration, a place for the individ-
20 ual’s signature and designation of party affiliation.
21 An individual who checks the box and returns the
22 completed postcard postmarked not later than the
23 lesser of the fifteenth day before an election for Fed-
24 eral office, or the period provided by State law, shall
25 be registered to vote in that election.

1 (d) OPTIONS FOR STATE TO REQUIRE SPECIAL
2 TREATMENT OF INDIVIDUALS REGISTERED AUTOMATI-
3 CALLY.—

4 (1) TREATMENT AS INDIVIDUALS REGISTERING
5 TO VOTE BY MAIL FOR PURPOSES OF FIRST-TIME
6 VOTER IDENTIFICATION REQUIREMENTS.—Section
7 303(b)(1)(A) of the Help America Vote Act of 2002
8 (52 U.S.C. 21083(b)(1)(A)), as amended by section
9 8101(b)(1), is amended by striking “of 1993” and
10 inserting “of 1993 or (at the option of the State)
11 was registered automatically under section 8111 of
12 the Voter Registration Modernization Act of 2018”.

13 (2) REQUIRING SIGNATURE.—Section 303(b) of
14 such Act (52 U.S.C. 21083(b)), as amended by sec-
15 tion 8101(b)(2), is amended—

16 (A) by redesignating paragraph (6) as
17 paragraph (7); and

18 (B) by inserting after paragraph (5) the
19 following new paragraph:

20 “(5) OPTION FOR STATE TO REQUIRE SIGNA-
21 TURE REQUIREMENTS FOR FIRST-TIME VOTERS REG-
22 ISTERED AUTOMATICALLY.—

23 “(A) IN GENERAL.—A State may, in a uni-
24 form and nondiscriminatory manner, require an

1 individual to meet the requirements of subpara-
2 graph (B) if—

3 “(i) the individual was registered to
4 vote in the State automatically under sec-
5 tion 8111 of the Voter Registration Mod-
6 ernization Act of 2018; and

7 “(ii) the individual has not previously
8 voted in an election for Federal office in
9 the State.

10 “(B) REQUIREMENTS.—An individual
11 meets the requirements of this subparagraph
12 if—

13 “(i) in the case of an individual who
14 votes in person, the individual provides the
15 appropriate State or local election official
16 with a handwritten signature; or

17 “(ii) in the case of an individual who
18 votes by mail, the individual submits with
19 the ballot a handwritten signature.

20 “(C) INAPPLICABILITY.—Subparagraph
21 (A) does not apply in the case of an individual
22 who is—

23 “(i) entitled to vote by absentee ballot
24 under the Uniformed and Overseas Citi-

1 zens Absentee Voting Act (52 U.S.C.
2 20302 et seq.);

3 “(ii) provided the right to vote other-
4 wise than in person under section
5 3(b)(2)(B)(ii) of the Voting Accessibility
6 for the Elderly and Handicapped Act (52
7 U.S.C. 20102(b)(2)(B)(ii)); or

8 “(iii) entitled to vote otherwise than
9 in person under any other Federal law.”.

10 (3) CONFORMING AMENDMENT RELATING TO
11 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
12 Act (52 U.S.C. 21083(d)(2)(A)), as amended by sec-
13 tion 101(b)(3), is amended by striking “subsection
14 (b)(5)” and inserting “subsections (b)(5) and
15 (b)(6)”.

16 (e) SOURCE AGENCIES DESCRIBED.—

17 (1) IN GENERAL.—With respect to any State, a
18 “source agency” is—

19 (A) each State office which is described in
20 paragraph (2); and

21 (B) each Federal office which is described
22 in paragraph (3) which is located in the State,
23 except that such office shall be a source agency
24 only with respect to individuals who are resi-
25 dents of the State in which the office is located.

1 (2) STATE OFFICES DESCRIBED.—

2 (A) IN GENERAL.—The State offices de-
3 scribed in this paragraph are as follows:

4 (i) The State motor vehicle authority.

5 (ii) Each office in the State which is
6 designated as a voter registration agency
7 in a State pursuant to section 7(a) of the
8 National Voter Registration Act of 1993
9 (52 U.S.C. 20506(a)).

10 (iii) Each State agency that admin-
11 isters a program providing assistance pur-
12 suant to pursuant to title III of the Social
13 Security Act (42 U.S.C. 501 et seq.).

14 (iv) Each State agency primarily re-
15 sponsible for maintaining identifying infor-
16 mation for students enrolled at public sec-
17 ondary schools in the State, including,
18 where applicable, the State agency respon-
19 sible for maintaining the education data
20 system described in section 6401(e)(2) of
21 the America COMPETES Act (20 U.S.C.
22 9871(e)(2)).

23 (v) In the case of a State in which an
24 individual disenfranchised by a criminal
25 conviction may become eligible to vote

1 upon completion of criminal sentence or
2 any part thereof, or upon formal restora-
3 tion of rights, the State agency responsible
4 for administering that sentence, or part
5 thereof, or that restoration of rights.

6 (vi) In the case of a State in which an
7 individual disenfranchised by adjudication
8 of mental incompetence or similar condi-
9 tion becomes eligible to register to vote
10 upon the restoration of competence or
11 similar condition, each State agency re-
12 sponsible for determining when competence
13 or a similar condition is met.

14 (vii) Such other office which may be
15 designated as a source agency by the chief
16 State election official of the State.

17 (B) CRITERIA FOR DESIGNATION OF ADDI-
18 TIONAL SOURCE AGENCIES.—In designating of-
19 fices of the State as source agencies for pur-
20 poses of subparagraph (A)(vii), the chief State
21 election official shall give priority on the basis
22 of the following criteria:

23 (i) The extent to which individuals re-
24 ceiving services or assistance from the of-
25 fice are likely to be individuals who are eli-

1 gible to register to vote in elections for
2 Federal office in the State but who are not
3 registered to vote in such elections.

4 (ii) The accuracy of the office's
5 records with respect to identifying informa-
6 tion (including age, citizenship status, and
7 residency) for individuals receiving services
8 or assistance from the office.

9 (iii) The cost-effectiveness of obtain-
10 ing such identifying information and trans-
11 mitting the information to the chief State
12 election official.

13 (iv) The extent to which the designa-
14 tion of the office as a voter registration
15 agency will promote the registration of eli-
16 gible individuals to vote in elections for
17 Federal office in the State and the accu-
18 racy of the State's Statewide computerized
19 voter registration list under the Help
20 America Vote Act of 2002.

21 (3) FEDERAL OFFICES DESCRIBED.—The Fed-
22 eral offices described in this paragraph are as fol-
23 lows:

24 (A) Armed Forces recruitment offices.

1 (B) The United States Immigration and
2 Customs Enforcement Bureau, but only with
3 respect to individuals who complete the natu-
4 ralization process.

5 (C) The Social Security Administration.

6 (D) The Administrative Office of the
7 United States Courts, the Federal Bureau of
8 Prisons, and the United States Probation Serv-
9 ice, but only with respect to individuals com-
10 pleting terms of prison, sentences, probation, or
11 parole.

12 (E) The Department of Veterans Affairs,
13 but only with respect to individuals applying for
14 or using health care services or services for
15 homeless individuals.

16 (F) The Defense Manpower Data Center
17 of the Department of Defense.

18 (G) The Indian Health Services of the De-
19 partment of Health and Human Services.

20 (H) The Center for Medicare and Medicaid
21 Services of the Department of Health and
22 Human Services.

23 (I) Any other Federal office which des-
24 ignated by a State (with the consent of the

1 President) as a source agency with respect to
2 the State.

3 **SEC. 8112. LIST MAINTENANCE, PRIVACY, AND SECURITY.**

4 (a) DATABASE MANAGEMENT STANDARDS.—

5 (1) DATABASE MATCHING STANDARDS.—The
6 chief State election official of each State shall estab-
7 lish standards governing the comparison of data on
8 the Statewide computerized voter registration list
9 under section 303 of the Help America Vote Act of
10 2002, the data provided by various source agencies
11 under section 8111, and relevant data from other
12 sources, including the specific data elements and
13 data matching rules to be used for purposes of de-
14 termining—

15 (A) whether a data record from any source
16 agency represents the same individual as a
17 record in another source agency or on the
18 Statewide list;

19 (B) whether a data record from any source
20 agency represents an individual already reg-
21 istered to vote in the State;

22 (C) whether two data records in the State-
23 wide computerized voter registration list rep-
24 resent duplicate records for the same individual;

1 (D) whether a data record supplied by any
2 list maintenance source represents an individual
3 already registered to vote in the State; and

4 (E) which information will be treated as
5 more current and reliable when data records
6 from multiple sources present information for
7 the same individual.

8 (2) STANDARDS FOR DETERMINING INELIGI-
9 BILITY.—The chief State election official of a State
10 shall establish uniform and non-discriminatory
11 standards describing the specific conditions under
12 which an individual will be determined for list main-
13 tenance purposes to be ineligible to vote in an elec-
14 tion for Federal office in the State.

15 (b) PRIVACY AND SECURITY STANDARDS.—

16 (1) PRIVACY AND SECURITY POLICY.—The chief
17 State election official of a State shall publish and
18 enforce a privacy and security policy specifying each
19 class of users who shall have authorized access to
20 the computerized Statewide voter registration list,
21 specifying for each such class the permission and
22 levels of access to be granted, and setting forth
23 other safeguards to protect the privacy and security
24 of the information on the list. Such policy shall in-
25 clude security safeguards to protect personal infor-

1 mation in the data transfer process under section
2 8111, the online or telephone interface, the mainte-
3 nance of the voter registration database, and audit
4 procedure to track individual access to the system.

5 (2) NO UNAUTHORIZED ACCESS.—The chief
6 election official of a State shall establish policies and
7 enforcement procedures to prevent unauthorized ac-
8 cess to or use of the computerized Statewide voter
9 registration list, any list or other information pro-
10 vided by a source agency under section 8111, or any
11 maintenance source for the list. Nothing in this
12 paragraph shall be construed to prohibit access to
13 information required for official purposes for pur-
14 poses of voter registration, election administration,
15 and the enforcement of election laws.

16 (3) INTER-AGENCY TRANSFERS.—

17 (A) IN GENERAL.—The chief election offi-
18 cial of a State shall establish policies and en-
19 forcement procedures to maintain security dur-
20 ing inter-agency transfers of information re-
21 quired or permitted under this subtitle. Each
22 State agency and third party participating in
23 such inter-agency transfers of information shall
24 facilitate and comply with such policies. Noth-
25 ing in this subparagraph shall prevent a source

1 agency under section 8111 from establishing
2 and enforcing additional security measures to
3 protect the confidentiality and integrity of
4 inter-agency data transfers. No State or local
5 election official shall transfer or facilitate the
6 transfer of information from the computerized
7 Statewide voter registration list to any source
8 agency under section 8111.

9 (B) TRANSMISSION THROUGH SECURE
10 THIRD PARTIES PERMITTED.—Nothing in this
11 section shall be construed to prevent a source
12 agency under section 8111 from contracting
13 with a third party to assist in the transmission
14 of data to a chief State election official, so long
15 as the data transmission complies with the ap-
16 plicable requirements of this subtitle, including
17 the privacy and security provisions of this sec-
18 tion.

19 (4) RECORDS RETENTION.—The chief State
20 election official of a State shall establish standards
21 and procedures to maintain all election records re-
22 quired for purposes of this subtitle, including for the
23 purpose of determining the eligibility of persons
24 casting provisional ballots under section 302 of the
25 Help America Vote Act of 2002. Records for individ-

1 uals who have been retained on the computerized
2 Statewide voter registration list under section 303 of
3 such Act but identified as ineligible to vote in an
4 election for Federal office within the State, or re-
5 moved from the list due to ineligibility, shall be
6 maintained and kept available until at least the date
7 of the second general election for Federal office that
8 occurs after the date that the individual was identi-
9 fied as ineligible.

10 (c) PUBLICATION OF STANDARDS.—The chief State
11 election official of a State shall publish on the official’s
12 website the standards established under this section, and
13 shall make those standards available in written form upon
14 public request.

15 (d) PROTECTION OF SOURCE INFORMATION.—The
16 identity of the specific source agency through which an
17 individual consented to register to vote under section 8111
18 shall not be disclosed to the public and shall not be re-
19 tained after the individual is added to the computerized
20 Statewide voter registration list.

21 (e) CONFIDENTIALITY OF INFORMATION.—The chief
22 State election official of a State shall establish policies and
23 enforcement procedures to ensure that personal informa-
24 tion provided by source agencies or otherwise transmitted
25 under this section is kept confidential and is available only

1 to authorized users. For purposes of these policies and
2 procedures, the term “personal information” means any
3 of the following:

4 (1) Any portion of an individual’s Social Secu-
5 rity number.

6 (2) Any portion of an individual’s motor vehicle
7 driver’s license number or State identification card
8 number.

9 (3) An individual’s signature.

10 (4) An individual’s personal residence and con-
11 tact information (in the case of individuals with re-
12 spect to whom such information is required to be
13 maintained as confidential under State law).

14 (5) Sensitive information relating to persons in
15 categories designated confidential by Federal or
16 State law, including victims of domestic violence or
17 stalking, prosecutors and law enforcement personnel,
18 and participants in a witness protection program.

19 (6) An individual’s phone number.

20 (7) An individual’s email address.

21 (8) Any indication of an individual’s status as
22 a citizen or noncitizen of the United States.

23 (9) Such other information as the chief State
24 election official may designate as confidential to the
25 extent reasonably necessary to prevent identity theft

1 or impersonation, except that the chief State election
2 official may not designate as confidential under this
3 subparagraph the name, address, or date of registra-
4 tion of an individual, or, where applicable, the self-
5 identified racial or ethnic category of the individual
6 as applicable under Revisions to OMB Directive
7 Number 15 or successor directives.

8 (f) PROTECTIONS AGAINST LIABILITY OF INDIVID-
9 UALS ON BASIS OF INFORMATION TRANSFERRED.—

10 (1) NO INDIVIDUAL LIABILITY FOR REGISTRA-
11 TION OF INELIGIBLE INDIVIDUAL.—If an individual
12 who is not eligible to register to vote in elections for
13 Federal office is registered to vote in such elections
14 by a chief State election official under section 8111,
15 the individual shall not be subject to any penalty, in-
16 cluding the imposition of a fine or term of imprison-
17 ment, adverse treatment in any immigration or nat-
18 uralization proceeding, or the denial of any status
19 under immigration laws, under any law prohibiting
20 an individual who is not eligible to register to vote
21 in elections for Federal office from registering to
22 vote in such elections. Nothing in this paragraph
23 shall be construed to waive the liability of any indi-
24 vidual who knowingly provides false information to
25 any person regarding the individual's eligibility to

1 register to vote or vote in elections for Federal of-
2 fice.

3 (2) PROHIBITING USE OF INFORMATION BY OF-
4 FICIALS.—No person acting under color of law may
5 use the information received by the chief State elec-
6 tion official under section 8111 to attempt to deter-
7 mine the citizenship status of any individual for im-
8 migration enforcement, criminal law enforcement
9 (other than enforcement of election laws), or any
10 purpose other than voter registration, election ad-
11 ministration, or the enforcement of election laws.

12 (g) PROHIBITION ON TRANSFER OF INFORMATION
13 IRRELEVANT TO ADMINISTRATION OF ELECTIONS.—No
14 source agency shall transmit any information under sec-
15 tion 8111 which is irrelevant to the administration of elec-
16 tions. To the extent that an election official receives any
17 information which is accidentally or inadvertently trans-
18 ferred by a source agency under such section, the official
19 shall immediately delete the information from the official's
20 records.

21 (h) RESTRICTION ON USE OF INFORMATION.—No in-
22 formation relating to an individual's absence from the
23 Statewide voter registration list under section 303 of the
24 Help America Vote Act of 2002 or an individual's declina-
25 tion to supply information for voter registration purposes

1 to a source agency under section 8111 may be disclosed
2 to the public for immigration enforcement, criminal law
3 enforcement other than enforcement of laws against elec-
4 tion crimes, or used for any purpose other than voter reg-
5 istration, election administration, or the enforcement of
6 election laws.

7 (i) NONDISCRIMINATION.—No person acting under
8 color of law may discriminate against any individual on
9 the basis of the individual’s absence from the statewide
10 voter registration list, the information supplied by the in-
11 dividual for voter registration purpose to a source agency
12 under section 8111, or the individual’s declination to sup-
13 ply such information, except as required for purposes of
14 voter registration, election administration, and the en-
15 forcement of election laws.

16 (j) PROHIBITION ON THE USE OF VOTER REGISTRA-
17 TION INFORMATION FOR COMMERCIAL OR NONGOVERN-
18 MENTAL PURPOSES.—Voter registration information col-
19 lected under this subtitle shall not be used for commercial
20 purposes including for comparison with any existing com-
21 mercial list or database.

22 (k) PENALTY.—Whoever knowingly uses information
23 or permits information to be used in violation of this sec-
24 tion shall be imprisoned for not more than 1 year, fined
25 under title 18, United States Code, or both.

1 (l) EXCLUSION FROM LISTS OF INDIVIDUALS DE-
2 CLINING REGISTRATION.—The chief State election official
3 of a State shall ensure that, with respect to any individual
4 who declines the opportunity to register to vote under sec-
5 tion 8111, the individual’s information is not included on
6 the computerized Statewide voter registration list under
7 section 303 of the Help America Vote Act of 2002 and
8 is not provided to any third party (except to the extent
9 required under other law). Nothing in this subsection shall
10 be construed to preclude an individual who has previously
11 declined the opportunity to register to vote from subse-
12 quently registering to vote.

13 (m) ASSISTANCE TO STATES FOR CARRYING OUT
14 LIST SECURITY, MAINTENANCE, AND PRIVACY REQUIRE-
15 MENTS.—

16 (1) AUTHORIZATION OF FUNDING.—Section
17 257(a) of the Help America Vote Act of 2002 (52
18 U.S.C. 21007(a)) is amended by adding at the end
19 the following new paragraph:

20 “(5) For fiscal year 2020, such sums as may be
21 necessary for such payments, except that a State
22 may use a requirement payment made with funds
23 authorized under this paragraph solely to upgrade
24 the security of the State’s voter registration lists and
25 voter registration processes and to carry out other

1 activities necessary to meet the requirements of sec-
2 tion 303(a)(3) (relating to the technological security
3 of the State’s computerized voter registration list)
4 and the requirements of the Voter Registration Mod-
5 ernization Act of 2018.”.

6 (2) WAIVER OF 5 PERCENT MATCH REQUIRE-
7 MENT.—Section 253(b)(5) of such Act (52 U.S.C.
8 21003(b)(5)) is amended—

9 (A) in subparagraph (A), by striking “sub-
10 subparagraph (B)” and inserting “subparagraphs
11 (B) and (C)”; and

12 (B) by adding at the end the following new
13 subparagraph:

14 “(C) Subparagraph (A) shall not apply for pur-
15 poses of determining the eligibility of a State to re-
16 ceive a requirements payment appropriated pursuant
17 to the authorization provided under section
18 257(a)(5) for fiscal year 2020.”.

19 **SEC. 8113. PROMOTING ACCURACY OF STATEWIDE VOTER**
20 **REGISTRATION LISTS.**

21 (a) DEADLINES FOR TRANSMITTAL OF CHANGE OF
22 ADDRESS OR OTHER IDENTIFYING INFORMATION.—

23 (1) INFORMATION RECEIVED BY STATE MOTOR
24 VEHICLE AUTHORITY.—Section 5(d) of the National

1 Voter Registration Act of 1993 (52 U.S.C.
2 20504(d)) is amended to read as follows:

3 “(d) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-
4 DRESS OR OTHER IDENTIFYING INFORMATION.—Not
5 later than 24 hours after receiving a change of address
6 form or any other information indicating that identifying
7 information with respect to an individual which is included
8 in the records of the State motor vehicle authority has
9 been changed, the State motor vehicle authority shall
10 transmit such form or other information to the chief State
11 election official, unless—

12 “(1) the records of the authority include infor-
13 mation indicating that the individual is not eligible
14 to register to vote in the State; or

15 “(2) the individual States on the form or other-
16 wise indicates that the change of address or other
17 information is not for voter registration purposes.”.

18 (2) INFORMATION RECEIVED BY OTHER VOTER
19 REGISTRATION AGENCIES.—Section 7 of such Act
20 (52 U.S.C. 20506) is amended by adding at the end
21 the following new subsection:

22 “(e) AUTOMATIC TRANSMITTAL OF CHANGE OF AD-
23 DRESS OR OTHER IDENTIFYING INFORMATION.—Not
24 later than 24 hours after receiving a change of address
25 form or any other information indicating that identifying

1 information with respect to an individual which is included
2 in the records of a voter registration agency designated
3 under this section has been changed, the appropriate offi-
4 cial of such agency shall transmit such form or other in-
5 formation to the chief State election official, unless—

6 “(1) the records of the agency include informa-
7 tion indicating that the individual is not eligible to
8 register to vote in the State; or

9 “(2) the individual States on the form or other-
10 wise indicates that the change of address or other
11 information is not for voter registration purposes.”.

12 (3) INFORMATION RECEIVED FROM SOURCE
13 AGENCIES.—Not later than 24 hours after receiving
14 a change of address form or any other information
15 indicating that identifying information with respect
16 to an individual which is included in the records of
17 a source agency designated under section 8111 has
18 been changed, the appropriate official of such agency
19 shall transmit such form or other information to the
20 chief State election official, unless—

21 (A) the records of the agency include infor-
22 mation indicating that the individual is not eli-
23 gible to register to vote in the State; or

24 (B) the individual States on the form or
25 otherwise indicates that the change of address

1 or other information is not for voter registra-
2 tion purposes.

3 (b) REVISION OF STATEWIDE COMPUTERIZED LIST
4 TO REFLECT REVISED INFORMATION.—Section 303(a) of
5 the Help America Vote Act of 2002 (52 U.S.C. 21083(a)),
6 as amended by section 102(a), is amended by adding at
7 the end the following new paragraph:

8 “(7) REVISION OF LIST TO REFLECT INFORMA-
9 TION RECEIVED FROM OTHER STATE OFFICES.—

10 “(A) IN GENERAL.—If a State motor vehi-
11 cle authority (pursuant to section 5(d) of the
12 National Voter Registration Act of 1993) a
13 voter registration agency (designated under sec-
14 tion 7 of such Act), or a source agency (des-
15 ignated under section 8111 of the Voter Reg-
16 istration Modernization Act of 2018) transmits
17 to the chief State election official a change of
18 address form or any other information indi-
19 cating that identifying information with respect
20 to an individual has been changed, the appro-
21 priate State or local election official shall—

22 “(i) determine whether the individual
23 appears on the computerized list estab-
24 lished under this section; and

1 “(ii) if the individual appears on the
2 list, revise the information relating to the
3 individual on the list to reflect the individ-
4 ual’s new address or other changed identi-
5 fying information.

6 “(B) NOTIFICATION TO VOTERS.—If an
7 election official revises any voter registration in-
8 formation on the computerized list with respect
9 to any voter (including removing the voter from
10 the list), immediately after revising the infor-
11 mation, the official shall send the individual a
12 written notice of the revision which includes the
13 following information:

14 “(i) The voter’s name, date of birth,
15 and address, as reflected in the revised in-
16 formation on the computerized list.

17 “(ii) A statement that the voter’s
18 voter registration information has been up-
19 dated.

20 “(iii) Information on how to correct
21 information on the computerized list.

22 “(iv) A statement of the eligibility re-
23 quirements for registered voters in the
24 State.

1 “(v) A statement (in larger font size
2 than the other statements on the notice)
3 that it is illegal for an individual who does
4 not meet the eligibility requirements for
5 registered voters in the State to vote in an
6 election in the State.

7 “(vi) A statement that the voter may
8 terminate the voter’s status as a registered
9 voter in the State, or request a change in
10 the voter’s voter registration information,
11 at any time by contacting the appropriate
12 State or local election official, together
13 with contact information for such official
14 (including any website through which the
15 voter may contact the official or obtain in-
16 formation on voter registration in the
17 State).

18 “(C) USE OF ELECTRONIC MAIL.—If an
19 election official has an electronic mail address
20 for any voter to whom the official is required to
21 send a written notice under this paragraph, the
22 official may meet the requirements of this para-
23 graph by sending the notice to the voter in elec-
24 tronic form at that address, but only if prior to
25 sending the notice, the official sends a test elec-

1 tronic mail to the voter at that address and re-
2 ceives confirmation that the address is current
3 and valid.”.

4 (c) **EFFECTIVE DATE.**—The amendments made by
5 this section shall apply with respect to elections occurring
6 during 2020 or any succeeding year.

7 **SEC. 8114. DEFINITIONS.**

8 (a) **CHIEF STATE ELECTION OFFICIAL.**—In this
9 part, the “chief State election official” means, with respect
10 to a State, the individual designated by the State under
11 section 10 of the National Voter Registration Act of 1993
12 (52 U.S.C. 20509) to be responsible for coordination of
13 the State’s responsibilities under such Act.

14 (b) **STATE.**—In this part, a “State” includes the Dis-
15 trict of Columbia, the Commonwealth of Puerto Rico, the
16 United States Virgin Islands, Guam, American Samoa,
17 and the Commonwealth of the Northern Mariana Islands,
18 but does not include any State in which, under a State
19 law in effect continuously on and after the date of the
20 enactment of this Act, there is no voter registration re-
21 quirement for individuals in the State with respect to elec-
22 tions for Federal office.

23 **SEC. 8115. EFFECTIVE DATE.**

24 This part and the amendments made by this part
25 shall apply with respect to the regularly scheduled general

1 election for Federal office held in November 2020 and
2 each succeeding election for Federal office.

3 **PART 3—OTHER INITIATIVES TO PROMOTE**

4 **VOTER REGISTRATION**

5 **SEC. 8121. SAME DAY REGISTRATION.**

6 (a) IN GENERAL.—Title III of the Help America
7 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

8 (1) by redesignating sections 304 and 305 as
9 sections 305 and 306; and

10 (2) by inserting after section 303 the following
11 new section:

12 **“SEC. 304. SAME DAY REGISTRATION.**

13 **“(a) IN GENERAL.—**

14 **“(1) REGISTRATION.—**Notwithstanding section
15 8(a)(1)(D) of the National Voter Registration Act of
16 1993 (52 U.S.C. 20507(a)(1)(D)), each State shall
17 permit any eligible individual on the day of a Fed-
18 eral election and on any day when voting, including
19 early voting, is permitted for a Federal election—

20 **“(A) to register to vote in such election at**
21 **the polling place using a form that meets the**
22 **requirements under section 9(b) of the National**
23 **Voter Registration Act of 1993 (or, if the indi-**
24 **vidual is already registered to vote, to revise**

1 any of the individual’s voter registration infor-
2 mation); and

3 “(B) to cast a vote in such election.

4 “(2) EXCEPTION.—The requirements under
5 paragraph (1) shall not apply to a State in which,
6 under a State law in effect continuously on and after
7 the date of the enactment of this section, there is no
8 voter registration requirement for individuals in the
9 State with respect to elections for Federal office.

10 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
11 section, the term ‘eligible individual’ means, with respect
12 to any election for Federal office, an individual who is oth-
13 erwise qualified to vote in that election.

14 “(c) EFFECTIVE DATE.—Each State shall be re-
15 quired to comply with the requirements of subsection (a)
16 for the regularly scheduled general election for Federal of-
17 fice occurring in November 2020 and for any subsequent
18 election for Federal office.”.

19 (b) CONFORMING AMENDMENT RELATING TO EN-
20 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
21 is amended by striking “sections 301, 302, and 303” and
22 inserting “subtitle A of title III”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act is amended—

1 (1) by redesignating the items relating to sec-
2 tions 304 and 305 as relating to sections 305 and
3 306; and

4 (2) by inserting after the item relating to sec-
5 tion 303 the following new item:

“Sec. 304. Same day registration.”.

6 **SEC. 8122. ACCEPTANCE OF VOTER REGISTRATION APPLI-**
7 **CATIONS FROM INDIVIDUALS UNDER 18**
8 **YEARS OF AGE.**

9 (a) ACCEPTANCE OF APPLICATIONS.—Section 8 of
10 the National Voter Registration Act of 1993 (52 U.S.C.
11 20507), as amended by section 8104, is amended—

12 (1) by redesignating subsection (k) as sub-
13 section (l); and

14 (2) by inserting after subsection (j) the fol-
15 lowing new subsection:

16 “(k) ACCEPTANCE OF APPLICATIONS FROM INDIVID-
17 UALS UNDER 18 YEARS OF AGE.—

18 “(1) IN GENERAL.—A State may not refuse to
19 accept or process an individual’s application to reg-
20 ister to vote in elections for Federal office on the
21 grounds that the individual is under 18 years of age
22 at the time the individual submits the application, so
23 long as the individual is at least 16 years of age at
24 such time.

1 “(2) NO EFFECT ON STATE VOTING AGE RE-
2 QUIREMENTS.—Nothing in paragraph (1) may be
3 construed to require a State to permit an individual
4 who is under 18 years of age at the time of an elec-
5 tion for Federal office to vote in the election.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply with respect to elections occur-
8 ring on or after January 1, 2020.

9 **SEC. 8123. ANNUAL REPORTS ON VOTER REGISTRATION**
10 **STATISTICS.**

11 (a) ANNUAL REPORT.—Not later than 90 days after
12 the end of each year, each State shall submit to the Elec-
13 tion Assistance Commission and Congress a report con-
14 taining the following categories of information for the
15 year:

16 (1) The number of individuals who were reg-
17 istered under section 8111.

18 (2) The number of voter registration applica-
19 tion forms completed by individuals that were trans-
20 mitted by motor vehicle authorities in the State
21 (pursuant to section 5(d) of the National Voter Reg-
22 istration Act of 1993) and voter registration agen-
23 cies in the State (as designated under section 7 of
24 such Act) to the chief State election official of the

1 State, broken down by each such authority and
2 agency.

3 (3) The number of such individuals whose voter
4 registration application forms were accepted and
5 who were registered to vote in the State and the
6 number of such individuals whose forms were re-
7 jected and who were not registered to vote in the
8 State, broken down by each such authority and
9 agency.

10 (4) The number of change of address forms and
11 other forms of information indicating that an indi-
12 vidual's identifying information has been changed
13 that were transmitted by such motor vehicle authori-
14 ties and voter registration agencies to the chief State
15 election official of the State, broken down by each
16 such authority and agency and the type of form
17 transmitted.

18 (5) The number of individuals on the Statewide
19 computerized voter registration list (as established
20 and maintained under section 303 of the Help
21 America Vote Act of 2002) whose voter registration
22 information was revised by the chief State election
23 official as a result of the forms transmitted to the
24 official by such motor vehicle authorities and voter
25 registration agencies (as described in paragraph

1 (3)), broken down by each such authority and agen-
2 cy and the type of form transmitted.

3 (6) The number of individuals who requested
4 the chief State election official to revise voter reg-
5 istration information on such list, and the number of
6 individuals whose information was revised as a result
7 of such a request.

8 (b) BREAKDOWN OF INFORMATION BY RACE OF IN-
9 DIVIDUALS.—In preparing the report under this section,
10 the State shall, for each category of information described
11 in subsection (a), include a breakdown by race of the indi-
12 viduals whose information is included in the category, to
13 the extent that information on the race of such individuals
14 is available to the State.

15 (c) CONFIDENTIALITY OF INFORMATION.—In pre-
16 paring and submitting a report under this section, the
17 chief State election official shall ensure that no informa-
18 tion regarding the identification of any individual is re-
19 vealed.

20 (d) STATE DEFINED.—In this section, a “State” in-
21 cludes the District of Columbia, the Commonwealth of
22 Puerto Rico, the United States Virgin Islands, Guam,
23 American Samoa, and the Commonwealth of the Northern
24 Mariana Islands, but does not include any State in which,
25 under a State law in effect continuously on and after the

1 date of the enactment of this Act, there is no voter reg-
2 istration requirement for individuals in the State with re-
3 spect to elections for Federal office.

4 **PART 4—AVAILABILITY OF HAVA REQUIREMENTS**
5 **PAYMENTS**

6 **SEC. 8131. AVAILABILITY OF REQUIREMENTS PAYMENTS**
7 **UNDER HAVA TO COVER COSTS OF COMPLI-**
8 **ANCE WITH NEW REQUIREMENTS.**

9 (a) IN GENERAL.—Section 251(b) of the Help Amer-
10 ica Vote Act of 2002 (52 U.S.C. 21001(b)) is amended—

11 (1) in paragraph (1), by striking “(2) and (3)”
12 and inserting “(2), (3), and (4)”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(4) CERTAIN VOTER REGISTRATION ACTIVI-
16 TIES.—A State may use a requirements payment to
17 carry out any of the requirements of the Voter Reg-
18 istration Modernization Act of 2018, including the
19 requirements of the National Voter Registration Act
20 of 1993 which are imposed pursuant to the amend-
21 ments made to such Act by the Voter Registration
22 Modernization Act of 2018.”.

23 (b) CONFORMING AMENDMENT.—Section 254(a)(1)
24 of such Act (52 U.S.C. 21004(a)(1)) is amended by strik-

1 ing “section 251(a)(2)” and inserting “section
2 251(b)(2)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to fiscal year 2020
5 and each succeeding fiscal year.

6 **PART 5—PROHIBITING INTERFERENCE WITH**
7 **VOTER REGISTRATION**

8 **SEC. 8141. PROHIBITING HINDERING, INTERFERING WITH,**
9 **OR PREVENTING VOTER REGISTRATION.**

10 (a) IN GENERAL.—Chapter 29 of title 18, United
11 States Code is amended by adding at the end the following
12 new section:

13 **“§ 612. Hindering, interfering with, or preventing**
14 **registering to vote**

15 “(a) PROHIBITION.—It shall be unlawful for any per-
16 son, whether acting under color of law or otherwise, to
17 corruptly hinder, interfere with, or prevent another person
18 from registering to vote or aiding another person in reg-
19 istering to vote in any election for Federal office.

20 “(b) ATTEMPT.—Any person who attempts to commit
21 any offense described in subsection (a) shall be subject to
22 the same penalties as those prescribed for the offense that
23 the person attempted to commit.

1 “(c) PENALTY.—Any person who violates subsection
2 (a) shall be fined under this title, imprisoned not more
3 than 5 years, or both.

4 “(d) ELECTION FOR FEDERAL OFFICE DEFINED.—
5 For purposes of this section, the term ‘election for Federal
6 office’ means a general, special, primary, or runoff election
7 held to nominate or elect a candidate for the office of
8 President or Vice President, presidential elector, or of
9 Senator or Representative in, or Delegate or Resident
10 Commissioner to, the Congress.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 29 of title 18, United States Code is amended
13 by adding at the end the following new item:

“612. Hindering, interfering with, or preventing registering to vote.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to elections held on
16 or after the date of the enactment of this Act, except that
17 no person may be found to have violated section 612 of
18 title 18, United States Code (as added by subsection (a)),
19 on the basis of any act occurring prior to the date of the
20 enactment of this Act.

21 **SEC. 8142. ESTABLISHMENT OF BEST PRACTICES.**

22 (a) BEST PRACTICES.—Not later than 180 days after
23 the date of the enactment of this Act, the Election Assist-
24 ance Commission shall develop and publish recommenda-
25 tions for best practices for States to use to deter and pre-

1 vent violations of section 612 of title 18, United States
2 Code (as added by section 8141), and section 12 of the
3 National Voter Registration Act of 1993 (52 U.S.C.
4 20511) (relating to the unlawful interference with reg-
5 istering to vote, or voting, or attempting to register to vote
6 or vote), including practices to provide for the posting of
7 relevant information at polling places and voter registra-
8 tion agencies under such Act, the training of poll workers
9 and election officials, and relevant educational materials.
10 For purposes of this subsection, the term “State” includes
11 the District of Columbia, the Commonwealth of Puerto
12 Rico, Guam, American Samoa, the United States Virgin
13 Islands, and the Commonwealth of the Northern Mariana
14 Islands.

15 (b) INCLUSION IN VOTER INFORMATION REQUIRE-
16 MENTS.—Section 302(b)(2) of the Help America Vote Act
17 of 2002 (52 U.S.C. 21082(b)(2)) is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (E);

20 (2) by striking the period at the end of sub-
21 paragraph (F) and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(G) information relating to the prohibi-
25 tions of section 612 of title 18, United States

1 Code, and section 12 of the National Voter
2 Registration Act of 1993 (52 U.S.C. 20511)
3 (relating to the unlawful interference with reg-
4 istering to vote, or voting, or attempting to reg-
5 ister to vote or vote), including information on
6 how individuals may report allegations of viola-
7 tions of such prohibitions.”.

8 **Subtitle C—Access to Voting for**
9 **Individuals With Disabilities**

10 **SEC. 8201. REQUIREMENTS FOR STATES TO PROMOTE AC-**
11 **CESS TO VOTER REGISTRATION AND VOTING**
12 **FOR INDIVIDUALS WITH DISABILITIES.**

13 (a) REQUIREMENTS.—Subtitle A of title III of the
14 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
15 as amended by section 8121, is amended—

16 (1) by redesignating sections 305 and 306 as
17 sections 306 and 307; and

18 (2) by inserting after section 304 the following
19 new section:

20 **“SEC. 305. ACCESS TO VOTER REGISTRATION AND VOTING**
21 **FOR INDIVIDUALS WITH DISABILITIES.**

22 “(a) TREATMENT OF APPLICATIONS AND BAL-
23 LOTS.—Each State shall—

1 “(1) permit individuals with disabilities to use
2 absentee registration procedures and to vote by ab-
3 santee ballot in elections for Federal office;

4 “(2) accept and process, with respect to any
5 election for Federal office, any otherwise valid voter
6 registration application and absentee ballot applica-
7 tion from an individual with a disability if the appli-
8 cation is received by the appropriate State election
9 official not less than 30 days before the election;

10 “(3) in addition to any other method of reg-
11 istering to vote or applying for an absentee ballot in
12 the State, establish procedures—

13 “(A) for individuals with disabilities to re-
14 quest by mail and electronically voter registra-
15 tion applications and absentee ballot applica-
16 tions with respect to elections for Federal office
17 in accordance with subsection (c);

18 “(B) for States to send by mail and elec-
19 tronically (in accordance with the preferred
20 method of transmission designated by the indi-
21 vidual under subparagraph (C)) voter registra-
22 tion applications and absentee ballot applica-
23 tions requested under subparagraph (A) in ac-
24 cordance with subsection (c); and

1 “(C) by which such an individual can des-
2 gnate whether the individual prefers that such
3 voter registration application or absentee ballot
4 application be transmitted by mail or electroni-
5 cally;

6 “(4) in addition to any other method of trans-
7 mitting blank absentee ballots in the State, establish
8 procedures for transmitting by mail and electroni-
9 cally blank absentee ballots to individuals with dis-
10 abilities with respect to elections for Federal office
11 in accordance with subsection (d);

12 “(5) transmit a validly requested absentee bal-
13 lot to an individual with a disability—

14 “(A) except as provided in subsection (e),
15 in the case in which the request is received at
16 least 45 days before an election for Federal of-
17 fice, not later than 45 days before the election;
18 and

19 “(B) in the case in which the request is re-
20 ceived less than 45 days before an election for
21 Federal office—

22 “(i) in accordance with State law; and

23 “(ii) if practicable and as determined
24 appropriate by the State, in a manner that

1 expedites the transmission of such absen-
2 tee ballot; and

3 “(6) if the State declares or otherwise holds a
4 runoff election for Federal office, establish a written
5 plan that provides absentee ballots are made avail-
6 able to individuals with disabilities in a manner that
7 gives them sufficient time to vote in the runoff elec-
8 tion.

9 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
10 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
11 TEE BALLOT PROCEDURES FOR ALL DISABLED VOTERS
12 IN STATE.—Each State shall designate a single office
13 which shall be responsible for providing information re-
14 garding voter registration procedures and absentee ballot
15 procedures to be used by individuals with disabilities with
16 respect to elections for Federal office to all individuals
17 with disabilities who wish to register to vote or vote in
18 any jurisdiction in the State.

19 “(c) DESIGNATION OF MEANS OF ELECTRONIC COM-
20 MUNICATION FOR INDIVIDUALS WITH DISABILITIES TO
21 REQUEST AND FOR STATES TO SEND VOTER REGISTRA-
22 TION APPLICATIONS AND ABSENTEE BALLOT APPLICA-
23 TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING
24 INFORMATION.—

1 “(1) IN GENERAL.—Each State shall, in addi-
2 tion to the designation of a single State office under
3 subsection (b), designate not less than 1 means of
4 electronic communication—

5 “(A) for use by individuals with disabilities
6 who wish to register to vote or vote in any ju-
7 risdiction in the State to request voter registra-
8 tion applications and absentee ballot applica-
9 tions under subsection (a)(3);

10 “(B) for use by States to send voter reg-
11 istration applications and absentee ballot appli-
12 cations requested under such subsection; and

13 “(C) for the purpose of providing related
14 voting, balloting, and election information to in-
15 dividuals with disabilities.

16 “(2) CLARIFICATION REGARDING PROVISION OF
17 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
18 TION.—A State may, in addition to the means of
19 electronic communication so designated, provide
20 multiple means of electronic communication to indi-
21 viduals with disabilities, including a means of elec-
22 tronic communication for the appropriate jurisdic-
23 tion of the State.

24 “(3) INCLUSION OF DESIGNATED MEANS OF
25 ELECTRONIC COMMUNICATION WITH INFORMA-

1 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
2 COMPANY BALLOTING MATERIALS.—Each State shall
3 include a means of electronic communication so des-
4 igned with all informational and instructional ma-
5 terials that accompany balloting materials sent by
6 the State to individuals with disabilities.

7 “(4) TRANSMISSION IF NO PREFERENCE INDI-
8 CATED.—In the case where an individual with a dis-
9 ability does not designate a preference under sub-
10 section (a)(3)(C), the State shall transmit the voter
11 registration application or absentee ballot application
12 by any delivery method allowable in accordance with
13 applicable State law, or if there is no applicable
14 State law, by mail.

15 “(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS
16 BY MAIL AND ELECTRONICALLY.—

17 “(1) IN GENERAL.—Each State shall establish
18 procedures—

19 “(A) to transmit blank absentee ballots by
20 mail and electronically (in accordance with the
21 preferred method of transmission designated by
22 the individual with a disability under subpara-
23 graph (B)) to individuals with disabilities for an
24 election for Federal office; and

1 “(B) by which the individual with a dis-
2 ability can designate whether the individual pre-
3 fers that such blank absentee ballot be trans-
4 mitted by mail or electronically.

5 “(2) TRANSMISSION IF NO PREFERENCE INDI-
6 CATED.—In the case where an individual with a dis-
7 ability does not designate a preference under para-
8 graph (1)(B), the State shall transmit the ballot by
9 any delivery method allowable in accordance with ap-
10 plicable State law, or if there is no applicable State
11 law, by mail.

12 “(e) HARDSHIP EXEMPTION.—

13 “(1) IN GENERAL.—If the chief State election
14 official determines that the State is unable to meet
15 the requirement under subsection (a)(5)(A) with re-
16 spect to an election for Federal office due to an
17 undue hardship described in paragraph (2)(B), the
18 chief State election official shall request that the At-
19 torney General grant a waiver to the State of the
20 application of such subsection. Such request shall in-
21 clude—

22 “(A) a recognition that the purpose of
23 such subsection is to individuals with disabil-
24 ities enough time to vote in an election for Fed-
25 eral office;

1 “(B) an explanation of the hardship that
2 indicates why the State is unable to transmit
3 such individuals an absentee ballot in accord-
4 ance with such subsection;

5 “(C) the number of days prior to the elec-
6 tion for Federal office that the State requires
7 absentee ballots be transmitted to such individ-
8 uals; and

9 “(D) a comprehensive plan to ensure that
10 such individuals are able to receive absentee
11 ballots which they have requested and submit
12 marked absentee ballots to the appropriate
13 State election official in time to have that ballot
14 counted in the election for Federal office, which
15 includes—

16 “(i) the steps the State will undertake
17 to ensure that such individuals have time
18 to receive, mark, and submit their ballots
19 in time to have those ballots counted in the
20 election;

21 “(ii) why the plan provides such indi-
22 viduals sufficient time to vote as a sub-
23 stitute for the requirements under such
24 subsection; and

1 “(iii) the underlying factual informa-
2 tion which explains how the plan provides
3 such sufficient time to vote as a substitute
4 for such requirements.

5 “(2) APPROVAL OF WAIVER REQUEST.—The
6 Attorney General shall approve a waiver request
7 under paragraph (1) if the Attorney General deter-
8 mines each of the following requirements are met:

9 “(A) The comprehensive plan under sub-
10 paragraph (D) of such paragraph provides indi-
11 viduals with disabilities sufficient time to re-
12 ceive absentee ballots they have requested and
13 submit marked absentee ballots to the appro-
14 priate State election official in time to have that
15 ballot counted in the election for Federal office.

16 “(B) One or more of the following issues
17 creates an undue hardship for the State:

18 “(i) The State’s primary election date
19 prohibits the State from complying with
20 subsection (a)(5)(A).

21 “(ii) The State has suffered a delay in
22 generating ballots due to a legal contest.

23 “(iii) The State Constitution prohibits
24 the State from complying with such sub-
25 section.

1 “(3) TIMING OF WAIVER.—

2 “(A) IN GENERAL.—Except as provided
3 under subparagraph (B), a State that requests
4 a waiver under paragraph (1) shall submit to
5 the Attorney General the written waiver request
6 not later than 90 days before the election for
7 Federal office with respect to which the request
8 is submitted. The Attorney General shall ap-
9 prove or deny the waiver request not later than
10 65 days before such election.

11 “(B) EXCEPTION.—If a State requests a
12 waiver under paragraph (1) as the result of an
13 undue hardship described in paragraph
14 (2)(B)(ii), the State shall submit to the Attor-
15 ney General the written waiver request as soon
16 as practicable. The Attorney General shall ap-
17 prove or deny the waiver request not later than
18 5 business days after the date on which the re-
19 quest is received.

20 “(4) APPLICATION OF WAIVER.—A waiver ap-
21 proved under paragraph (2) shall only apply with re-
22 spect to the election for Federal office for which the
23 request was submitted. For each subsequent election
24 for Federal office, the Attorney General shall only
25 approve a waiver if the State has submitted a re-

1 quest under paragraph (1) with respect to such elec-
2 tion.

3 “(f) INDIVIDUAL WITH A DISABILITY DEFINED.—In
4 this section, an ‘individual with a disability’ means an in-
5 dividual with an impairment that substantially limits any
6 major life activities and who is otherwise qualified to vote
7 in elections for Federal office.

8 “(g) EFFECTIVE DATE.—This section shall apply
9 with respect to elections for Federal office held on or after
10 January 1, 2020.”.

11 (b) CONFORMING AMENDMENT RELATING TO
12 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
13 SISTANCE COMMISSION.—Section 311(b) of such Act (52
14 U.S.C. 21101(b)) is amended—

15 (1) by striking “and” at the end of paragraph
16 (2);

17 (2) by striking the period at the end of para-
18 graph (3) and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(4) in the case of the recommendations with
22 respect to section 305, January 1, 2020.”.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by section 8121(c), is amended—

1 (1) by redesignating the items relating to sec-
2 tions 305 and 306 as relating to sections 306 and
3 307; and

4 (2) by inserting after the item relating to sec-
5 tion 304 the following new item:

“Sec. 305. Access to voter registration and voting for individuals with disabili-
ties.”.

6 **SEC. 8202. PILOT PROGRAMS FOR ENABLING INDIVIDUALS**
7 **WITH DISABILITIES TO REGISTER TO VOTE**
8 **AND VOTE PRIVATELY AND INDEPENDENTLY**
9 **AT RESIDENCES.**

10 (a) ESTABLISHMENT OF PILOT PROGRAMS.—The
11 Election Assistance Commission (hereafter referred to as
12 the “Commission”) shall make grants to eligible States to
13 conduct pilot programs under which—

14 (1) individuals with disabilities may use elec-
15 tronic means (including the Internet and telephones
16 utilizing assistive devices) to register to vote and to
17 request and receive absentee ballots, in a manner
18 which permits such individuals to do so privately
19 and independently at their own residences; and

20 (2) individuals with disabilities may use the
21 telephone to cast ballots electronically from their
22 own residences, but only if the telephone used is not
23 connected to the Internet.

24 (b) REPORTS.—

1 (1) IN GENERAL.—A State receiving a grant for
2 a year under this section shall submit a report to the
3 Commission on the pilot programs the State carried
4 out with the grant with respect to elections for pub-
5 lic office held in the State during the year.

6 (2) DEADLINE.—A State shall submit a report
7 under paragraph (1) not later than 90 days after
8 the last election for public office held in the State
9 during the year.

10 (c) ELIGIBILITY.—A State is eligible to receive a
11 grant under this section if the State submits to the Com-
12 mission, at such time and in such form as the Commission
13 may require, an application containing such information
14 and assurances as the Commission may require.

15 (d) TIMING.—The Commission shall make the first
16 grants under this section for pilot programs which will be
17 in effect with respect to elections for Federal office held
18 in 2020, or, at the option of a State, with respect to other
19 elections for public office held in the State in 2020.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated for grants for pilot pro-
22 grams under this section \$30,000,000 for fiscal year 2018
23 and each succeeding fiscal year.

24 (f) STATE DEFINED.—In this section, the term
25 “State” includes the District of Columbia, the Common-

1 wealth of Puerto Rico, Guam, American Samoa, the
2 United States Virgin Islands, and the Commonwealth of
3 the Northern Mariana Islands.

4 **SEC. 8203. EXPANSION AND REAUTHORIZATION OF GRANT**
5 **PROGRAM TO ASSURE VOTING ACCESS FOR**
6 **INDIVIDUALS WITH DISABILITIES.**

7 (a) **PURPOSES OF PAYMENTS.**—Section 261(b) of the
8 Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is
9 amended by striking paragraphs (1) and (2) and inserting
10 the following:

11 “(1) making absentee voting and voting at
12 home accessible to individuals with the full range of
13 disabilities (including impairments involving vision,
14 hearing, mobility, or dexterity) through the imple-
15 mentation of accessible absentee voting systems that
16 work in conjunction with assistive technologies for
17 which individuals have access at their homes, inde-
18 pendent living centers, or other facilities;

19 “(2) making polling places, including the path
20 of travel, entrances, exits, and voting areas of each
21 polling facility, accessible to individuals with disabili-
22 ties, including the blind and visually impaired, in a
23 manner that provides the same opportunity for ac-
24 cess and participation (including privacy and inde-
25 pendence) as for other voters; and

1 “(3) providing solutions to problems of access
2 to voting and elections for individuals with disabili-
3 ties that are universally designed and provide the
4 same opportunities for individuals with and without
5 disabilities.”.

6 (b) REAUTHORIZATION.—Section 264(a) of such Act
7 (52 U.S.C. 21024(a)) is amended by adding at the end
8 the following new paragraph:

9 “(4) For fiscal year 2020 and each succeeding
10 fiscal year, such sums as may be necessary to carry
11 out this part.”.

12 (c) PERIOD OF AVAILABILITY OF FUNDS.—Section
13 264 of such Act (52 U.S.C. 21024) is amended—

14 (1) in subsection (b), by striking “Any
15 amounts” and inserting “Except as provided in sub-
16 section (b), any amounts”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

20 “(1) DEADLINE FOR OBLIGATION AND EXPEND-
21 ITURE.—In the case of any amounts appropriated
22 pursuant to the authority of subsection (a) for a
23 payment to a State or unit of local government for
24 fiscal year 2020 or any succeeding fiscal year, any
25 portion of such amounts which have not been obli-

1 gated or expended by the State or unit of local gov-
2 ernment prior to the expiration of the 4-year period
3 which begins on the date the State or unit of local
4 government first received the amounts shall be
5 transferred to the Commission.

6 “(2) REALLOCATION OF TRANSFERRED
7 AMOUNTS.—

8 “(A) IN GENERAL.—The Commission shall
9 use the amounts transferred under paragraph
10 (1) to make payments on a pro rata basis to
11 each covered payment recipient described in
12 subparagraph (B), which may obligate and ex-
13 pend such payment for the purposes described
14 in section 261(b) during the 1-year period
15 which begins on the date of receipt.

16 “(B) COVERED PAYMENT RECIPIENTS DE-
17 SCRIBED.—In subparagraph (A), a ‘covered
18 payment recipient’ is a State or unit of local
19 government with respect to which—

20 “(i) amounts were appropriated pur-
21 suant to the authority of subsection (a);
22 and

23 “(ii) no amounts were transferred to
24 the Commission under paragraph (1).”.

1 **Subtitle D—Prohibiting Voter**
2 **Caging**

3 **SEC. 8301. VOTER CAGING AND OTHER QUESTIONABLE**
4 **CHALLENGES PROHIBITED.**

5 (a) IN GENERAL.—Chapter 29 of title 18, United
6 States Code, as amended by section 8141(a), is amended
7 by adding at the end the following:

8 **“§ 613. Voter caging and other questionable chal-**
9 **lenges**

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘voter caging document’ means—

12 “(A) a nonforwardable document that is
13 returned to the sender or a third party as unde-
14 livered or undeliverable despite an attempt to
15 deliver such document to the address of a reg-
16 istered voter or applicant; or

17 “(B) any document with instructions to an
18 addressee that the document be returned to the
19 sender or a third party but is not so returned,
20 despite an attempt to deliver such document to
21 the address of a registered voter or applicant,
22 unless at least two Federal election cycles have
23 passed since the date of the attempted delivery;

1 “(2) the term ‘voter caging list’ means a list of
2 individuals compiled from voter caging documents;
3 and

4 “(3) the term ‘unverified match list’ means a
5 list produced by matching the information of reg-
6 istered voters or applicants for voter registration to
7 a list of individuals who are ineligible to vote in the
8 registrar’s jurisdiction, by virtue of death, convic-
9 tion, change of address, or otherwise; unless one of
10 the pieces of information matched includes a signa-
11 ture, photograph, or unique identifying number en-
12 suring that the information from each source refers
13 to the same individual.

14 “(b) PROHIBITION AGAINST VOTER CAGING.—No
15 State or local election official shall prevent an individual
16 from registering or voting in any election for Federal of-
17 fice, or permit in connection with any election for Federal
18 office a formal challenge under State law to an individual’s
19 registration status or eligibility to vote, if the basis for
20 such decision is evidence consisting of—

21 “(1) a voter caging document or voter caging
22 list;

23 “(2) an unverified match list;

24 “(3) an error or omission on any record or
25 paper relating to any application, registration, or

1 other act requisite to voting, if such error or omis-
2 sion is not material to an individual's eligibility to
3 vote under section 2004 of the Revised Statutes, as
4 amended (52 U.S.C. 10101(a)(2)(B)); or

5 “(4) any other evidence so designated for pur-
6 poses of this section by the Election Assistance Com-
7 mission,

8 except that the election official may use such evidence if
9 it is corroborated by independent evidence of the individ-
10 ual's ineligibility to register or vote.

11 “(c) REQUIREMENTS FOR CHALLENGES BY PERSONS
12 OTHER THAN ELECTION OFFICIALS.—No person, other
13 than a State or local election official, shall submit a formal
14 challenge to an individual's eligibility to register to vote
15 in an election for Federal office or to vote in an election
16 for Federal office unless that challenge is supported by
17 personal knowledge regarding the grounds for ineligibility
18 which is—

19 “(1) documented in writing; and

20 “(2) subject to an oath or attestation under
21 penalty of perjury that the challenger has a good
22 faith factual basis to believe that the individual who
23 is the subject of the challenge is ineligible to register
24 to vote or vote in that election, except a challenge
25 which is based on the race or national origin of the

1 individual who is the subject of the challenge may
2 not be considered to have a good faith factual basis
3 for purposes of this paragraph.

4 “(d) PENALTIES FOR KNOWING MISCONDUCT.—
5 Whoever knowingly challenges the eligibility of one or
6 more individuals to register or vote or knowingly causes
7 the eligibility of such individuals to be challenged in viola-
8 tion of this section with the intent that one or more eligi-
9 ble voters be disqualified, shall be fined under this title
10 or imprisoned not more than 1 year, or both, for each such
11 violation. Each violation shall be a separate offense.

12 “(e) NO EFFECT ON RELATED LAWS.—Nothing in
13 this section is intended to override the protections of the
14 National Voter Registration Act of 1993 (52 U.S.C.
15 20501 et seq.) or to affect the Voting Rights Act of 1965
16 (52 U.S.C. 10301 et seq.).”

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 29 of title 18, United States Code, as amended
19 by section 8141(b), is amended by adding at the end the
20 following:

“613. Voter caging and other questionable challenges.”

21 **SEC. 8302. DEVELOPMENT AND ADOPTION OF BEST PRACTICES FOR PREVENTING VOTER CAGING.**
22

23 (a) BEST PRACTICES.—Not later than 180 days after
24 the date of the enactment of this Act, the Election Assist-
25 ance Commission shall develop and publish for the use of

1 States recommendations for best practices to deter and
2 prevent violations of section 613 of title 18, United States
3 Code, as added by section 8301(a), including practices to
4 provide for the posting of relevant information at polling
5 places and voter registration agencies, the training of poll
6 workers and election officials, and relevant educational
7 measures. For purposes of this subsection, the term
8 “State” includes the District of Columbia, the Common-
9 wealth of Puerto Rico, Guam, American Samoa, the
10 United States Virgin Islands, and the Commonwealth of
11 the Northern Mariana Islands.

12 (b) INCLUSION IN VOTING INFORMATION REQUIRE-
13 MENTS.—Section 302(b)(2) of the Help America Vote Act
14 of 2002 (52 U.S.C. 21082(b)(2)), as amended by section
15 8142(b), is amended—

16 (1) by striking “and” at the end of subpara-
17 graph (F);

18 (2) by striking the period at the end of sub-
19 paragraph (G) and inserting “; and”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(H) information relating to the prohibi-
23 tion against voter caging and other questionable
24 challenges (as set forth in section 613 of title
25 18, United States Code), including information

1 on how individuals may report allegations of
2 violations of such prohibition.”.

3 **SEC. 8303. SEVERABILITY.**

4 If any provision of this subtitle or any amendment
5 made by this subtitle, or the application of a provision to
6 any person or circumstance, is held to be unconstitutional,
7 the remainder of this subtitle and the amendments made
8 by this subtitle, and the application of the provisions to
9 any person or circumstance, shall not be affected by the
10 holding.

11 **Subtitle E—Prohibiting Deceptive**
12 **Practices**

13 **SEC. 8401. PROHIBITION ON DECEPTIVE PRACTICES IN**
14 **FEDERAL ELECTIONS.**

15 (a) IN GENERAL.—Chapter 29 of title 18, United
16 States Code, as amended by section 8141(a) and section
17 8301(a), is amended by adding at the end the following:

18 **“§ 614. False election-related information in Federal**
19 **elections**

20 “(a) A person, including an election official, who in
21 any election for Federal office knowingly and willfully de-
22 prives, defrauds, or attempts to deprive or defraud the
23 residents of a State of their free and fair exercise of the
24 right to vote by the communication of election-related in-
25 formation that is known by the person to be materially

1 false, fictitious, or fraudulent shall be fined under this title
2 or imprisoned not more than 1 year, or both.

3 “(b) As used in this section—

4 “(1) the term ‘election for Federal office’ means
5 any general, primary, runoff, or special election for
6 the office of President, Vice President, presidential
7 elector, Member of the Senate, Member of the House
8 of Representatives, or Delegate or Resident Commis-
9 sioner to the Congress; and

10 “(2) the term ‘election-related information’
11 means any oral or written communication regard-
12 ing—

13 “(A) the time or place of an election for
14 Federal office;

15 “(B) criminal penalties associated with
16 voting in such an election;

17 “(C) an individual’s voter registration sta-
18 tus or eligibility to vote in such an election; or

19 “(D) the explicit endorsement by any per-
20 son or organization of a candidate in such an
21 election.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for chapter 29 of title 18, United States Code, as amended
24 by section 8141(b) and section 8301(b), is amended by
25 adding at the end the following new item:

“614. False election-related information in Federal elections.”.

1 **SEC. 8402. MODIFICATION OF PENALTY FOR VOTER INTIMI-**
2 **DATION.**

3 Section 594 of title 18, United States Code, is
4 amended by striking “one year” and inserting “5 years”.

5 **SEC. 8403. SENTENCING GUIDELINES.**

6 (a) REVIEW AND AMENDMENT.—Not later than 90
7 days after the date of enactment of this Act, the United
8 States Sentencing Commission, pursuant to its authority
9 under section 994 of title 28, United States Code, and
10 in accordance with this section, shall review and, if appro-
11 priate, amend the Federal sentencing guidelines and policy
12 statements applicable to persons convicted of any offense
13 under any sections of title 18, United States Code, that
14 are added or modified by this Act.

15 (b) AUTHORIZATION.—The United States Sentencing
16 Commission may, for the purposes of the amendments
17 made pursuant to this subtitle, amend the Federal sen-
18 tencing guidelines in accordance with the procedures set
19 forth in section 21(a) of the Sentencing Act of 1987 (28
20 U.S.C. 994 note) as though the authority under that sec-
21 tion had not expired.

22 **SEC. 8404. REPORTING VIOLATIONS; CORRECTIVE ACTION.**

23 (a) REPORTING.—Any person may submit a report
24 to the Attorney General regarding any violation or possible
25 violation of section 594 or section 614 of title 18, United
26 States Code (as added by section 8401(a)).

1 (b) CORRECTIVE ACTION.—

2 (1) IN GENERAL.—Immediately after receiving
3 a report under subsection (a), the Attorney General
4 shall consider and review the report, and if the At-
5 torney General determines that there is a reasonable
6 basis to find that a violation included in the report
7 has occurred, the Attorney General shall—

8 (A) undertake all effective measures nec-
9 essary to provide correct information to voters
10 affected by the false information; and

11 (B) refer the matter to the appropriate
12 Federal and State authorities for criminal pros-
13 ecution or civil action after the election in-
14 volved.

15 (2) REGULATIONS.—The Attorney General shall
16 promulgate regulations regarding the methods and
17 means of corrective actions to be taken under para-
18 graph (1). Such regulations shall be developed in
19 consultation with the Election Assistance Commis-
20 sion, civil rights organizations, voting rights groups,
21 State and local election officials, voter protection
22 groups, and other interested community organiza-
23 tions.

24 (3) STUDY AND REPORT ON METHODS OF DIS-
25 SEMINATING CORRECTIVE INFORMATION.—

1 (A) IN GENERAL.—The Attorney General,
2 in consultation with the Federal Communica-
3 tions Commission and the Election Assistance
4 Commission, shall conduct a study on the feasi-
5 bility of providing the corrective information
6 under paragraph (1) through public service an-
7 nouncements, the emergency alert system, or
8 other forms of public broadcast.

9 (B) REPORT.—Not later than 180 days
10 after the date of the enactment of this Act, the
11 Attorney General shall submit to Congress a re-
12 port detailing the results of the study conducted
13 under subparagraph (A).

14 (4) PUBLICIZING AVAILABILITY OF REM-
15 EDIES.—The Attorney General shall make public
16 through the Internet, radio, television, and news-
17 paper advertisements information on the responsibil-
18 ities, contact information, and complaint procedures
19 applicable under this section.

20 (c) REPORTS TO CONGRESS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 any election with respect to which a report has been
23 submitted under subsection (a), the Attorney Gen-
24 eral shall submit to Congress a report compiling all

1 such reports submitted under subsection (a) with re-
2 spect to that election.

3 (2) CONTENTS.—

4 (A) IN GENERAL.—Each report submitted
5 under paragraph (1) shall include—

6 (i) detailed information on specific al-
7 legations;

8 (ii) statistical compilations of how
9 many allegations were made and of what
10 type;

11 (iii) the geographic locations of and
12 the populations affected by the alleged vio-
13 lations;

14 (iv) the status of the investigations of
15 such allegations;

16 (v) any corrective actions taken in re-
17 sponse to such allegations;

18 (vi) the rationale used for any correc-
19 tive actions or for any refusal to pursue an
20 allegation;

21 (vii) the effectiveness of any such cor-
22 rective actions;

23 (viii) whether a Voting Integrity Task
24 Force was established with respect to such

1 election, and, if so, how such task force
2 was staffed and funded;

3 (ix) any referrals of information to
4 other Federal, State, or local agencies; and

5 (x) any criminal prosecution instituted
6 under title 18, United States Code, in con-
7 nection with such allegations.

8 (3) REPORT MADE PUBLIC.—On the date that
9 the Attorney General submits the report under para-
10 graph (1), the Attorney General shall also make the
11 report publicly available through the Internet and
12 other appropriate means.

13 (d) DELEGATION OF DUTIES.—

14 (1) USE OF VOTING INTEGRITY TASK FORCE.—
15 The Attorney General shall delegate the responsibil-
16 ities under this section with respect to a particular
17 election to a Voting Integrity Task Force established
18 by the Attorney General for such purpose.

19 (2) COMPOSITION.—A Voting Integrity Task
20 Force established under paragraph (1) shall be
21 under the direction of the Assistant Attorney Gen-
22 eral for the Civil Rights Division and the Assistant
23 Attorney General for the Criminal Division, acting
24 jointly.

1 **Subtitle F—Democracy Restoration**

2 **SEC. 8501. RIGHTS OF CITIZENS.**

3 The right of an individual who is a citizen of the
4 United States to vote in any election for Federal office
5 shall not be denied or abridged because that individual has
6 been convicted of a criminal offense unless such individual
7 is serving a felony sentence in a correctional institution
8 or facility at the time of the election.

9 **SEC. 8502. ENFORCEMENT.**

10 (a) **ATTORNEY GENERAL.**—The Attorney General
11 may, in a civil action, obtain such declaratory or injunctive
12 relief as is necessary to remedy a violation of this subtitle.

13 (b) **PRIVATE RIGHT OF ACTION.**—

14 (1) A person who is aggrieved by a violation of
15 this subtitle may provide written notice of the viola-
16 tion to the chief election official of the State in-
17 volved.

18 (2) Except as provided in paragraph (3), if the
19 violation is not corrected within 90 days after receipt
20 of a notice under paragraph (1), or within 20 days
21 after receipt of the notice if the violation occurred
22 within 120 days before the date of an election for
23 Federal office, the aggrieved person may, in a civil
24 action, obtain declaratory or injunctive relief with re-
25 spect to the violation.

1 (3) If the violation occurred within 30 days be-
2 fore the date of an election for Federal office, the
3 aggrieved person need not provide notice to the chief
4 election official of the State under paragraph (1) be-
5 fore bringing a civil action to obtain declaratory or
6 injunctive relief with respect to the violation.

7 **SEC. 8503. NOTIFICATION OF RESTORATION OF VOTING**
8 **RIGHTS.**

9 (a) STATE NOTIFICATION.—

10 (1) NOTIFICATION.—On the date determined
11 under paragraph (2), each State shall notify in writ-
12 ing any individual who has been convicted of a
13 criminal offense under the law of that State that
14 such individual has the right to vote in an election
15 for Federal office pursuant to this subtitle and may
16 register to vote in any such election.

17 (2) DATE OF NOTIFICATION.—

18 (A) FELONY CONVICTION.—In the case of
19 such an individual who has been convicted of a
20 felony, the notification required under para-
21 graph (1) shall be given on the date on which
22 the individual—

23 (i) is sentenced to serve only a term
24 of probation; or

1 (ii) is released from the custody of
2 that State (other than to the custody of
3 another State or the Federal Government
4 to serve a term of imprisonment for a fel-
5 ony conviction).

6 (B) MISDEMEANOR CONVICTION.—In the
7 case of such an individual who has been con-
8 victed of a misdemeanor, the notification re-
9 quired under paragraph (1) shall be given on
10 the date on which such individual is sentenced
11 by a State court.

12 (b) FEDERAL NOTIFICATION.—

13 (1) NOTIFICATION.—On the date determined
14 under paragraph (2), the Director of the Bureau of
15 Prisons shall notify in writing any individual who
16 has been convicted of a criminal offense under Fed-
17 eral law that such individual has the right to vote
18 in an election for Federal office pursuant to this
19 subtitle and may register to vote in any such elec-
20 tion.

21 (2) DATE OF NOTIFICATION.—

22 (A) FELONY CONVICTION.—In the case of
23 such an individual who has been convicted of a
24 felony, the notification required under para-

1 graph (1) shall be given on the date on which
2 the individual—

3 (i) is sentenced to serve only a term
4 of probation by a court established by an
5 Act of Congress; or

6 (ii) is released from the custody of the
7 Bureau of Prisons (other than to the cus-
8 tody of a State to serve a term of impris-
9 onment for a felony conviction).

10 (B) MISDEMEANOR CONVICTION.—In the
11 case of such an individual who has been con-
12 victed of a misdemeanor, the notification re-
13 quired under paragraph (1) shall be given on
14 the date on which such individual is sentenced
15 by a State court.

16 **SEC. 8504. DEFINITIONS.**

17 For purposes of this subtitle:

18 (1) CORRECTIONAL INSTITUTION OR FACIL-
19 ITY.—The term “correctional institution or facility”
20 means any prison, penitentiary, jail, or other institu-
21 tion or facility for the confinement of individuals
22 convicted of criminal offenses, whether publicly or
23 privately operated, except that such term does not
24 include any residential community treatment center
25 (or similar public or private facility).

1 (2) ELECTION.—The term “election” means—

2 (A) a general, special, primary, or runoff
3 election;

4 (B) a convention or caucus of a political
5 party held to nominate a candidate;

6 (C) a primary election held for the selec-
7 tion of delegates to a national nominating con-
8 vention of a political party; or

9 (D) a primary election held for the expres-
10 sion of a preference for the nomination of per-
11 sons for election to the office of President.

12 (3) FEDERAL OFFICE.—The term “Federal of-
13 fice” means the office of President or Vice President
14 of the United States, or of Senator or Representa-
15 tive in, or Delegate or Resident Commissioner to,
16 the Congress of the United States.

17 (4) PROBATION.—The term “probation” means
18 probation, imposed by a Federal, State, or local
19 court, with or without a condition on the individual
20 involved concerning—

21 (A) the individual’s freedom of movement;

22 (B) the payment of damages by the indi-
23 vidual;

24 (C) periodic reporting by the individual to
25 an officer of the court; or

1 (D) supervision of the individual by an of-
2 ficer of the court.

3 **SEC. 8505. RELATION TO OTHER LAWS.**

4 (a) STATE LAWS RELATING TO VOTING RIGHTS.—
5 Nothing in this subtitle shall be construed to prohibit the
6 States from enacting any State law which affords the right
7 to vote in any election for Federal office on terms less
8 restrictive than those established by this subtitle.

9 (b) CERTAIN FEDERAL ACTS.—The rights and rem-
10 edies established by this subtitle are in addition to all
11 other rights and remedies provided by law, and neither
12 rights and remedies established by this subtitle shall su-
13 percede, restrict, or limit the application of the Voting
14 Rights Act of 1965 (52 U.S.C. 10301 et seq.) or the Na-
15 tional Voter Registration Act (52 U.S.C. 20501).

16 **SEC. 8506. FEDERAL PRISON FUNDS.**

17 No State, unit of local government, or other person
18 may receive or use, to construct or otherwise improve a
19 prison, jail, or other place of incarceration, any Federal
20 grant amounts unless that person has in effect a program
21 under which each individual incarcerated in that person's
22 jurisdiction who is a citizen of the United States is noti-
23 fied, upon release from such incarceration, of that individ-
24 ual's rights under section 8501.

1 **SEC. 8507. EFFECTIVE DATE.**

2 This subtitle shall apply to citizens of the United
3 States voting in any election for Federal office held after
4 the date of the enactment of this Act.

5 **Subtitle G—Accuracy, Integrity,**
6 **and Security of Elections**

7 **SEC. 8600. SHORT TITLE.**

8 This subtitle may be cited as the “Voter Confidence
9 and Increased Accessibility Act of 2018”.

10 **PART 1—PROMOTING ACCURACY, INTEGRITY,**
11 **AND SECURITY THROUGH VOTER-VERIFIED**
12 **PERMANENT PAPER BALLOT**

13 **SEC. 8601. MORATORIUM ON ACQUISITION OF CERTAIN DI-**
14 **RECT RECORDING ELECTRONIC VOTING SYS-**
15 **TEMS AND CERTAIN OTHER VOTING SYS-**
16 **TEMS.**

17 Section 301 of the Help America Vote Act of 2002
18 (52 U.S.C. 21081) is amended—

19 (1) by redesignating subsections (c) and (d) as
20 subsections (d) and (e); and

21 (2) by inserting after subsection (b) the fol-
22 lowing new subsection:

23 “(c) MORATORIUM ON ACQUISITION OF CERTAIN DI-
24 RECT RECORDING ELECTRONIC VOTING SYSTEMS AND
25 CERTAIN OTHER VOTING SYSTEMS.—Beginning on the
26 date of the enactment of the Voter Confidence and In-

1 creased Accessibility Act of 2018, no State or jurisdiction
2 may purchase or otherwise acquire for use in an election
3 for Federal office a direct recording electronic voting sys-
4 tem or other electronic voting system that does not
5 produce a voter-verified paper record as required by sec-
6 tion 301(a)(2) (as amended by such Act).”.

7 **SEC. 8602. PAPER BALLOT AND MANUAL COUNTING RE-**
8 **QUIREMENTS.**

9 (a) IN GENERAL.—Section 301(a)(2) of the Help
10 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
11 amended to read as follows:

12 “(2) PAPER BALLOT REQUIREMENT.—

13 “(A) VOTER-VERIFIED PAPER BALLOTS.—

14 “(i) PAPER BALLOT REQUIREMENT.—

15 (I) The voting system shall require the use
16 of an individual, durable, voter-verified,
17 paper ballot of the voter’s vote that shall
18 be marked and made available for inspec-
19 tion and verification by the voter before
20 the voter’s vote is cast and counted, and
21 which shall be counted by hand or read by
22 an optical character recognition device or
23 other counting device. For purposes of this
24 subclause, the term ‘individual, durable,
25 voter-verified, paper ballot’ means a paper

1 ballot marked by the voter by hand or a
2 paper ballot marked through the use of a
3 nontabulating ballot marking device or sys-
4 tem, so long as the voter shall have the op-
5 tion to mark his or her ballot by hand.

6 “(II) The voting system shall provide
7 the voter with an opportunity to correct
8 any error on the paper ballot before the
9 permanent voter-verified paper ballot is
10 preserved in accordance with clause (ii).

11 “(III) The voting system shall not
12 preserve the voter-verified paper ballots in
13 any manner that makes it possible, at any
14 time after the ballot has been cast, to asso-
15 ciate a voter with the record of the voter’s
16 vote without the voter’s consent.

17 “(ii) PRESERVATION AS OFFICIAL
18 RECORD.—The individual, durable, voter-
19 verified, paper ballot used in accordance
20 with clause (i) shall constitute the official
21 ballot and shall be preserved and used as
22 the official ballot for purposes of any re-
23 count or audit conducted with respect to
24 any election for Federal office in which the
25 voting system is used.

1 “(iii) MANUAL COUNTING REQUIRE-
2 MENTS FOR RECOUNTS AND AUDITS.—(I)
3 Each paper ballot used pursuant to clause
4 (i) shall be suitable for a manual audit,
5 and shall be counted by hand in any re-
6 count or audit conducted with respect to
7 any election for Federal office.

8 “(II) In the event of any inconsist-
9 encies or irregularities between any elec-
10 tronic vote tallies and the vote tallies de-
11 termined by counting by hand the indi-
12 vidual, durable, voter-verified, paper ballots
13 used pursuant to clause (i), and subject to
14 subparagraph (B), the individual, durable,
15 voter-verified, paper ballots shall be the
16 true and correct record of the votes cast.

17 “(iv) APPLICATION TO ALL BAL-
18 LOTS.—The requirements of this subpara-
19 graph shall apply to all ballots cast in elec-
20 tions for Federal office, including ballots
21 cast by absent uniformed services voters
22 and overseas voters under the Uniformed
23 and Overseas Citizens Absentee Voting Act
24 and other absentee voters.

1 “(B) SPECIAL RULE FOR TREATMENT OF
2 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
3 SHOWN TO BE COMPROMISED.—

4 “(i) IN GENERAL.—In the event
5 that—

6 “(I) there is any inconsistency
7 between any electronic vote tallies and
8 the vote tallies determined by count-
9 ing by hand the individual, durable,
10 voter-verified, paper ballots used pur-
11 suant to subparagraph (A)(i) with re-
12 spect to any election for Federal of-
13 fice; and

14 “(II) it is demonstrated by clear
15 and convincing evidence (as deter-
16 mined in accordance with the applica-
17 ble standards in the jurisdiction in-
18 volved) in any recount, audit, or con-
19 test of the result of the election that
20 the paper ballots have been com-
21 promised (by damage or mischief or
22 otherwise) and that a sufficient num-
23 ber of the ballots have been so com-
24 promised that the result of the elec-
25 tion could be changed,

1 the determination of the appropriate rem-
2 edy with respect to the election shall be
3 made in accordance with applicable State
4 law, except that the electronic tally shall
5 not be used as the exclusive basis for de-
6 termining the official certified result.

7 “(ii) RULE FOR CONSIDERATION OF
8 BALLOTS ASSOCIATED WITH EACH VOTING
9 MACHINE.—For purposes of clause (i),
10 only the paper ballots deemed com-
11 promised, if any, shall be considered in the
12 calculation of whether or not the result of
13 the election could be changed due to the
14 compromised paper ballots.”.

15 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
16 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
17 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
18 is amended by inserting “(including the paper ballots re-
19 quired to be used under paragraph (2))” after “voting sys-
20 tem”.

21 (c) OTHER CONFORMING AMENDMENTS.—Section
22 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
23 ed—

1 (1) in subparagraph (A)(i), by striking “count-
2 ed” and inserting “counted, in accordance with
3 paragraphs (2) and (3)”;

4 (2) in subparagraph (A)(ii), by striking “count-
5 ed” and inserting “counted, in accordance with
6 paragraphs (2) and (3)”;

7 (3) in subparagraph (A)(iii), by striking “count-
8 ed” each place it appears and inserting “counted, in
9 accordance with paragraphs (2) and (3)”;

10 (4) in subparagraph (B)(ii), by striking “count-
11 ed” and inserting “counted, in accordance with
12 paragraphs (2) and (3)”.

13 **SEC. 8603. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
14 **INDIVIDUALS WITH DISABILITIES.**

15 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
17 amended to read as follows:

18 “(B)(i) satisfy the requirement of subpara-
19 graph (A) through the use of at least one voting
20 system equipped for individuals with disabili-
21 ties, including nonvisual and enhanced visual
22 accessibility for the blind and visually impaired,
23 and nonmanual and enhanced manual accessi-
24 bility for the mobility and dexterity impaired, at
25 each polling place; and

1 “(ii) meet the requirements of subpara-
2 graph (A) and paragraph (2)(A) by using a sys-
3 tem that—

4 “(I) allows the voter to privately and
5 independently verify the permanent paper
6 ballot through the presentation, in acces-
7 sible form, of the printed or marked vote
8 selections from the same printed or
9 marked information that would be used for
10 any vote counting or auditing; and

11 “(II) allows the voter to privately and
12 independently verify and cast the perma-
13 nent paper ballot without requiring the
14 voter to manually handle the paper ballot;
15 and”.

16 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
17 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
18 VERIFICATION MECHANISMS.—

19 (1) STUDY AND REPORTING.—Subtitle C of
20 title II of such Act (52 U.S.C. 21081 et seq.) is
21 amended—

22 (A) by redesignating section 247 as section
23 248; and

24 (B) by inserting after section 246 the fol-
25 lowing new section:

1 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
2 **BALLOT VERIFICATION MECHANISMS.**

3 “(a) **STUDY AND REPORT.**—The Director of the Na-
4 tional Science Foundation shall make grants to not fewer
5 than 3 eligible entities to study, test, and develop acces-
6 sible paper ballot voting, verification, and casting mecha-
7 nisms and devices and best practices to enhance the acces-
8 sibility of paper ballot voting and verification mechanisms
9 for individuals with disabilities, for voters whose primary
10 language is not English, and for voters with difficulties
11 in literacy, including best practices for the mechanisms
12 themselves and the processes through which the mecha-
13 nisms are used.

14 “(b) **ELIGIBILITY.**—An entity is eligible to receive a
15 grant under this part if it submits to the Director (at such
16 time and in such form as the Director may require) an
17 application containing—

18 “(1) certifications that the entity shall specifi-
19 cally investigate enhanced methods or devices, in-
20 cluding non-electronic devices, that will assist such
21 individuals and voters in marking voter-verified
22 paper ballots and presenting or transmitting the in-
23 formation printed or marked on such ballots back to
24 such individuals and voters, and casting such ballots;

1 “(2) a certification that the entity shall com-
2 plete the activities carried out with the grant not
3 later than December 31, 2018; and

4 “(3) such other information and certifications
5 as the Director may require.

6 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
7 nology developed with the grants made under this section
8 shall be treated as non-proprietary and shall be made
9 available to the public, including to manufacturers of vot-
10 ing systems.

11 “(d) COORDINATION WITH GRANTS FOR TECH-
12 NOLOGY IMPROVEMENTS.—The Director shall carry out
13 this section so that the activities carried out with the
14 grants made under subsection (a) are coordinated with the
15 research conducted under the grant program carried out
16 by the Commission under section 271, to the extent that
17 the Director and Commission determine necessary to pro-
18 vide for the advancement of accessible voting technology.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out subsection
21 (a) \$5,000,000, to remain available until expended.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended—

24 (A) by redesignating the item relating to
25 section 247 as relating to section 248; and

1 (B) by inserting after the item relating to
2 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mechanisms.”.

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
5 adopting any voluntary guidance under subtitle B of title
6 III of the Help America Vote Act with respect to the ac-
7 cessibility of the paper ballot verification requirements for
8 individuals with disabilities, the Election Assistance Com-
9 mission shall include and apply the same accessibility
10 standards applicable under the voluntary guidance adopt-
11 ed for accessible voting systems under such subtitle.

12 (d) PERMITTING USE OF FUNDS FOR PROTECTION
13 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
14 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
15 tion 292(a) of the Help America Vote Act of 2002 (52
16 U.S.C. 21062(a)) is amended by striking “; except that”
17 and all that follows and inserting a period.

18 **SEC. 8604. ADDITIONAL VOTING SYSTEM REQUIREMENTS.**

19 (a) REQUIREMENTS DESCRIBED.—Section 301(a) of
20 the Help America Vote Act of 2002 (52 U.S.C. 21081(a))
21 is amended by adding at the end the following new para-
22 graphs:

23 “(7) REQUIRING AVAILABILITY OF PAPER BAL-
24 LOTS IN CASE OF EMERGENCY.—

1 “(A) IN GENERAL.—In the event of a fail-
2 ure of voting equipment or other circumstance
3 at a polling place in an election for Federal of-
4 fice that causes an unreasonable delay, the ap-
5 propriate election official at the polling place
6 shall—

7 “(i) immediately advise any individual
8 who is waiting at the polling place to cast
9 a ballot in the election at the time of the
10 failure that the individual has the right to
11 use an emergency paper ballot; and

12 “(ii) upon the individual’s request,
13 provide the individual with an emergency
14 paper ballot for the election and the sup-
15 plies necessary to mark the ballot.

16 “(B) TREATMENT OF BALLOTS.—Any
17 paper ballot which is cast by an individual
18 under this clause shall be counted and other-
19 wise treated as a regular ballot for all purposes
20 (including by incorporating it into the final un-
21 official vote count (as defined by the State) for
22 the precinct) and not as a provisional ballot,
23 unless the individual casting the ballot would
24 have otherwise been required to cast a provi-
25 sional ballot.

1 “(8) PROHIBITING USE OF UNCERTIFIED ELEC-
2 TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;
3 DISCLOSURE REQUIREMENTS.—

4 “(A) IN GENERAL.—A voting system used
5 in an election for Federal office in a State may
6 not at any time during the election contain or
7 use any election-dedicated voting system tech-
8 nology—

9 “(i) which has not been certified by
10 the State for use in the election; and

11 “(ii) which has not been deposited
12 with an accredited laboratory described in
13 section 231 to be held in escrow and dis-
14 closed in accordance with this section.

15 “(B) REQUIREMENT FOR DISCLOSURE AND
16 LIMITATION ON RESTRICTING DISCLOSURE.—
17 An accredited laboratory under section 231
18 with whom an election-dedicated voting system
19 technology has been deposited shall—

20 “(i) hold the technology in escrow;
21 and

22 “(ii) disclose technology and informa-
23 tion regarding the technology to another
24 person if—

1 “(I) the person is a qualified per-
2 son described in subparagraph (C)
3 who has entered into a nondisclosure
4 agreement with respect to the tech-
5 nology which meets the requirements
6 of subparagraph (D); or

7 “(II) the laboratory is permitted
8 or required to disclose the technology
9 to the person under State law, in ac-
10 cordance with the terms and condi-
11 tions applicable under such law.

12 “(C) QUALIFIED PERSONS DESCRIBED.—

13 With respect to the disclosure of election-dedi-
14 cated voting system technology by a laboratory
15 under subparagraph (B)(ii)(I), a ‘qualified per-
16 son’ is any of the following:

17 “(i) A governmental entity with re-
18 sponsibility for the administration of vot-
19 ing and election-related matters for pur-
20 poses of reviewing, analyzing, or reporting
21 on the technology.

22 “(ii) A party to pre- or postelection
23 litigation challenging the result of an elec-
24 tion or the administration or use of the
25 technology used in an election, including

1 but not limited to election contests or chal-
2 lenges to the certification of the tech-
3 nology, or an expert for a party to such
4 litigation, for purposes of reviewing or ana-
5 lyzing the technology to support or oppose
6 the litigation, and all parties to the litiga-
7 tion shall have access to the technology for
8 such purposes.

9 “(iii) A person not described in clause
10 (i) or (ii) who reviews, analyzes, or reports
11 on the technology solely for an academic,
12 scientific, technological, or other investiga-
13 tion or inquiry concerning the accuracy or
14 integrity of the technology.

15 “(D) REQUIREMENTS FOR NONDISCLO-
16 SURE AGREEMENTS.—A nondisclosure agree-
17 ment entered into with respect to an election-
18 dedicated voting system technology meets the
19 requirements of this subparagraph if the agree-
20 ment—

21 “(i) is limited in scope to coverage of
22 the technology disclosed under subpara-
23 graph (B) and any trade secrets and intel-
24 lectual property rights related thereto;

1 “(ii) does not prohibit a signatory
2 from entering into other nondisclosure
3 agreements to review other technologies
4 under this paragraph;

5 “(iii) exempts from coverage any in-
6 formation the signatory lawfully obtained
7 from another source or any information in
8 the public domain;

9 “(iv) remains in effect for not longer
10 than the life of any trade secret or other
11 intellectual property right related thereto;

12 “(v) prohibits the use of injunctions
13 barring a signatory from carrying out any
14 activity authorized under subparagraph
15 (C), including injunctions limited to the
16 period prior to a trial involving the tech-
17 nology;

18 “(vi) is silent as to damages awarded
19 for breach of the agreement, other than a
20 reference to damages available under appli-
21 cable law;

22 “(vii) allows disclosure of evidence of
23 crime, including in response to a subpoena
24 or warrant;

1 “(viii) allows the signatory to perform
2 analyses on the technology (including by
3 executing the technology), disclose reports
4 and analyses that describe operational
5 issues pertaining to the technology (includ-
6 ing vulnerabilities to tampering, errors,
7 risks associated with use, failures as a re-
8 sult of use, and other problems), and de-
9 scribe or explain why or how a voting sys-
10 tem failed or otherwise did not perform as
11 intended; and

12 “(ix) provides that the agreement
13 shall be governed by the trade secret laws
14 of the applicable State.

15 “(E) ELECTION-DEDICATED VOTING SYS-
16 TEM TECHNOLOGY DEFINED.—For purposes of
17 this paragraph:

18 “(i) IN GENERAL.—The term ‘elec-
19 tion-dedicated voting system technology’
20 means the following:

21 “(I) The source code used for the
22 trusted build and its file signatures.

23 “(II) A complete disk image of
24 the prebuild, build environment, and

1 any file signatures to validate that it
2 is unmodified.

3 “(III) A complete disk image of
4 the postbuild, build environment, and
5 any file signatures to validate that it
6 is unmodified.

7 “(IV) All executable code pro-
8 duced by the trusted build and any
9 file signatures to validate that it is
10 unmodified.

11 “(V) Installation devices and
12 software file signatures.

13 “(ii) EXCLUSION.—Such term does
14 not include ‘commercial-off-the-shelf’ soft-
15 ware and hardware defined under the 2015
16 voluntary voting system guidelines adopted
17 by the Commission under section 222.

18 “(9) PROHIBITION OF USE OF WIRELESS COM-
19 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
20 No system or device upon which ballots are marked
21 or votes are cast or tabulated shall contain, use, or
22 be accessible by any wireless, powerline, or concealed
23 communication device, except that enclosed infrared
24 communications devices which are certified for use
25 in such device by the State and which cannot be

1 used for any remote or wide area communications or
2 used without the knowledge of poll workers shall be
3 permitted.

4 “(10) PROHIBITING CONNECTION OF SYSTEM
5 TO THE INTERNET.—

6 “(A) IN GENERAL.—No system or device
7 upon which ballots are programmed or votes are
8 cast or tabulated shall be connected to the
9 Internet at any time.

10 “(B) PROHIBITING ACCEPTANCE OF BAL-
11 LOTS TRANSMITTED ONLINE.—The voting sys-
12 tem may not accept any voted ballot which is
13 transmitted to an election official online.

14 “(C) RULE OF CONSTRUCTION.—Nothing
15 contained in this paragraph shall be deemed to
16 prohibit the Commission from conducting the
17 studies under section 242 or to conduct other
18 similar studies under any other provision of law
19 in a manner consistent with this paragraph.

20 “(11) SECURITY STANDARDS FOR VOTING SYS-
21 TEMS USED IN FEDERAL ELECTIONS.—

22 “(A) IN GENERAL.—No voting system may
23 be used in an election for Federal office unless
24 the manufacturer of such system and the elec-
25 tion officials using such system meet the appli-

1 cable requirements described in subparagraph
2 (B).

3 “(B) REQUIREMENTS DESCRIBED.—The
4 requirements described in this subparagraph
5 are as follows:

6 “(i) The manufacturer and the elec-
7 tion officials shall document the secure
8 chain of custody for the handling of all
9 software, hardware, vote storage media,
10 blank ballots, and completed ballots used
11 in connection with voting systems, and
12 shall make the information available upon
13 request to the Commission.

14 “(ii) The manufacturer shall disclose
15 to an accredited laboratory under section
16 231 and to the appropriate election official
17 any information required to be disclosed
18 under paragraph (8).

19 “(iii) After the appropriate election
20 official has certified the election-dedicated
21 and other voting system software for use in
22 an election, the manufacturer may not—

23 “(I) alter such software; or

24 “(II) insert or use in the voting
25 system any software, software patch,

1 or other software modification not cer-
2 tified by the State for use in the elec-
3 tion.

4 “(iv) At the request of the Commis-
5 sion—

6 “(I) the appropriate election offi-
7 cial shall submit information to the
8 Commission regarding the State’s
9 compliance with this subparagraph;
10 and

11 “(II) the manufacturer shall sub-
12 mit information to the Commission re-
13 garding the manufacturer’s compli-
14 ance with this subparagraph.

15 “(C) DEVELOPMENT AND PUBLICATION OF
16 BEST PRACTICES OF SECURE CHAIN OF CUS-
17 TODY.—Not later than August 1, 2019, the
18 Commission shall develop and make publicly
19 available best practices regarding the require-
20 ment of subparagraphs (B)(i) and (B)(iii), and
21 in the case of subparagraph (B)(iii), shall in-
22 clude best practices for certifying software
23 patches and minor software modifications under
24 short deadlines.

1 “(D) DISCLOSURE OF SECURE CHAIN OF
2 CUSTODY.—The Commission shall make infor-
3 mation provided to the Commission under sub-
4 paragraph (B)(i) available to any person upon
5 request.

6 “(12) DURABILITY AND READABILITY REQUIRE-
7 MENTS FOR BALLOTS.—

8 “(A) DURABILITY REQUIREMENTS FOR
9 PAPER BALLOTS.—

10 “(i) IN GENERAL.—All voter-verified
11 paper ballots required to be used under
12 this Act shall be marked or printed on du-
13 rable paper.

14 “(ii) DEFINITION.—For purposes of
15 this Act, paper is ‘durable’ if it is capable
16 of withstanding multiple counts and re-
17 counts by hand without compromising the
18 fundamental integrity of the ballots, and
19 capable of retaining the information
20 marked or printed on them for the full du-
21 ration of a retention and preservation pe-
22 riod of 22 months.

23 “(B) READABILITY REQUIREMENTS FOR
24 PAPER BALLOTS MARKED BY BALLOT MARKING
25 DEVICE.—All voter-verified paper ballots com-

1 pleted by the voter through the use of a ballot
2 marking device shall be clearly readable by the
3 voter without assistance (other than eyeglasses
4 or other personal vision-enhancing devices) and
5 by an optical character recognition device or
6 other device equipped for individuals with dis-
7 abilities.

8 “(13) REQUIREMENTS FOR PUBLICATION OF
9 POLL TAPES.—

10 “(A) REQUIREMENTS.—Each State shall
11 meet the following requirements:

12 “(i) Upon the closing of the polls at
13 each polling place, the appropriate election
14 official, under the observation of the cer-
15 tified tabulation observers admitted to the
16 polling place under subparagraph (E) (if
17 any), shall announce the vote orally, post a
18 copy of the poll tape reflecting the totals
19 from each voting machine upon which
20 votes were cast in the election at the poll-
21 ing place, and prepare and post a state-
22 ment of the total number of individuals
23 who appeared at the polling place to cast
24 ballots, determined by reference to the
25 number of signatures in a sign-in book or

1 other similar independent count. Such offi-
2 cials shall ensure that each of the certified
3 tabulation observers admitted to the poll-
4 ing place has full access to observe the
5 process by which the poll tapes and state-
6 ment are produced and a reasonable period
7 of time to review the poll tapes and state-
8 ment before the polling place is closed, and
9 (if feasible) shall provide such observers
10 with identical duplicate copies of the poll
11 tapes and statement.

12 “(ii) As soon as practicable, but in no
13 event later than noon of the day following
14 the date of the election, the appropriate
15 election official shall display (at a promi-
16 nent location accessible to the public dur-
17 ing regular business hours and in or within
18 reasonable proximity to the polling place) a
19 copy of each poll tape and statement pre-
20 pared under clause (i), and the information
21 shall be displayed on the official public
22 Web sites of the applicable local election
23 official and chief State election official, to-
24 gether with the name of the designated
25 voting official who entered the information

1 and the date and time the information was
2 entered.

3 “(iii) Each Web site on which infor-
4 mation is posted under clause (ii) shall in-
5 clude information on the procedures by
6 which discrepancies shall be reported to
7 election officials. If any discrepancy exists
8 between the posted information and the
9 relevant poll tape or statement, the appro-
10 priate election official shall display infor-
11 mation on the discrepancy on the Web site
12 on which the information is posted under
13 clause (ii) not later than 24 hours after
14 the official is made aware of the discrep-
15 ancy, and shall maintain the information
16 on the discrepancy and its resolution (if
17 applicable) on such website during the en-
18 tire period for which results of the election
19 are typically maintained on such Web site.

20 “(iv) The appropriate election official
21 shall preserve archived copies of the poll
22 tapes and statements prepared under
23 clause (i) and reports of discrepancies filed
24 by certified tabulation observers for the pe-
25 riod of time during which records and pa-

1 pers are required to be retained and pre-
2 served pursuant to title III of the Civil
3 Rights Act of 1960 (42 U.S.C. 1974 et
4 seq.) or for the same duration for which
5 archived copies of other records of the elec-
6 tion are required to be preserved under ap-
7 plicable State law, whichever is longer.

8 “(B) TREATMENT OF BALLOTS CAST AT
9 EARLY VOTING SITES.—

10 “(i) APPLICATION.—The requirements
11 of this subparagraph shall apply with re-
12 spect to poll tapes and statements of the
13 number of voters who voted in person at
14 designated sites prior to the date of the
15 election.

16 “(ii) DAILY COUNT OF VOTERS.—At
17 the close of business on each day on which
18 ballots described in clause (i) may be cast
19 prior to the date of the election, the appro-
20 priate election official at each such site
21 shall—

22 “(I) under the observation of cer-
23 tified tabulation observers admitted to
24 the site under subparagraph (E) (if
25 any), prepare and post a statement of

1 the total number of individuals who
2 appeared at the site to cast ballots,
3 determined by reference to the num-
4 ber of signatures in a sign-in book or
5 other similar independent count, and
6 the total number of ballots cast (ex-
7 cluding information on the votes re-
8 ceived by individual candidates), and
9 shall ensure that each of the certified
10 tabulation observers admitted to the
11 site has full access to observe the
12 process by which the statement is pro-
13 duced and a reasonable period of time
14 to review the statement before the site
15 is closed; and

16 “(II) display at the site during
17 regular business hours for the dura-
18 tion of the early voting period a paper
19 copy of the statement prepared under
20 subclause (I).

21 “(iii) APPLICATION OF GENERAL RE-
22 QUIREMENTS FOR POLL TAPES AND
23 STATEMENTS.—Upon the closing of the
24 polls on the date of the election, the appro-
25 priate election official at each designated

1 site described in this subparagraph shall
2 meet the requirements of subparagraph
3 (A) (including requirements relating to the
4 role of certified tabulation observers) in
5 the same manner as an election official at
6 a polling place.

7 “(C) TREATMENT OF ABSENTEE BAL-
8 LOTS.—

9 “(i) DAILY COUNT OF BALLOTS
10 MAILED AND RECEIVED.—At the close of
11 each business day on which a State mails
12 or accepts absentee ballots cast in an elec-
13 tion for Federal office prior to the date of
14 the election, the appropriate election offi-
15 cial shall—

16 “(I) under the observation of cer-
17 tified tabulation observers admitted
18 under subparagraph (E) to the site at
19 which the ballots are mailed and re-
20 ceived (if any), prepare and post a
21 statement of the total number of ab-
22 sentee ballots mailed and received by
23 the official during that day and a sep-
24 arate count of the number of absentee
25 ballots received but rejected (sepa-

1 rated into categories of the reasons
2 for rejection), and ensure that each of
3 the certified tabulation observers ad-
4 mitted to the site has full access to
5 observe the process by which the
6 statement is produced and a reason-
7 able period of time to review the
8 statement before the site is closed;
9 and

10 “(II) display at the site during
11 regular business hours for the dura-
12 tion of the period during which absen-
13 tee ballots are processed a paper copy
14 of the statement prepared under sub-
15 clause (I).

16 “(ii) APPLICATION OF GENERAL RE-
17 QUIREMENTS FOR POLL TAPES AND
18 STATEMENTS.—At the close of business on
19 the last day on which absentee ballots are
20 counted prior to the certification of the
21 election, the appropriate election official at
22 the site at which absentee ballots are re-
23 ceived and counted shall meet the require-
24 ments of subparagraph (A) (including re-
25 quirements relating to the role of certified

1 tabulation observers) in the same manner
2 as an election official at a polling place.

3 “(D) DAILY COUNT OF PROVISIONAL BAL-
4 LOTS.—At the close of business on the day on
5 which the appropriate election official deter-
6 mines whether or not provisional ballots cast in
7 an election for Federal office will be counted as
8 votes in the election (as described in section
9 302(a)(4)), the official shall—

10 “(i) under the observation of certified
11 tabulation observers admitted under sub-
12 paragraph (E) to the site at which the de-
13 termination is made (if any), prepare and
14 post a statement of the number of such
15 ballots for which a determination was
16 made, the number of ballots counted, and
17 the number of ballots rejected (separated
18 into categories of the reason for the rejec-
19 tion), and ensure that each of the certified
20 tabulation observers admitted to the site
21 has full access to observe the process by
22 which the statement is produced and a rea-
23 sonable period of time to review the state-
24 ment before the site is closed; and

1 “(ii) display at the site during regular
2 business hours for the duration of the pe-
3 riod during which provisional ballots are
4 processed a paper copy of the statement
5 prepared under clause (i).

6 “(E) ADMISSION OF CERTIFIED TABULA-
7 TION OBSERVERS.—

8 “(i) CERTIFIED TABULATION OB-
9 SERVER DEFINED.—In this paragraph, a
10 ‘certified tabulation observer’ is an indi-
11 vidual who is certified by an appropriate
12 election official as authorized to carry out
13 the responsibilities of a certified tabulation
14 observer under this paragraph.

15 “(ii) SELECTION.—In determining
16 which individuals to certify as tabulation
17 observers and admit to a polling place or
18 other location to serve as certified tabula-
19 tion observers with respect to an election
20 for Federal office, the election official shall
21 give preference to individuals who are af-
22 filiated with a candidate in the election, ex-
23 cept that—

24 “(I) the number of individuals
25 admitted who are affiliated with the

1 same candidate for Federal office may
2 not exceed one; and

3 “(II) the maximum number of in-
4 dividuals who may be admitted shall
5 equal the number of candidates in the
6 election plus 3, or such greater num-
7 ber as may be authorized under State
8 law.

9 “(iii) NO EFFECT ON ADMISSION OF
10 OTHER OBSERVERS.—Nothing in this sub-
11 paragraph may be construed to limit or
12 otherwise affect the authority of other indi-
13 viduals to enter and observe polling place
14 operations under any other law, including
15 international observers authorized under
16 any treaty or observers of the Federal Gov-
17 ernment authorized under the Voting
18 Rights Act of 1965.

19 “(F) NO EFFECT ON OTHER TABULATION
20 REQUIREMENTS.—Nothing in this Act may be
21 construed to supersede any requirement that an
22 election official at a polling place report vote to-
23 tals to a central tabulation facility and address
24 discrepancies the official finds in the aggrega-
25 tion of those totals with other vote totals.”.

1 (b) REQUIRING LABORATORIES TO MEET STAND-
2 ARDS PROHIBITING CONFLICTS OF INTEREST AS CONDI-
3 TION OF ACCREDITATION FOR TESTING OF VOTING SYS-
4 TEM HARDWARE AND SOFTWARE.—

5 (1) IN GENERAL.—Section 231(b) of such Act
6 (52 U.S.C. 20971(b)) is amended by adding at the
7 end the following new paragraphs:

8 “(3) PROHIBITING CONFLICTS OF INTEREST;
9 ENSURING AVAILABILITY OF RESULTS.—

10 “(A) IN GENERAL.—A laboratory may not
11 be accredited by the Commission for purposes
12 of this section unless—

13 “(i) the laboratory certifies that the
14 only compensation it receives for the test-
15 ing carried out in connection with the cer-
16 tification, decertification, and recertifi-
17 cation of the manufacturer’s voting system
18 hardware and software is the payment
19 made from the Testing Escrow Account
20 under paragraph (4);

21 “(ii) the laboratory meets such stand-
22 ards as the Commission shall establish
23 (after notice and opportunity for public
24 comment) to prevent the existence or ap-
25 pearance of any conflict of interest in the

1 testing carried out by the laboratory under
2 this section, including standards to ensure
3 that the laboratory does not have a finan-
4 cial interest in the manufacture, sale, and
5 distribution of voting system hardware and
6 software, and is sufficiently independent
7 from other persons with such an interest;

8 “(iii) the laboratory certifies that it
9 will permit an expert designated by the
10 Commission or by the State requiring cer-
11 tification of the system being tested to ob-
12 serve any testing the laboratory carries out
13 under this section; and

14 “(iv) the laboratory, upon completion
15 of any testing carried out under this sec-
16 tion, discloses the test protocols, results,
17 and all communication between the labora-
18 tory and the manufacturer to the Commis-
19 sion.

20 “(B) AVAILABILITY OF RESULTS.—Upon
21 receipt of information under subparagraph (A),
22 the Commission shall make the information
23 available promptly to election officials and the
24 public.

1 “(4) PROCEDURES FOR CONDUCTING TESTING;
2 PAYMENT OF USER FEES FOR COMPENSATION OF
3 ACCREDITED LABORATORIES.—

4 “(A) ESTABLISHMENT OF ESCROW AC-
5 COUNT.—The Commission shall establish an es-
6 crow account (to be known as the Testing Es-
7 crow Account) for making payments to accred-
8 ited laboratories for the costs of the testing car-
9 ried out in connection with the certification, de-
10 certification, and recertification of voting sys-
11 tem hardware and software.

12 “(B) SCHEDULE OF FEES.—In consulta-
13 tion with the accredited laboratories, the Com-
14 mission shall establish and regularly update a
15 schedule of fees for the testing carried out in
16 connection with the certification, decertification,
17 and recertification of voting system hardware
18 and software, based on the reasonable costs ex-
19 pected to be incurred by the accredited labora-
20 tories in carrying out the testing for various
21 types of hardware and software.

22 “(C) REQUESTS AND PAYMENTS BY MANU-
23 FACTURERS.—A manufacturer of voting system
24 hardware and software may not have the hard-

1 ware or software tested by an accredited labora-
2 tory under this section unless—

3 “(i) the manufacturer submits a de-
4 tailed request for the testing to the Com-
5 mission; and

6 “(ii) the manufacturer pays to the
7 Commission, for deposit into the Testing
8 Escrow Account established under sub-
9 paragraph (A), the applicable fee under the
10 schedule established and in effect under
11 subparagraph (B).

12 “(D) SELECTION OF LABORATORY.—Upon
13 receiving a request for testing and the payment
14 from a manufacturer required under subpara-
15 graph (C), the Commission shall select, from all
16 laboratories which are accredited under this
17 section to carry out the specific testing re-
18 quested by the manufacturer, an accredited lab-
19 oratory to carry out the testing.

20 “(E) PAYMENTS TO LABORATORIES.—
21 Upon receiving a certification from a laboratory
22 selected to carry out testing pursuant to sub-
23 paragraph (D) that the testing is completed,
24 along with a copy of the results of the test as
25 required under paragraph (3)(A)(iv), the Com-

1 mission shall make a payment to the laboratory
2 from the Testing Escrow Account established
3 under subparagraph (A) in an amount equal to
4 the applicable fee paid by the manufacturer
5 under subparagraph (C)(ii).

6 “(5) DISSEMINATION OF ADDITIONAL INFORMA-
7 TION ON ACCREDITED LABORATORIES.—

8 “(A) INFORMATION ON TESTING.—Upon
9 completion of the testing of a voting system
10 under this section, the Commission shall
11 promptly disseminate to the public the identi-
12 fication of the laboratory which carried out the
13 testing.

14 “(B) INFORMATION ON STATUS OF LAB-
15 ORATORIES.—The Commission shall promptly
16 notify Congress, the chief State election official
17 of each State, and the public whenever—

18 “(i) the Commission revokes, termi-
19 nates, or suspends the accreditation of a
20 laboratory under this section;

21 “(ii) the Commission restores the ac-
22 creditation of a laboratory under this sec-
23 tion which has been revoked, terminated,
24 or suspended; or

1 “(iii) the Commission has credible evi-
2 dence of significant security failure at an
3 accredited laboratory.”.

4 (2) CONFORMING AMENDMENTS.—Section 231
5 of such Act (52 U.S.C. 20971) is further amended—

6 (A) in subsection (a)(1), by striking “test-
7 ing, certification,” and all that follows and in-
8 serting the following: “testing of voting system
9 hardware and software by accredited labora-
10 tories in connection with the certification, de-
11 certification, and recertification of the hardware
12 and software for purposes of this Act.”;

13 (B) in subsection (a)(2), by striking “test-
14 ing, certification,” and all that follows and in-
15 serting the following: “testing of its voting sys-
16 tem hardware and software by the laboratories
17 accredited by the Commission under this section
18 in connection with certifying, decertifying, and
19 recertifying the hardware and software.”;

20 (C) in subsection (b)(1), by striking “test-
21 ing, certification, decertification, and recertifi-
22 cation” and inserting “testing”; and

23 (D) in subsection (d), by striking “testing,
24 certification, decertification, and recertification”
25 each place it appears and inserting “testing”.

1 (3) DEADLINE FOR ESTABLISHMENT OF
2 STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF
3 FEES.—The Election Assistance Commission shall
4 establish the standards described in section
5 231(b)(3) of the Help America Vote Act of 2002
6 and the Testing Escrow Account and schedule of
7 fees described in section 231(b)(4) of such Act (as
8 added by paragraph (1)) not later than January 1,
9 2019.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to the Elec-
12 tion Assistance Commission such sums as may be
13 necessary to carry out the Commission’s duties
14 under paragraphs (3) and (4) of section 231 of the
15 Help America Vote Act of 2002 (as added by para-
16 graph (1)).

17 (c) GRANTS FOR RESEARCH ON DEVELOPMENT OF
18 ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

19 (1) IN GENERAL.—Subtitle D of title II of the
20 Help America Vote Act of 2002 (52 U.S.C. 21001
21 et seq.) is amended by adding at the end the fol-
22 lowing new part:

1 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**
2 **MENT OF ELECTION-DEDICATED VOTING**
3 **SYSTEM SOFTWARE**

4 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**
5 **ELECTION-DEDICATED VOTING SYSTEM**
6 **SOFTWARE.**

7 “(a) IN GENERAL.—The Director of the National
8 Science Foundation (hereafter in this part referred to as
9 the ‘Director’) shall make grants to not fewer than 3 eligi-
10 ble entities to conduct research on the development of elec-
11 tion-dedicated voting system software.

12 “(b) ELIGIBILITY.—An entity is eligible to receive a
13 grant under this part if it submits to the Director (at such
14 time and in such form as the Director may require) an
15 application containing—

16 “(1) certifications regarding the benefits of op-
17 erating voting systems on election-dedicated software
18 which is easily understandable and which is written
19 exclusively for the purpose of conducting elections;

20 “(2) certifications that the entity will use the
21 funds provided under the grant to carry out research
22 on how to develop voting systems that run on elec-
23 tion-dedicated software and that will meet the appli-
24 cable requirements for voting systems under title III;
25 and

1 “(3) such other information and certifications
2 as the Director may require.

3 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
4 nology developed with the grants made under this section
5 shall be treated as nonproprietary and shall be made avail-
6 able to the public, including to manufacturers of voting
7 systems.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated for grants under this sec-
10 tion \$1,500,000 for each of fiscal years 2018 and 2019,
11 to remain available until expended.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents of such Act is amended by adding at the end
14 of the items relating to subtitle D of title II the fol-
15 lowing:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-
DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting sys-
tem software.”.

16 **SEC. 8604. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

17 Section 301(d) of the Help America Vote Act of 2002
18 (52 U.S.C. 21081(d)) is amended to read as follows:

19 “(d) EFFECTIVE DATE.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), each State and jurisdiction shall be re-
22 quired to comply with the requirements of this sec-
23 tion on and after January 1, 2006.

1 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
2 MENTS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraphs (B) and (C), the requirements of
5 this section which are first imposed on a State
6 and jurisdiction pursuant to the amendments
7 made by title I of the Voter Confidence and In-
8 creased Accessibility Act of 2018 shall apply
9 with respect to voting systems used for any
10 election for Federal office held in 2024 or any
11 succeeding year.

12 “(B) DELAY FOR JURISDICTIONS USING
13 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
14 SYSTEMS USING OR PRODUCING VOTER-
15 VERIFIABLE PAPER RECORDS IN 2022.—

16 “(i) DELAY.—In the case of a juris-
17 diction described in clause (ii), subpara-
18 graph (A) shall apply to a voting system in
19 the jurisdiction as if the reference in such
20 subparagraph to ‘2024’ were a reference to
21 ‘2026’, but only with respect to the fol-
22 lowing requirements of this section:

23 “(I) Paragraph (2)(A)(i)(I) of
24 subsection (a) (relating to the use of
25 voter-marked paper ballots).

1 “(II) Paragraph (3)(B)(ii)(I) and
2 (II) of subsection (a) (relating to ac-
3 cess to verification from and casting
4 of the durable paper ballot).

5 “(III) Paragraph (7) of sub-
6 section (a) (relating to durability and
7 readability requirements for ballots).

8 “(ii) JURISDICTIONS DESCRIBED.—A
9 jurisdiction described in this clause is a ju-
10 risdiction—

11 “(I) which used voter verifiable
12 paper record printers attached to di-
13 rect recording electronic voting ma-
14 chines, or which used other voting
15 systems that used or produced paper
16 records of the vote verifiable by voters
17 but that are not in compliance with
18 paragraphs (2)(A)(i)(I), (3)(B)(ii)(I)
19 and (II), and (7) of subsection (a) (as
20 amended or added by the Voter Con-
21 fidence and Increased Accessibility
22 Act of 2018), for the administration
23 of the regularly scheduled general
24 election for Federal office held in No-
25 vember 2022; and

1 “(II) which will continue to use
2 such printers or systems for the ad-
3 ministration of elections for Federal
4 office held in years before 2024.

5 “(iii) MANDATORY AVAILABILITY OF
6 PAPER BALLOTS AT POLLING PLACES
7 USING GRANDFATHERED PRINTERS AND
8 SYSTEMS.—

9 “(I) REQUIRING BALLOTS TO BE
10 OFFERED AND PROVIDED.—The ap-
11 propriate election official at each poll-
12 ing place that uses a printer or sys-
13 tem described in clause (ii)(I) for the
14 administration of elections for Federal
15 office shall offer each individual who
16 is eligible to cast a vote in the election
17 at the polling place the opportunity to
18 cast the vote using a blank pre-print-
19 ed paper ballot which the individual
20 may mark by hand and which is not
21 produced by the direct recording elec-
22 tronic voting machine or other such
23 system. The official shall provide the
24 individual with the ballot and the sup-
25 plies necessary to mark the ballot, and

1 shall ensure (to the greatest extent
2 practicable) that the waiting period
3 for the individual to cast a vote is the
4 lesser of 30 minutes or the average
5 waiting period for an individual who
6 does not agree to cast the vote using
7 such a paper ballot under this clause.

8 “(II) TREATMENT OF BALLOT.—

9 Any paper ballot which is cast by an
10 individual under this clause shall be
11 counted and otherwise treated as a
12 regular ballot for all purposes (includ-
13 ing by incorporating it into the final
14 unofficial vote count (as defined by
15 the State) for the precinct) and not as
16 a provisional ballot, unless the indi-
17 vidual casting the ballot would have
18 otherwise been required to cast a pro-
19 visional ballot.

20 “(III) POSTING OF NOTICE.—

21 The appropriate election official shall
22 ensure there is prominently displayed
23 at each polling place a notice that de-
24 scribes the obligation of the official to
25 offer individuals the opportunity to

1 cast votes using a pre-printed blank
2 paper ballot.

3 “(IV) TRAINING OF ELECTION
4 OFFICIALS.—The chief State election
5 official shall ensure that election offi-
6 cials at polling places in the State are
7 aware of the requirements of this
8 clause, including the requirement to
9 display a notice under subclause (III),
10 and are aware that it is a violation of
11 the requirements of this title for an
12 election official to fail to offer an indi-
13 vidual the opportunity to cast a vote
14 using a blank pre-printed paper ballot.

15 “(V) PERIOD OF APPLICA-
16 BILITY.—The requirements of this
17 clause apply only during the period in
18 which the delay is in effect under
19 clause (i).

20 “(C) SPECIAL RULE FOR JURISDICTIONS
21 USING CERTAIN NONTABULATING BALLOT
22 MARKING DEVICES.—In the case of a jurisdic-
23 tion which uses a nontabulating ballot marking
24 device which automatically deposits the ballot
25 into a privacy sleeve, subparagraph (A) shall

1 apply to a voting system in the jurisdiction as
2 if the reference in such subparagraph to ‘any
3 election for Federal office held in 2024 or any
4 succeeding year’ were a reference to ‘elections
5 for Federal office occurring held in 2026 or
6 each succeeding year’, but only with respect to
7 paragraph (3)(B)(ii)(II) of subsection (a) (re-
8 lating to nonmanual casting of the durable
9 paper ballot).”.

10 **PART 2—REQUIREMENT FOR MANDATORY**

11 **MANUAL AUDITS BY HAND COUNT**

12 **SEC. 8611. MANDATORY MANUAL AUDITS.**

13 Title III of the Help America Vote Act of 2002 (52
14 U.S.C. 21081 et seq.) is amended by adding at the end
15 the following new subtitle:

16 **“Subtitle C—Mandatory Manual**
17 **Audits**

18 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

19 “(a) REQUIRING AUDITS.—

20 “(1) IN GENERAL.—In accordance with this
21 subtitle, each State shall administer, without ad-
22 vance notice to the precincts or alternative audit
23 units selected, audits of the results of all elections
24 for Federal office held in the State (and, at the op-
25 tion of the State or jurisdiction involved, of elections

1 for State and local office held at the same time as
2 such election) consisting of random hand counts of
3 the voter-verified paper ballots required to be used
4 and preserved pursuant to section 301(a)(2).

5 “(2) EXCEPTION FOR CERTAIN ELECTIONS.—A
6 State shall not be required to administer an audit of
7 the results of an election for Federal office under
8 this subtitle if the winning candidate in the elec-
9 tion—

10 “(A) had no opposition on the ballot; or

11 “(B) received 80 percent or more of the
12 total number of votes cast in the election, as de-
13 termined on the basis of the final unofficial vote
14 count.

15 “(b) DETERMINATION OF ENTITY CONDUCTING AU-
16 DITS; APPLICATION OF GAO INDEPENDENCE STAND-
17 ARDS.—The State shall administer audits under this sub-
18 title through an entity selected for such purpose by the
19 State in accordance with such criteria as the State con-
20 siders appropriate consistent with the requirements of this
21 subtitle, except that the entity must meet the general
22 standards established by the Comptroller General and as
23 set forth in the Comptroller General’s Government Audit-
24 ing Standards to ensure the independence (including, ex-
25 cept as provided under section 323(b), the organizational

1 independence) of entities performing financial audits, at-
2 testation engagements, and performance audits.

3 “(c) REFERENCES TO ELECTION AUDITOR.—In this
4 subtitle, the term ‘Election Auditor’ means, with respect
5 to a State, the entity selected by the State under sub-
6 section (b).

7 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

8 “(a) IN GENERAL.—Except as provided in subsection
9 (b), the number of voter-verified paper ballots which will
10 be subject to a hand count administered by the Election
11 Auditor of a State under this subtitle with respect to an
12 election shall be determined as follows:

13 “(1) In the event that the unofficial count as
14 described in section 323(a)(1) reveals that the mar-
15 gin of victory between the two candidates receiving
16 the largest number of votes in the election is less
17 than 1 percent of the total votes cast in that elec-
18 tion, the hand counts of the voter-verified paper bal-
19 lots shall occur in at least 10 percent of all precincts
20 or equivalent locations (or alternative audit units
21 used in accordance with the method provided for
22 under subsection (b)) in the Congressional district
23 involved (in the case of an election for the House of
24 Representatives) or the State (in the case of any
25 other election for Federal office).

1 “(2) In the event that the unofficial count as
2 described in section 323(a)(1) reveals that the mar-
3 gin of victory between the two candidates receiving
4 the largest number of votes in the election is greater
5 than or equal to 1 percent but less than 2 percent
6 of the total votes cast in that election, the hand
7 counts of the voter-verified paper ballots shall occur
8 in at least 5 percent of all precincts or equivalent lo-
9 cations (or alternative audit units used in accord-
10 ance with the method provided for under subsection
11 (b)) in the Congressional district involved (in the
12 case of an election for the House of Representatives)
13 or the State (in the case of any other election for
14 Federal office).

15 “(3) In the event that the unofficial count as
16 described in section 323(a)(1) reveals that the mar-
17 gin of victory between the two candidates receiving
18 the largest number of votes in the election is equal
19 to or greater than 2 percent of the total votes cast
20 in that election, the hand counts of the voter-verified
21 paper ballots shall occur in at least 3 percent of all
22 precincts or equivalent locations (or alternative audit
23 units used in accordance with the method provided
24 for under subsection (b)) in the Congressional dis-
25 trict involved (in the case of an election for the

1 House of Representatives) or the State (in the case
2 of any other election for Federal office).

3 “(b) USE OF ALTERNATIVE MECHANISM.—

4 “(1) PERMITTING USE OF ALTERNATIVE MECH-
5 ANISM.—Notwithstanding subsection (a), a State
6 may adopt and apply an alternative mechanism to
7 determine the number of voter-verified paper ballots
8 which will be subject to the hand counts required
9 under this subtitle with respect to an election, so
10 long as the alternative mechanism uses the voter-
11 verified paper ballots to conduct the audit and the
12 National Institute of Standards and Technology de-
13 termines that the alternative mechanism is in ac-
14 cordance with the principles set forth in paragraph
15 (2).

16 “(2) PRINCIPLES FOR APPROVAL.—In approv-
17 ing an alternative mechanism under paragraph (1),
18 the National Institute of Standards and Technology
19 shall ensure that the audit procedure will have the
20 property that for each election—

21 “(A) the alternative mechanism will be at
22 least as statistically effective in ensuring the ac-
23 curacy of the election results as the procedures
24 under this subtitle; or

1 “(B) the alternative mechanism will
2 achieve at least a 95% confidence interval (as
3 determined in accordance with criteria set forth
4 by the National Institute of Standards and
5 Technology) with respect to the outcome of the
6 election.

7 “(3) DEADLINE FOR RESPONSE.—The Director
8 of the National Institute of Standards and Tech-
9 nology shall make a determination regarding a
10 State’s request to approve an alternative mechanism
11 under paragraph (1) not later than 30 days after re-
12 ceiving the State’s request.

13 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

14 “(a) IN GENERAL.—The Election Auditor of a State
15 shall administer an audit under this section of the results
16 of an election in accordance with the following procedures:

17 “(1) Within 24 hours after the State announces
18 the final unofficial vote count (as defined by the
19 State) in each precinct in the State, the Election
20 Auditor shall—

21 “(A) determine and then announce the
22 precincts or equivalent locations (or alternative
23 audit units used in accordance with the method
24 provided under section 322(b)) in the State in
25 which it will administer the audits; and

1 “(B) with respect to votes cast at the pre-
2 cinct or equivalent location on or before the
3 date of the election (other than provisional bal-
4 lots described in paragraph (2)), begin to ad-
5 minister the hand count of the votes on the
6 voter-verified paper ballots required to be used
7 and preserved under section 301(a)(2)(A) and
8 the comparison of the count of the votes on
9 those ballots with the final unofficial count of
10 such votes as announced by the State.

11 “(2) With respect to votes cast other than at
12 the precinct on the date of the election (other than
13 votes cast before the date of the election described
14 in paragraph (2)) or votes cast by provisional ballot
15 on the date of the election which are certified and
16 counted by the State on or after the date of the elec-
17 tion, including votes cast by absent uniformed serv-
18 ices voters and overseas voters under the Uniformed
19 and Overseas Citizens Absentee Voting Act, the
20 Election Auditor shall administer the hand count of
21 the votes on the applicable voter-verified paper bal-
22 lots required to be produced and preserved under
23 section 301(a)(2)(A) and the comparison of the
24 count of the votes on those ballots with the final un-

1 official count of such votes as announced by the
2 State.

3 “(b) USE OF PERSONNEL.—In administering the au-
4 dits, the Election Auditor may utilize the services of the
5 personnel of the State or jurisdiction, including election
6 administration personnel and poll workers, without regard
7 to whether or not the personnel have professional auditing
8 experience.

9 “(c) LOCATION.—The Election Auditor shall admin-
10 ister an audit of an election—

11 “(1) at the location where the ballots cast in
12 the election are stored and counted after the date of
13 the election or such other appropriate and secure lo-
14 cation agreed upon by the Election Auditor and the
15 individual that is responsible under State law for the
16 custody of the ballots; and

17 “(2) in the presence of the personnel who under
18 State law are responsible for the custody of the bal-
19 lots.

20 “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-
21 ING ABSENTEE VOTE COUNT.—In the case of a State in
22 which the final count of absentee and provisional votes is
23 not announced until after the date of the election, the
24 Election Auditor shall initiate the process described in
25 subsection (a) for administering the audit not later than

1 24 hours after the State announces the final unofficial
2 vote count for the votes cast at the precinct or equivalent
3 location on or before the date of the election, and shall
4 initiate the administration of the audit of the absentee and
5 provisional votes pursuant to subsection (a)(2) not later
6 than 24 hours after the State announces the final unoffi-
7 cial count of such votes.

8 “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

9 “(1) IN GENERAL.—If the Election Auditor
10 finds that any of the hand counts administered
11 under this section do not match the final unofficial
12 tally of the results of an election, the Election Audi-
13 tor shall administer hand counts under this section
14 of such additional precincts (or alternative audit
15 units) as the Election Auditor considers appropriate
16 to resolve any concerns resulting from the audit and
17 ensure the accuracy of the election results.

18 “(2) ESTABLISHMENT AND PUBLICATION OF
19 PROCEDURES GOVERNING ADDITIONAL AUDITS.—
20 Not later than August 1, 2023, each State shall es-
21 tablish and publish procedures for carrying out the
22 additional audits under this subsection, including the
23 means by which the State shall resolve any concerns
24 resulting from the audit with finality and ensure the
25 accuracy of the election results.

1 “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit
2 conducted under this section shall be conducted in a man-
3 ner that allows public observation of the entire process.

4 **“SEC. 324. SELECTION OF PRECINCTS.**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (c), the selection of the precincts or alternative audit units
7 in the State in which the Election Auditor of the State
8 shall administer the hand counts under this subtitle shall
9 be made by the Election Auditor on a random basis, in
10 accordance with procedures adopted by the National Insti-
11 tute of Standards and Technology, except that at least one
12 precinct shall be selected at random in each county, with
13 additional precincts selected by the Election Auditor at the
14 Auditor’s discretion.

15 “(b) PUBLIC SELECTION.—The random selection of
16 precincts under subsection (a) shall be conducted in pub-
17 lic, at a time and place announced in advance.

18 “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-
19 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a
20 State does not sort absentee ballots by precinct and in-
21 clude those ballots in the hand count with respect to that
22 precinct, the State shall create absentee ballot precincts
23 or audit units which are of similar size to the average pre-
24 cinct or audit unit in the jurisdiction being audited, and
25 shall include those absentee precincts or audit units

1 among the precincts in the State in which the Election
2 Auditor shall administer the hand counts under this sub-
3 title.

4 “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY
5 NIST.—The National Institute of Standards and Tech-
6 nology shall adopt the procedures described in subsection
7 (a) not later than March 31, 2023, and shall publish them
8 in the Federal Register upon adoption.

9 **“SEC. 325. PUBLICATION OF RESULTS.**

10 “(a) SUBMISSION TO COMMISSION.—As soon as prac-
11 ticable after the completion of an audit under this subtitle,
12 the Election Auditor of a State shall submit to the Com-
13 mission the results of the audit, and shall include in the
14 submission a comparison of the results of the election in
15 the precinct as determined by the Election Auditor under
16 the audit and the final unofficial vote count in the precinct
17 as announced by the State and all undervotes, overvotes,
18 blank ballots, and spoiled, voided, or cancelled ballots, as
19 well as a list of any discrepancies discovered between the
20 initial, subsequent, and final hand counts administered by
21 the Election Auditor and such final unofficial vote count
22 and any explanation for such discrepancies, broken down
23 by the categories of votes described in paragraphs (1)(B)
24 and (2) of section 323(a).

1 “(b) PUBLICATION BY COMMISSION.—Immediately
2 after receiving the submission of the results of an audit
3 from the Election Auditor of a State under subsection (a),
4 the Commission shall publicly announce and publish the
5 information contained in the submission.

6 “(c) DELAY IN CERTIFICATION OF RESULTS BY
7 STATE.—

8 “(1) PROHIBITING CERTIFICATION UNTIL COM-
9 PLETION OF AUDITS.—No State may certify the re-
10 sults of any election which is subject to an audit
11 under this subtitle prior to—

12 “(A) to the completion of the audit (and,
13 if required, any additional audit conducted
14 under section 323(e)(1)) and the announcement
15 and submission of the results of each such audit
16 to the Commission for publication of the infor-
17 mation required under this section; and

18 “(B) the completion of any procedure es-
19 tablished by the State pursuant to section
20 323(e)(2) to resolve discrepancies and ensure
21 the accuracy of results.

22 “(2) DEADLINE FOR COMPLETION OF AUDITS
23 OF PRESIDENTIAL ELECTIONS.—In the case of an
24 election for electors for President and Vice President
25 which is subject to an audit under this subtitle, the

1 State shall complete the audits and announce and
2 submit the results to the Commission for publication
3 of the information required under this section in
4 time for the State to certify the results of the elec-
5 tion and provide for the final determination of any
6 controversy or contest concerning the appointment
7 of such electors prior to the deadline described in
8 section 6 of title 3, United States Code.

9 **“SEC. 326. PAYMENTS TO STATES.**

10 “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-
11 DITS.—In accordance with the requirements and proce-
12 dures of this section, the Commission shall make a pay-
13 ment to a State to cover the costs incurred by the State
14 in carrying out this subtitle with respect to the elections
15 that are the subject of the audits conducted under this
16 subtitle.

17 “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-
18 PATED COSTS.—

19 “(1) CERTIFICATION REQUIRED.—In order to
20 receive a payment under this section, a State shall
21 submit to the Commission, in such form as the Com-
22 mission may require, a statement containing—

23 “(A) a certification that the State will con-
24 duct the audits required under this subtitle in

1 accordance with all of the requirements of this
2 subtitle;

3 “(B) a notice of the reasonable costs in-
4 curred or the reasonable costs anticipated to be
5 incurred by the State in carrying out this sub-
6 title with respect to the elections involved; and

7 “(C) such other information and assur-
8 ances as the Commission may require.

9 “(2) AMOUNT OF PAYMENT.—The amount of a
10 payment made to a State under this section shall be
11 equal to the reasonable costs incurred or the reason-
12 able costs anticipated to be incurred by the State in
13 carrying out this subtitle with respect to the elec-
14 tions involved, as set forth in the statement sub-
15 mitted under paragraph (1).

16 “(3) TIMING OF NOTICE.—The State may not
17 submit a notice under paragraph (1) until can-
18 didates have been selected to appear on the ballot
19 for all of the elections for Federal office which will
20 be the subject of the audits involved.

21 “(c) TIMING OF PAYMENTS.—The Commission shall
22 make the payment required under this section to a State
23 not later than 30 days after receiving the notice submitted
24 by the State under subsection (b).

1 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-
2 ment may be made to a State under this section unless
3 the State agrees to repay to the Commission the excess
4 (if any) of—

5 “(1) the amount of the payment received by the
6 State under this section with respect to the elections
7 involved; over

8 “(2) the actual costs incurred by the State in
9 carrying out this subtitle with respect to the elec-
10 tions involved.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Commission for
13 fiscal year 2022 and each succeeding fiscal year
14 \$100,000,000 for payments under this section.

15 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**
16 **COUNT UNDER STATE LAW PRIOR TO CER-**
17 **TIFICATION.**

18 “(a) EXCEPTION.—This subtitle does not apply to
19 any election for which a recount under State law will com-
20 mence prior to the certification of the results of the elec-
21 tion, including but not limited to a recount required auto-
22 matically because of the margin of victory between the 2
23 candidates receiving the largest number of votes in the
24 election, but only if each of the following applies to the
25 recount:

1 “(1) The recount commences prior to the deter-
2 mination and announcement by the Election Auditor
3 under section 323(a)(1) of the precincts in the State
4 in which it will administer the audits under this sub-
5 title.

6 “(2) If the recount would apply to fewer than
7 100 percent of the ballots cast in the election—

8 “(A) the number of ballots counted will be
9 at least as many as would be counted if an
10 audit were conducted with respect to the elec-
11 tion in accordance with this subtitle; and

12 “(B) the selection of the precincts in which
13 the recount will be conducted will be made in
14 accordance with the random selection proce-
15 dures applicable under section 324.

16 “(3) The recount for the election meets the re-
17 quirements of section 323(f) (relating to public ob-
18 servations).

19 “(4) The State meets the requirements of sec-
20 tion 325 (relating to the publication of results and
21 the delay in the certification of results) with respect
22 to the recount.

23 “(b) CLARIFICATION OF EFFECT ON OTHER RE-
24 QUIREMENTS.—Nothing in this section may be construed
25 to waive the application of any other provision of this Act

1 to any election (including the requirement set forth in sec-
2 tion 301(a)(2) that the voter verified paper ballots serve
3 as the vote of record and shall be counted by hand in all
4 audits and recounts, including audits and recounts de-
5 scribed in this subtitle).

6 **“SEC. 328. EFFECTIVE DATE.**

7 “This subtitle shall apply with respect to elections for
8 Federal office held in 2022 or any succeeding year.”.

9 **SEC. 8612. AVAILABILITY OF ENFORCEMENT UNDER HELP**
10 **AMERICA VOTE ACT OF 2002.**

11 Section 401 of the Help America Vote Act of 2002
12 (52 U.S.C. 21111) is amended by striking the period at
13 the end and inserting the following: “, or the requirements
14 of subtitle C of title III.”.

15 **SEC. 8613. GUIDANCE ON BEST PRACTICES FOR ALTER-**
16 **NATIVE AUDIT MECHANISMS.**

17 (a) IN GENERAL.—Not later than May 1, 2023, the
18 Director of the National Institute for Standards and Tech-
19 nology shall establish guidance for States that wish to es-
20 tablish alternative audit mechanisms under section 322(b)
21 of the Help America Vote Act of 2002 (as added by section
22 611). Such guidance shall be based upon scientifically and
23 statistically reasonable assumptions for the purpose of cre-
24 ating an alternative audit mechanism that will be con-

1 sistent with the principles for approval described in section
2 322(b)(2) of such Act (as so added).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out subsection (a)
5 \$100,000, to remain available until expended.

6 **SEC. 8614. CLERICAL AMENDMENT.**

7 The table of contents of the Help America Vote Act
8 of 2002 is amended by adding at the end of the items
9 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to
certification.

“Sec. 328. Effective date.”.

10 **Subtitle H—Provisional Ballots**

11 **SEC. 8701. REQUIREMENTS FOR COUNTING PROVISIONAL**
12 **BALLOTS; ESTABLISHMENT OF UNIFORM AND**
13 **NONDISCRIMINATORY STANDARDS.**

14 (a) IN GENERAL.—Section 302 of the Help America
15 Vote Act of 2002 (52 U.S.C. 21082) is amended—

16 (1) by redesignating subsection (d) as sub-
17 section (f); and

18 (2) by inserting after subsection (c) the fol-
19 lowing new subsections:

1 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
2 LOTS.—

3 “(1) IN GENERAL.—For purposes of subsection
4 (a)(4), notwithstanding the precinct or polling place
5 at which a provisional ballot is cast within the State,
6 the appropriate election official shall count each vote
7 on such ballot for each election in which the indi-
8 vidual who cast such ballot is eligible to vote.

9 “(2) EFFECTIVE DATE.—This subsection shall
10 apply with respect to elections held on or after Janu-
11 ary 1, 2020.

12 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
13 ARDS.—

14 “(1) IN GENERAL.—Consistent with the re-
15 quirements of this section, each State shall establish
16 uniform and nondiscriminatory standards for the
17 issuance, handling, and counting of provisional bal-
18 lots.

19 “(2) EFFECTIVE DATE.—This subsection shall
20 apply with respect to elections held on or after Janu-
21 ary 1, 2020.”.

22 (b) CONFORMING AMENDMENT.—Section 302(f) of
23 such Act (52 U.S.C. 21082(f)), as redesignated by sub-
24 section (a), is amended by striking “Each State” and in-

1 serting “Except as provided in subsections (d)(2) and
2 (e)(2), each State”.

3 **Subtitle I—Early Voting and Voting**
4 **by Mail**

5 **SEC. 8801. EARLY VOTING AND VOTING BY MAIL.**

6 (a) REQUIREMENTS.—Subtitle A of title III of the
7 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),
8 as amended by section 8121(a) and section 8201(a), is
9 amended—

10 (1) by redesignating sections 306 and 307 as
11 sections 308 and 309; and

12 (2) by inserting after section 305 the following
13 new sections:

14 **“SEC. 306. EARLY VOTING.**

15 **“(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-**
16 **TION.—**

17 **“(1) IN GENERAL.—**Each State shall allow indi-
18 viduals to vote in an election for Federal office dur-
19 ing an early voting period which occurs prior to the
20 date of the election, in the same manner as voting
21 is allowed on such date.

22 **“(2) LENGTH OF PERIOD.—**The early voting
23 period required under this subsection with respect to
24 an election shall consist of a period of consecutive
25 days (including weekends) which begins on the 15th

1 day before the date of the election (or, at the option
2 of the State, on a day prior to the 15th day before
3 the date of the election) and ends on the date of the
4 election.

5 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
6 Each polling place which allows voting during an early vot-
7 ing period under subsection (a) shall—

8 “(1) allow such voting for no less than 4 hours
9 on each day, except that the polling place may allow
10 such voting for fewer than 4 hours on Sundays; and

11 “(2) have uniform hours each day for which
12 such voting occurs.

13 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
14 TRANSPORTATION.—To the greatest extent practicable, a
15 State shall ensure that each polling place which allows vot-
16 ing during an early voting period under subsection (a) is
17 located within walking distance of a stop on a public trans-
18 portation route.

19 “(d) STANDARDS.—

20 “(1) IN GENERAL.—The Commission shall issue
21 standards for the administration of voting prior to
22 the day scheduled for a Federal election. Such
23 standards shall include the nondiscriminatory geo-
24 graphic placement of polling places at which such
25 voting occurs.

1 on the absentee ballot with the individual’s signature on
2 the official list of registered voters in the State, in accord-
3 ance with such procedures as the State may adopt.

4 “(c) EFFECTIVE DATE.—This section shall apply
5 with respect to elections held on or after January 1,
6 2020.”.

7 (b) CONFORMING AMENDMENT RELATING TO
8 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
9 SISTANCE COMMISSION.—Section 311(b) of such Act (52
10 U.S.C. 21101(b)), as amended by section 8201(b), is
11 amended—

12 (1) by striking “and” at the end of paragraph

13 (3);

14 (2) by striking the period at the end of para-
15 graph (4) and inserting a semicolon; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(5) in the case of the recommendations with
19 respect to section 306, June 30, 2020; and

20 “(6) in the case of the recommendations with
21 respect to section 307, June 30, 2020.”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended—

1 (1) by redesignating the items relating to sec-
 2 tions 306 and 307 as relating to sections 308 and
 3 309; and

4 (2) by inserting after the item relating to sec-
 5 tion 305 the following new items:

“Sec. 306. Early voting.

“Sec. 307. Promoting ability of voters to vote by mail.”.

6 **Subtitle J—Absent Uniformed**
 7 **Services Voters and Overseas**
 8 **Voters**

9 **SEC. 8901. EXTENDING GUARANTEE OF RESIDENCY FOR**
 10 **VOTING PURPOSES TO FAMILY MEMBERS OF**
 11 **ABSENT MILITARY PERSONNEL.**

12 Section 705 of the Servicemembers Civil Relief Act
 13 (50 U.S.C. App. 595) is amended—

14 (1) in the heading, by striking “**SPOUSES**” and
 15 inserting “**FAMILY MEMBERS**”; and

16 (2) by amending subsection (b) to read as fol-
 17 lows:

18 “(b) **FAMILY MEMBERS**.—For the purposes of voting
 19 for in any election for any Federal office (as defined in
 20 section 301 of the Federal Election Campaign Act of 1971
 21 (52 U.S.C. 30101)) or any State or local office, a spouse,
 22 domestic partner, or dependent of a person who is absent
 23 from a State in compliance with military or naval orders
 24 shall not, solely by reason of that person’s absence and

1 without regard to whether or not such family member is
2 accompanying that person—

3 “(1) be deemed to have lost a residence or
4 domicile in that State, without regard to whether or
5 not the person intends to return to that State;

6 “(2) be deemed to have acquired a residence or
7 domicile in any other State; or

8 “(3) be deemed to have become a resident in or
9 a resident of any other State.”.

10 **SEC. 8902. PRE-ELECTION REPORTS ON AVAILABILITY AND**
11 **TRANSMISSION OF ABSENTEE BALLOTS.**

12 Section 102(c) of the Uniformed and Overseas Citi-
13 zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-
14 ed to read as follows:

15 “(c) REPORTS ON AVAILABILITY, TRANSMISSION,
16 AND RECEIPT OF ABSENTEE BALLOTS.—

17 “(1) PRE-ELECTION REPORT ON ABSENTEE
18 BALLOT AVAILABILITY.—Not later than 55 days be-
19 fore any regularly scheduled general election for
20 Federal office, each State shall submit a report to
21 the Attorney General, the Election Assistance Com-
22 mission (hereafter in this subsection referred to as
23 the ‘Commission’), and the Presidential Designee,
24 and make that report publicly available that same
25 day, certifying that absentee ballots for the election

1 are or will be available for transmission to absent
2 uniformed services voters and overseas voters by not
3 later than 45 days before the election. The report
4 shall be in a form prescribed jointly by the Attorney
5 General and the Commission and shall require the
6 State to certify specific information about ballot
7 availability from each unit of local government which
8 will administer the election.

9 “(2) PRE-ELECTION REPORT ON ABSENTEE
10 BALLOT TRANSMISSION.—Not later than 43 days be-
11 fore any regularly scheduled general election for
12 Federal office, each State shall submit a report to
13 the Attorney General, the Commission, and the
14 Presidential Designee, and make that report publicly
15 available that same day, certifying whether all ab-
16 sentee ballots have been transmitted by not later
17 than 45 days before the election to all qualified ab-
18 sent uniformed services and overseas voters whose
19 requests were received at least 45 days before the
20 election. The report shall be in a form prescribed
21 jointly by the Attorney General and the Commission,
22 and shall require the State to certify specific infor-
23 mation about ballot transmission, including the total
24 numbers of ballot requests received and ballots

1 transmitted, from each unit of local government
2 which will administer the election.

3 “(3) POST-ELECTION REPORT ON NUMBER OF
4 ABSENTEE BALLOTS TRANSMITTED AND RE-
5 CEIVED.—Not later than 90 days after the date of
6 each regularly scheduled general election for Federal
7 office, each State and unit of local government
8 which administered the election shall (through the
9 State, in the case of a unit of local government) sub-
10 mit a report to the Attorney General, the Commis-
11 sion, and the Presidential Designee on the combined
12 number of absentee ballots transmitted to absent
13 uniformed services voters and overseas voters for the
14 election and the combined number of such ballots
15 which were returned by such voters and cast in the
16 election, and shall make such report available to the
17 general public that same day.”.

18 **SEC. 8903. ENFORCEMENT.**

19 (a) AVAILABILITY OF CIVIL PENALTIES AND PRI-
20 VATE RIGHTS OF ACTION.—Section 105 of the Uniformed
21 and Overseas Citizens Absentee Voting Act (52 U.S.C.
22 20307) is amended to read as follows:

23 **“SEC. 105. ENFORCEMENT.**

24 “(a) ACTION BY ATTORNEY GENERAL.—

1 “(1) IN GENERAL.—The Attorney General may
2 bring civil action in an appropriate district court for
3 such declaratory or injunctive relief as may be nec-
4 essary to carry out this title.

5 “(2) PENALTY.—In a civil action brought under
6 paragraph (1), if the court finds that the State vio-
7 lated any provision of this title, it may, to vindicate
8 the public interest, assess a civil penalty against the
9 State—

10 “(A) in an amount not to exceed \$110,000
11 for each such violation, in the case of a first
12 violation; or

13 “(B) in an amount not to exceed \$220,000
14 for each such violation, for any subsequent vio-
15 lation.

16 “(3) REPORT TO CONGRESS.—Not later than
17 December 31 of each year, the Attorney General
18 shall submit to Congress an annual report on any
19 civil action brought under paragraph (1) during the
20 preceding year.

21 “(b) PRIVATE RIGHT OF ACTION.—A person who is
22 aggrieved by a State’s violation of this title may bring a
23 civil action in an appropriate district court for such declar-
24 atory or injunctive relief as may be necessary to carry out
25 this title.

1 “(c) STATE AS ONLY NECESSARY DEFENDANT.—In
2 any action brought under this section, the only necessary
3 party defendant is the State, and it shall not be a defense
4 to any such action that a local election official or a unit
5 of local government is not named as a defendant, notwith-
6 standing that a State has exercised the authority described
7 in section 576 of the Military and Overseas Voter Em-
8 powerment Act to delegate to another jurisdiction in the
9 State any duty or responsibility which is the subject of
10 an action brought under this section.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to violations alleged
13 to have occurred on or after the date of the enactment
14 of this Act.

15 **SEC. 8904. REVISIONS TO 45-DAY ABSENTEE BALLOT**
16 **TRANSMISSION RULE.**

17 (a) REPEAL OF WAIVER AUTHORITY.—

18 (1) IN GENERAL.—Section 102 of the Uni-
19 formed and Overseas Citizens Absentee Voting Act
20 (52 U.S.C. 20302) is amended by striking sub-
21 section (g).

22 (2) CONFORMING AMENDMENT.—Section
23 102(a)(8)(A) of such Act (52 U.S.C.
24 20302(a)(8)(A)) is amended by striking “except as
25 provided in subsection (g),”.

1 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE
2 OF FAILURE TO MEET REQUIREMENT.—Section 102 of
3 such Act (52 U.S.C. 20302), as amended by subsection
4 (a), is amended by inserting after subsection (f) the fol-
5 lowing new subsection:

6 “(g) REQUIRING USE OF EXPRESS DELIVERY IN
7 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN
8 DEADLINES.—

9 “(1) TRANSMISSION OF BALLOT BY EXPRESS
10 DELIVERY.—If a State fails to meet the requirement
11 of subsection (a)(8)(A) to transmit a validly re-
12 quested absentee ballot to an absent uniformed serv-
13 ices voter or overseas voter not later than 45 days
14 before the election (in the case in which the request
15 is received at least 45 days before the election)—

16 “(A) the State shall transmit the ballot to
17 the voter by express delivery; or

18 “(B) in the case of a voter who has des-
19 igned that absentee ballots be transmitted
20 electronically in accordance with subsection
21 (f)(1), the State shall transmit the ballot to the
22 voter electronically.

23 “(2) SPECIAL RULE FOR TRANSMISSION FEWER
24 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-
25 rying out paragraph (1), a State transmits an ab-

1 sentee ballot to an absent uniformed services voter
2 or overseas voter fewer than 40 days before the elec-
3 tion, the State shall enable the ballot to be returned
4 by the voter by express delivery, except that in the
5 case of an absentee ballot of an absent uniformed
6 services voter for a regularly scheduled general elec-
7 tion for Federal office, the State may satisfy the re-
8 quirement of this paragraph by notifying the voter
9 of the procedures for the collection and delivery of
10 such ballots under section 103A.”.

11 (c) CLARIFICATION OF TREATMENT OF WEEK-
12 ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.
13 20302(a)(8)(A)) is amended by striking “the election;”
14 and inserting the following: “the election (or, if the 45th
15 day preceding the election is a weekend or legal public hol-
16 iday, not later than the most recent weekday which pre-
17 cedes such 45th day and which is not a legal public holi-
18 day, but only if the request is received by at least such
19 most recent weekday);”.

20 **SEC. 8905. USE OF SINGLE ABSENTEE BALLOT APPLICA-**
21 **TION FOR SUBSEQUENT ELECTIONS.**

22 (a) IN GENERAL.—Section 104 of the Uniformed and
23 Overseas Citizens Absentee Voting Act (52 U.S.C. 20306)
24 is amended to read as follows:

1 **“SEC. 104. USE OF SINGLE APPLICATION FOR SUBSEQUENT**
2 **ELECTIONS.**

3 “(a) IN GENERAL.—If a State accepts and processes
4 an official post card form (prescribed under section 101)
5 submitted by an absent uniformed services voter or over-
6 seas voter for simultaneous voter registration and absen-
7 tee ballot application (in accordance with section
8 102(a)(4)) and the voter requests that the application be
9 considered an application for an absentee ballot for each
10 subsequent election for Federal office held in the State
11 through the next regularly scheduled general election for
12 Federal office (including any runoff elections which may
13 occur as a result of the outcome of such general election),
14 the State shall provide an absentee ballot to the voter for
15 each such subsequent election.

16 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
17 TION.—Subsection (a) shall not apply with respect to a
18 voter registered to vote in a State for any election held
19 after the voter notifies the State that the voter no longer
20 wishes to be registered to vote in the State or after the
21 State determines that the voter has registered to vote in
22 another State or is otherwise no longer eligible to vote in
23 the State.

24 “(c) PROHIBITION OF REFUSAL OF APPLICATION ON
25 GROUNDS OF EARLY SUBMISSION.—A State may not
26 refuse to accept or to process, with respect to any election

1 for Federal office, any otherwise valid voter registration
 2 application or absentee ballot application (including the
 3 postcard form prescribed under section 101) submitted by
 4 an absent uniformed services voter or overseas voter on
 5 the grounds that the voter submitted the application be-
 6 fore the first date on which the State otherwise accepts
 7 or processes such applications for that election which are
 8 submitted by absentee voters who are not members of the
 9 uniformed services or overseas citizens.”.

10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) shall apply with respect to voter registration
 12 and absentee ballot applications which are submitted to
 13 a State or local election official on or after the date of
 14 the enactment of this Act.

15 **SEC. 8906. EFFECTIVE DATE.**

16 The amendments made by this subtitle shall apply
 17 with respect to elections occurring on or after January 1,
 18 2020.

19 **Subtitle K—Poll Worker**
 20 **Recruitment and Training**

21 **SEC. 8911. LEAVE TO SERVE AS A POLL WORKER FOR FED-**
 22 **ERAL EMPLOYEES.**

23 (a) IN GENERAL.—Subchapter II of chapter 63 of
 24 title 5, United States Code, is amended by adding at the
 25 end the following:

1 **“§ 6329. Absence in connection with serving as a poll**
2 **worker**

3 “(a) IN GENERAL.—An employee in or under an Ex-
4 ecutive agency is entitled to leave, without loss of or reduc-
5 tion in pay, leave to which otherwise entitled, credit for
6 time or service, or performance or efficiency rating, not
7 to exceed 6 days in a leave year, in order—

8 “(1) to provide election administration assist-
9 ance to a State or unit of local government at a poll-
10 ing place on the date of any election for public of-
11 fice; or

12 “(2) to receive any training without which such
13 employee would be ineligible to provide such assist-
14 ance.

15 “(b) REGULATIONS.—The Director of the Office of
16 Personnel Management may prescribe regulations for the
17 administration of this section, including regulations set-
18 ting forth the terms and conditions of the election admin-
19 istration assistance an employee may provide for purposes
20 of subsection (a).”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 63 of title 5, United States Code, is amended
23 by inserting after the item relating to section 6328 the
24 following:

“6329. Absence in connection with serving as a poll worker.”.

1 **SEC. 8912. GRANTS TO STATES FOR POLL WORKER RE-**
2 **CRUITMENT AND TRAINING.**

3 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
4 SION.—

5 (1) IN GENERAL.—The Election Assistance
6 Commission (hereafter referred to as the “Commis-
7 sion”) shall make a grant to each eligible State for
8 recruiting and training individuals to serve as non-
9 partisan poll workers on dates of elections for public
10 office.

11 (2) USE OF COMMISSION MATERIALS.—In car-
12 rying out activities with a grant provided under this
13 section, the recipient of the grant shall use the man-
14 ual prepared by the Commission on successful prac-
15 tices for poll worker recruiting, training and reten-
16 tion as an interactive training tool, and shall develop
17 training programs with the participation and input
18 of experts in adult learning.

19 (b) REQUIREMENTS FOR ELIGIBILITY.—

20 (1) APPLICATION.—Each State that desires to
21 receive a payment under this section shall submit an
22 application for the payment to the Commission at
23 such time and in such manner and containing such
24 information as the Commission shall require.

25 (2) CONTENTS OF APPLICATION.—Each appli-
26 cation submitted under paragraph (1) shall—

1 (A) describe the activities for which assist-
2 ance under this section is sought;

3 (B) provide assurances that the funds pro-
4 vided under this section will be used to supple-
5 ment and not supplant other funds used to
6 carry out the activities;

7 (C) provide assurances that the State will
8 furnish the Commission with information on the
9 number of individuals who served as non-
10 partisan poll workers after recruitment and
11 training with the funds provided under this sec-
12 tion; and

13 (D) provide such additional information
14 and certifications as the Commission deter-
15 mines to be essential to ensure compliance with
16 the requirements of this section.

17 (c) AMOUNT OF GRANT.—

18 (1) IN GENERAL.—The amount of a grant
19 made to a State under this section shall be equal to
20 the product of—

21 (A) the aggregate amount made available
22 for grants to States under this section; and

23 (B) the voting age population percentage
24 for the State.

1 (2) VOTING AGE POPULATION PERCENTAGE DE-
2 FINED.—In paragraph (1), the “voting age popu-
3 lation percentage” for a State is the quotient of—

4 (A) the voting age population of the State
5 (as determined on the basis of the most recent
6 information available from the Bureau of the
7 Census); and

8 (B) the total voting age population of all
9 States (as determined on the basis of the most
10 recent information available from the Bureau of
11 the Census).

12 (d) REPORTS TO CONGRESS.—

13 (1) REPORTS BY RECIPIENTS OF GRANTS.—Not
14 later than 6 months after the date on which the
15 final grant is made under this section, each recipient
16 of a grant shall submit a report to the Commission
17 on the activities conducted with the funds provided
18 by the grant.

19 (2) REPORTS BY COMMISSION.—Not later than
20 1 year after the date on which the final grant is
21 made under this section, the Commission shall sub-
22 mit a report to Congress on the grants made under
23 this section and the activities carried out by recipi-
24 ents with the grants, and shall include in the report

1 such recommendations as the Commission considers
2 appropriate.

3 (e) FUNDING.—

4 (1) CONTINUING AVAILABILITY OF AMOUNT AP-
5 PROPRIATED.—Any amount appropriated to carry
6 out this section shall remain available without fiscal
7 year limitation until expended.

8 (2) ADMINISTRATIVE EXPENSES.—Of the
9 amount appropriated for any fiscal year to carry out
10 this section, not more than 3 percent shall be avail-
11 able for administrative expenses of the Commission.

12 **SEC. 8913. MODEL POLL WORKER TRAINING PROGRAM.**

13 (a) DEVELOPMENT OF PROGRAM BY ELECTION AS-
14 SISTANCE COMMISSION.—Not later than 1 year after the
15 date of the enactment of this Act, the Election Assistance
16 Commission shall develop and provide to each State mate-
17 rials for a model poll worker training program which the
18 State may use to train individuals to serve as poll workers
19 in elections for Federal office.

20 (b) CONTENTS OF MATERIALS.—The materials for
21 the model poll worker training program developed under
22 this section shall include materials to provide training with
23 respect to the following:

24 (1) The relevant provisions of the Federal laws
25 which apply to the administration of elections for

1 Federal office in the State, including the Voting
2 Rights Act of 1965 and the Help America Vote Act
3 of 2002.

4 (2) The provision of access to voting to individ-
5 uals with disabilities in a manner which preserves
6 the dignity and privacy of such individuals.

7 (3) The provision of access to voting to individ-
8 uals with limited English language proficiency, and
9 to individuals who are members or racial or ethnic
10 minorities, consistent with the protections provided
11 for such individuals under relevant law, in a manner
12 which preserves the dignity of such individuals.

13 (4) Practical experience in the use of the voting
14 machines which will be used in the election involved,
15 including the accessibility features of such machines.

16 (5) Such other election administration subjects
17 as the Commission considers appropriate to ensure
18 that poll workers are able to effectively assist with
19 the administration of elections for Federal office.

20 **SEC. 8914. STATE DEFINED.**

21 In this subtitle, the term “State” includes the Dis-
22 trict of Columbia, the Commonwealth of Puerto Rico,
23 Guam, American Samoa, the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mariana
25 Islands.

1 **Subtitle L—Enhancement of**
2 **Enforcement**

3 **SEC. 8921. ENHANCEMENT OF ENFORCEMENT OF HELP**
4 **AMERICA VOTE ACT OF 2002.**

5 (a) COMPLAINTS; AVAILABILITY OF PRIVATE RIGHT
6 OF ACTION.—Section 401 of the Help America Vote Act
7 of 2002 (52 U.S.C. 21111) is amended—

8 (1) by striking “The Attorney General” and in-
9 serting “(a) IN GENERAL.—The Attorney General”;
10 and

11 (2) by adding at the end the following new sub-
12 sections:

13 “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-
14 SONS.—

15 “(1) IN GENERAL.—A person who is aggrieved
16 by a violation of subtitle A or subtitle C of title III
17 which has occurred, is occurring, or is about to
18 occur may file a written, signed, notarized complaint
19 with the Attorney General describing the violation
20 and requesting the Attorney General to take appro-
21 priate action under this section. The Attorney Gen-
22 eral shall immediately provide a copy of a complaint
23 filed under the previous sentence to the entity re-
24 sponsible for administering the State-based adminis-

1 trative complaint procedures described in section
2 402(a) for the State involved.

3 “(2) RESPONSE BY ATTORNEY GENERAL.—The
4 Attorney General shall respond to each complaint
5 filed under paragraph (1), in accordance with proce-
6 dures established by the Attorney General that re-
7 quire responses and determinations to be made with-
8 in the same (or shorter) deadlines which apply to a
9 State under the State-based administrative com-
10 plaint procedures described in section 402(a)(2).
11 The Attorney General shall immediately provide a
12 copy of the response made under the previous sen-
13 tence to the entity responsible for administering the
14 State-based administrative complaint procedures de-
15 scribed in section 402(a) for the State involved.

16 “(c) AVAILABILITY OF PRIVATE RIGHT OF AC-
17 TION.—Any person who is authorized to file a complaint
18 under subsection (b)(1) (including any individual who
19 seeks to enforce the individual’s right to a voter-verified
20 paper ballot, the right to have the voter-verified paper bal-
21 lot counted in accordance with this Act, or any other right
22 under subtitles A or C of title III) may file an action under
23 section 1979 of the Revised Statutes of the United States
24 (42 U.S.C. 1983) to enforce the uniform and nondiscrim-
25 inatory election technology and administration require-

1 ments under subtitle A of title III, or the requirements
2 of subtitle C of title III.

3 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing
4 in this section may be construed to affect the availability
5 of the State-based administrative complaint procedures re-
6 quired under section 402 to any person filing a complaint
7 under this subsection.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to violations occurring
10 with respect to elections for Federal office held in 2020
11 or any succeeding year.

12 **Subtitle M—Federal Election**
13 **Integrity**

14 **SEC. 8931. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
15 **CHIEF STATE ELECTION ADMINISTRATION**
16 **OFFICIALS.**

17 (a) IN GENERAL.—Title III of the Federal Election
18 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
19 amended by inserting after section 319 the following new
20 section:

21 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
22 ADMINISTRATION OFFICIALS

23 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
24 for a chief State election administration official to take
25 an active part in political management or in a political

1 campaign with respect to any election for Federal office
2 over which such official has supervisory authority.

3 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
4 FICIAL.—The term ‘chief State election administration of-
5 ficial’ means the highest State official with responsibility
6 for the administration of Federal elections under State
7 law.

8 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
9 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
10 litical management or in a political campaign’ means—

11 “(1) serving as a member of an authorized com-
12 mittee of a candidate for Federal office;

13 “(2) the use of official authority or influence
14 for the purpose of interfering with or affecting the
15 result of an election for Federal office;

16 “(3) the solicitation, acceptance, or receipt of a
17 contribution from any person on behalf of a can-
18 didate for Federal office; and

19 “(4) any other act which would be prohibited
20 under paragraph (2) or (3) of section 7323(b) of
21 title 5, United States Code, if taken by an individual
22 to whom such paragraph applies (other than any
23 prohibition on running for public office).

24 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
25 IMMEDIATE FAMILY MEMBERS.—

1 “(1) IN GENERAL.—This section does not apply
2 to a chief State election administration official with
3 respect to an election for Federal office in which the
4 official or an immediate family member of the offi-
5 cial is a candidate.

6 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
7 In paragraph (1), the term ‘immediate family mem-
8 ber’ means, with respect to a candidate, a father,
9 mother, son, daughter, brother, sister, husband,
10 wife, father-in-law, or mother-in-law.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall apply with respect to elections for
13 Federal office held after December 2019.

14 **SEC. 8932. DUE PROCESS REQUIREMENTS FOR INDIVID-**
15 **UALS PROPOSED TO BE REMOVED FROM LIST**
16 **OF ELIGIBLE VOTERS.**

17 (a) INTERNET POSTING OF LIST OF INDIVIDUALS
18 PROPOSED TO BE REMOVED FROM LIST.—Section 8 of
19 the National Voter Registration Act of 1993 (52 U.S.C.
20 20507) is amended—

21 (1) by redesignating subsection (j) as sub-
22 section (k); and

23 (2) by inserting after subsection (i) the fol-
24 lowing new subsection:

1 “(j) ADDITIONAL DUE PROCESS REQUIREMENTS
2 FOR INDIVIDUALS PROPOSED TO BE REMOVED FROM
3 LIST OF ELIGIBLE VOTERS.—

4 “(1) INTERNET POSTING OF NAMES.—On an
5 ongoing basis, the chief State election official shall
6 post on the Internet a list showing the name and ad-
7 dress of each individual whom the State intends to
8 remove from the official list of eligible voters in elec-
9 tions for Federal office in the State, together with
10 instructions on how an individual may challenge the
11 proposed removal of the individual’s name from the
12 list.

13 “(2) REQUIRING OPPORTUNITY TO CORRECT
14 RECORD.—The State may not remove any individual
15 from the official list of eligible voters in elections for
16 Federal office in the State until the expiration of the
17 60-day period which begins on the date the chief
18 State election official posts the individual’s name
19 and address on the Internet under paragraph (1).

20 “(3) PUBLICIZING INFORMATION ON DUE PROC-
21 ESS REQUIREMENTS.—The chief State election offi-
22 cial shall disseminate information to the general
23 public regarding the Internet posting of names and
24 addresses under paragraph (1) and the opportunity
25 for individuals to correct records under paragraph

1 (2), including by sending information to media out-
2 lets in the State and by preparing information for
3 distribution and display by offices of the State motor
4 vehicle authority.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to elections for
7 Federal office held during 2020 or any succeeding year.

8 **SEC. 8933. MANDATORY RESPONSE BY ATTORNEY GENERAL**
9 **TO ALLEGATIONS OF VOTER INTIMIDATION**
10 **OR SUPPRESSION BY LAW ENFORCEMENT OF-**
11 **FICERS AND OTHER GOVERNMENT OFFI-**
12 **CIALS.**

13 (a) MANDATORY RESPONSE TO ALLEGATIONS.—

14 (1) IN GENERAL.—Not later than 30 days after
15 receiving an allegation described in subsection (b)
16 from any person, the Attorney General shall—

17 (A) initiate an investigation of the allega-
18 tion; or

19 (B) provide the person with a written
20 statement that the Attorney General will not in-
21 vestigate the allegation, and include in the
22 statement the Attorney General’s reasons for
23 not investigating the allegation.

24 (2) SPECIAL RULE FOR ALLEGATIONS RE-
25 CEIVED WITHIN 30 DAYS OF ELECTION.—If the At-

1 torney General receives an allegation described in
2 subsection (b) during the 30-day period which ends
3 on the date of an election for Federal office, the At-
4 torney General shall meet the requirements of para-
5 graph (1) not later than 48 hours after receiving the
6 allegation.

7 (b) ALLEGATIONS DESCRIBED.—An allegation de-
8 scribed in this subsection is—

9 (1) an allegation that a law enforcement officer
10 or other official of a State or local government has
11 intimidated, threatened, or coerced, or attempted to
12 intimidate, threaten, or coerce, any individual for
13 voting, or for attempting to vote, in an election for
14 Federal office; or

15 (2) an allegation that an election official of a
16 State or local government has engaged or has at-
17 tempted to engage in voter suppression activity.

18 **Subtitle N—Election Day as Legal** 19 **Public Holiday**

20 **SEC. 8941. TREATMENT OF ELECTION DAY IN SAME MAN-** 21 **NER AS LEGAL PUBLIC HOLIDAY FOR PUR-** 22 **POSES OF FEDERAL EMPLOYMENT.**

23 (a) IN GENERAL.—For purposes of any law relating
24 to Federal employment, the Tuesday next after the first
25 Monday in November in 2020 and each even-numbered

1 year thereafter shall be treated in the same manner as
2 a legal public holiday described in section 6103 of title
3 5, United States Code.

4 (b) SENSE OF CONGRESS REGARDING TREATMENT
5 OF DAY BY PRIVATE EMPLOYERS.—It is the sense of Con-
6 gress that private employers in the United States should
7 give their employees a day off on the Tuesday next after
8 the first Monday in November in 2020 and each even-
9 numbered year thereafter to enable the employees to cast
10 votes in the elections held on that day.

11 (c) NO EFFECT ON EARLY OR ABSENTEE VOTING.—
12 Nothing in this section shall be construed to affect the
13 authority of States to permit individuals to cast ballots
14 in elections for Federal office prior to the date of the elec-
15 tion (including the casting of ballots by mail) or to cast
16 absentee ballots in the election.

17 **Subtitle O—Other Election**
18 **Administration Improvements**

19 **SEC. 8951. REQUIREMENTS FOR AVAILABILITY OF SUFFI-**
20 **CIENT POLLING PLACES, EQUIPMENT, AND**
21 **RESOURCES.**

22 (a) REQUIRING STATES TO MEET REQUIRE-
23 MENTS.—Subtitle A of title III of the Help America Vote
24 Act of 2002 (52 U.S.C. 21081 et seq.), as amended by

1 section 8121(a), section 8201(a), and section 8801(a), is
2 amended—

3 (1) by redesignating sections 308 and 309 as
4 sections 309 and 310; and

5 (2) by inserting after section 307 the following
6 new section:

7 **“SEC. 308. AVAILABILITY OF SUFFICIENT POLLING PLACES,**
8 **EQUIPMENT, AND RESOURCES.**

9 “(a) IN GENERAL.—In accordance with the stand-
10 ards established under subsection (b), each State shall
11 provide for—

12 “(1) an appropriate number and geographic
13 distribution of voting sites on the day of any election
14 for Federal office and on any days during which
15 such State allows early voting in such elections; and

16 “(2) the minimum required number of voting
17 systems and other election resources (including all
18 other voting equipment and supplies) for each such
19 voting site.

20 “(b) STANDARDS.—

21 “(1) IN GENERAL.—Not later than June 30,
22 2019, the Commission shall conduct a study and, on
23 the basis of the findings of the study, issue stand-
24 ards for States to follow in establishing an appro-
25 priate number and geographic distribution of voting

1 sites in elections for Federal office on the day of any
2 Federal election and on any days during which the
3 State allows early voting in such elections, and in
4 providing for the minimum number of voting sys-
5 tems and other election resources (including all
6 other voting equipment and supplies) for each such
7 voting site.

8 “(2) DISTRIBUTION.—

9 “(A) IN GENERAL.—The standards de-
10 scribed in paragraph (1) shall provide for a uni-
11 form and nondiscriminatory distribution of such
12 sites, systems, and other resources, and, to the
13 extent possible, shall take into account, among
14 other factors, the following:

15 “(i) The voting age population.

16 “(ii) Voter turnout in past elections.

17 “(iii) The number of voters registered.

18 “(iv) The number of voters who have
19 registered since the most recent Federal
20 election.

21 “(v) Census data for the population
22 served by each voting site.

23 “(vi) The educational levels and socio-
24 economic factors of the population served
25 by each voting site.

1 “(vii) The needs and numbers of vot-
2 ers with disabilities and voters with limited
3 English proficiency.

4 “(viii) The type of voting systems
5 used.

6 “(B) NO FACTOR DISPOSITIVE.—The
7 standards shall provide that the distribution of
8 voting sites, systems, and resources should take
9 into account the totality of all relevant factors,
10 and no single factor shall be dispositive under
11 the standards.

12 “(C) PURPOSE.—To the extent possible,
13 the standards shall provide for a distribution of
14 voting sites, systems, and resources with the
15 goals of—

16 “(i) ensuring a fair and equitable
17 waiting time for all voters in the State;
18 and

19 “(ii) preventing a waiting time of over
20 1 hour at any voting site.

21 “(3) DEVIATION.—The standards described in
22 paragraph (1) shall permit States, upon giving rea-
23 sonable public notice, to deviate from any allocation
24 requirements in the case of unforeseen cir-

1 **“SEC. 303A. REQUIRING ACCEPTANCE OF STUDENT PHOTO**
2 **IDENTIFICATION AS CURRENT AND VALID**
3 **PHOTO IDENTIFICATION.**

4 “(a) ACCEPTANCE OF STUDENT IDENTIFICATIONS.—
5 A State or local election official shall accept a current and
6 valid student photo identification issued by an institution
7 of higher education to a student attending such institution
8 of higher education as a current and valid photo identifica-
9 tion for purposes of section 303(b)(2) or of any State or
10 local law which requires an individual to produce a current
11 and valid photo identification to obtain a ballot or vote
12 in an election for Federal office.

13 “(b) DEFINITION.—In this section, the term ‘institu-
14 tion of higher education’ has the meaning given such term
15 in section 101 of the Higher Education Act of 1965 (20
16 U.S.C. 1001), except that such term includes a propri-
17 etary institution of higher education described in section
18 102(b) of such Act (20 U.S.C. 1002(b)).”.

19 (b) ENFORCEMENT.—Section 401 of such Act (42
20 U.S.C. 15511) is amended by striking “and 303” and in-
21 serting “303, and 303A”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by inserting after the item relating
24 to section 303 the following new item:

“Sec. 303A. Requiring acceptance of student photo identification as current
and valid photo identification.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to elections occurring
3 on or after the date of the enactment of this Act.

4 **SEC. 8954. MINIMUM NOTIFICATION REQUIREMENTS FOR**
5 **VOTERS AFFECTED BY POLLING PLACE**
6 **CHANGES.**

7 (a) REQUIREMENTS.—Section 302 of the Help Amer-
8 ica Vote Act of 2002 (52 U.S.C. 21082), as amended by
9 section 8701(a), is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection:

14 “(f) MINIMUM NOTIFICATION REQUIREMENTS FOR
15 VOTERS AFFECTED BY POLLING PLACE CHANGES.—

16 “(1) IN GENERAL.—If a State assigns an indi-
17 vidual who is a registered voter in a State to a poll-
18 ing place with respect to an election for Federal of-
19 fice which is not the same polling place to which the
20 individual was previously assigned with respect to
21 the most recent election for Federal office in the
22 State in which the individual was eligible to vote—

23 “(A) the State shall notify the individual of
24 the location of the polling place not later than
25 7 days before the date of the election; or

1 register to vote, in elections for Federal office. Such
2 system shall provide—

3 (A) State-specific, same-day, and imme-
4 diate assistance to such individuals, including
5 information on how to register to vote, the loca-
6 tion and hours of operation of polling places,
7 and how to obtain absentee ballots; and

8 (B) State-specific, same-day, and imme-
9 diate assistance to individuals encountering
10 problems with registering to vote or voting, in-
11 cluding individuals encountering intimidation or
12 deceptive practices.

13 (2) HOTLINE.—The Attorney General, in con-
14 sultation with State election officials, shall establish
15 and operate a toll-free telephone service, using a
16 telephone number that is accessible throughout the
17 United States and that uses easily identifiable nu-
18 merals, through which individuals throughout the
19 United States—

20 (A) may connect directly to the State-
21 based response system described in paragraph
22 (1) with respect to the State involved;

23 (B) may obtain information on voting in
24 elections for Federal office, including informa-
25 tion on how to register to vote in such elections,

1 the locations and hours of operation of polling
2 places, and how to obtain absentee ballots; and

3 (C) may report information to the Attor-
4 ney General on problems encountered in reg-
5 istering to vote or voting, including incidences
6 of voter intimidation or suppression.

7 (3) COLLABORATION WITH STATE AND LOCAL
8 ELECTION OFFICIALS.—

9 (A) COLLECTION OF INFORMATION FROM
10 STATES.—The Attorney General shall coordi-
11 nate the collection of information on State and
12 local election laws and policies, including infor-
13 mation on the Statewide computerized voter
14 registration lists maintained under title III of
15 the Help America Vote Act of 2002, so that in-
16 dividuals who contact the free telephone service
17 established under paragraph (2) on the date of
18 an election for Federal office may receive an
19 immediate response on that day.

20 (B) FORWARDING QUESTIONS AND COM-
21 PLAINS TO STATES.—If an individual contacts
22 the free telephone service established under
23 paragraph (2) on the date of an election for
24 Federal office with a question or complaint with
25 respect to a particular State or jurisdiction

1 within a State, the Attorney General shall for-
2 ward the question or complaint immediately to
3 the appropriate election official of the State or
4 jurisdiction so that the official may answer the
5 question or remedy the complaint on that date.

6 (4) CONSULTATION REQUIREMENTS FOR DE-
7 VELOPMENT OF SYSTEMS AND SERVICES.—The At-
8 torney General shall ensure that the State-based re-
9 sponse system under paragraph (1) and the free
10 telephone service under paragraph (2) are each de-
11 veloped in consultation with civil rights organiza-
12 tions, voting rights groups, State and local election
13 officials, voter protection groups, and other inter-
14 ested community organizations, especially those that
15 have experience in the operation of similar systems
16 and services.

17 (b) USE OF SERVICE BY INDIVIDUALS WITH DIS-
18 ABILITIES AND INDIVIDUALS WITH LIMITED ENGLISH
19 LANGUAGE PROFICIENCY.—The Attorney General shall
20 design and operate the telephone service established under
21 this section in a manner that ensures that individuals with
22 disabilities and individuals with limited proficiency in the
23 English language are fully able to use the service.

24 (c) VOTER HOTLINE TASK FORCE.—

1 (1) APPOINTMENT BY ATTORNEY GENERAL.—

2 The Attorney General shall appoint individuals (in
3 such number as the Attorney General considers ap-
4 propriate but in no event fewer than 3) to serve on
5 a Voter Hotline Task Force to provide ongoing anal-
6 ysis and assessment of the operation of the tele-
7 phone service established under this section, and
8 shall give special consideration in making appoint-
9 ments to the Task Force to individuals who rep-
10 resent civil rights organizations. At least one mem-
11 ber of the Task Force shall be a representative of
12 an organization promoting voting rights or civil
13 rights which has experience in the operation of simi-
14 lar telephone services or in protecting the rights of
15 individuals to vote, especially individuals who are
16 members or racial minorities or of communities who
17 have been adversely affected by efforts to suppress
18 voting rights.

19 (2) ELIGIBILITY.—An individual shall be eligi-
20 ble to serve on the Task Force under this subsection
21 if the individual meets such criteria as the Attorney
22 General may establish, except that an individual may
23 not serve on the task force if the individual has been
24 convicted of any criminal offense relating to voter in-
25 timidation or voter suppression.

1 (3) TERM OF SERVICE.—An individual ap-
2 pointed to the Task Force shall serve a single term
3 of 2 years, except that the initial terms of the mem-
4 bers first appointed to the Task Force shall be stag-
5 gered so that there are at least 3 individuals serving
6 on the Task Force during each year. A vacancy in
7 the membership of the Task Force shall be filled in
8 the same manner as the original appointment.

9 (4) NO COMPENSATION FOR SERVICE.—Mem-
10 bers of the Task Force shall serve without pay, but
11 shall receive travel expenses, including per diem in
12 lieu of subsistence, in accordance with applicable
13 provisions under subchapter I of chapter 57 of title
14 5, United States Code.

15 (d) BI-ANNUAL REPORT TO CONGRESS.—Not later
16 than March 1 of each odd-numbered year, the Attorney
17 General shall submit a report to Congress on the operation
18 of the telephone service established under this section dur-
19 ing the previous 2 years, and shall include in the report—

20 (1) an enumeration of the number and type of
21 calls that were received by the service;

22 (2) a compilation and description of the reports
23 made to the service by individuals citing instances of
24 voter intimidation or suppression;

1 (3) an assessment of the effectiveness of the
2 service in making information available to all house-
3 holds in the United States with telephone service;

4 (4) any recommendations developed by the
5 Task Force established under subsection (c) with re-
6 spect to how voting systems may be maintained or
7 upgraded to better accommodate voters and better
8 ensure the integrity of elections, including but not
9 limited to identifying how to eliminate coordinated
10 voter suppression efforts and how to establish effec-
11 tive mechanisms for distributing updates on changes
12 to voting requirements; and

13 (5) any recommendations on best practices for
14 the State-based response systems established under
15 subsection (a)(1).

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) AUTHORIZATION.—There are authorized to
18 be appropriated to the Attorney General for fiscal
19 year 2019 and each succeeding fiscal year such sums
20 as may be necessary to carry out this section.

21 (2) SET-ASIDE FOR OUTREACH.—Of the
22 amounts appropriated to carry out this Act for a fis-
23 cal year pursuant to the authorization under para-
24 graph (1), not less than 15 percent shall be used for
25 outreach activities to make the public aware of the

1 availability of the telephone service established under
2 this section, with an emphasis on outreach to indi-
3 viduals with disabilities and individuals with limited
4 proficiency in the English language.

5 **SEC. 8956. REAUTHORIZATION OF ELECTION ASSISTANCE**
6 **COMMISSION.**

7 Section 210 of the Help America Vote Act of 2002
8 (52 U.S.C. 20930) is amended by striking “for each of
9 the fiscal years 2003 through 2005” and inserting “for
10 each of the fiscal years 2019 through 2024”.

11 **SEC. 8957. APPLICATION OF LAWS TO COMMONWEALTH OF**
12 **NORTHERN MARIANA ISLANDS.**

13 (a) NATIONAL VOTER REGISTRATION ACT OF
14 1993.—Section 3(4) of the National Voter Registration
15 Act of 1993 (52 U.S.C. 20502(4)) is amended by striking
16 “States and the District of Columbia” and inserting
17 “States, the District of Columbia, and the Commonwealth
18 of the Northern Mariana Islands”.

19 (b) HELP AMERICA VOTE ACT OF 2002.—

20 (1) IN GENERAL.—Section 901 of the Help
21 America Vote Act of 2002 (52 U.S.C. 21141) is
22 amended by striking “and the United States Virgin
23 Islands” and inserting “the United States Virgin Is-
24 lands, and the Commonwealth of the Northern Mar-
25 iana Islands”.

1 (2) CONFORMING AMENDMENT RELATING TO
2 MINIMUM AMOUNT OF REQUIREMENTS PAYMENT TO
3 TERRITORIES.—Section 252(c)(2) of such Act (52
4 U.S.C. 21002(c)(2)) is amended by striking “or the
5 United States Virgin Islands” and inserting “the
6 United States Virgin Islands, or the Commonwealth
7 of the Northern Mariana Islands”.

8 **SEC. 8958. REPEAL OF EXEMPTION OF ELECTION ASSIST-**
9 **ANCE COMMISSION FROM CERTAIN GOVERN-**
10 **MENT CONTRACTING REQUIREMENTS.**

11 (a) IN GENERAL.—Section 205 of the Help America
12 Vote Act of 2002 (52 U.S.C. 20925) is amended by strik-
13 ing subsection (e).

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to contracts entered
16 into by the Election Assistance Commission on or after
17 the date of the enactment of this Act.

18 **SEC. 8959. PERMITTING ELECTION ASSISTANCE COMMIS-**
19 **SION TO EXERCISE RULEMAKING AUTHOR-**
20 **ITY.**

21 (a) RULEMAKING AUTHORITY.—The Help America
22 Vote Act of 2002 is amended by striking section 209 (52
23 U.S.C. 20929).

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by striking the item relating to
3 section 209.

4 **SEC. 8960. NO EFFECT ON OTHER LAWS.**

5 (a) IN GENERAL.—Except as specifically provided,
6 nothing in this subtitle may be construed to authorize or
7 require conduct prohibited under any of the following laws,
8 or to supersede, restrict, or limit the application of such
9 laws:

10 (1) The Voting Rights Act of 1965 (52 U.S.C.
11 10301 et seq.).

12 (2) The Voting Accessibility for the Elderly and
13 Handicapped Act (52 U.S.C. 20101 et seq.).

14 (3) The Uniformed and Overseas Citizens Ab-
15 sentee Voting Act (52 U.S.C. 20301 et seq.).

16 (4) The National Voter Registration Act of
17 1993 (52 U.S.C. 20501 et seq.).

18 (5) The Americans with Disabilities Act of
19 1990 (42 U.S.C. 12101 et seq.).

20 (6) The Rehabilitation Act of 1973 (29 U.S.C.
21 701 et seq.).

22 (b) NO EFFECT ON PRECLEARANCE OR OTHER RE-
23 QUIREMENTS UNDER VOTING RIGHTS ACT.—The ap-
24 proval by any person of a payment or grant application
25 under this subtitle, or any other action taken by any per-

1 son under this subtitle, shall not be considered to have
2 any effect on requirements for preclearance under section
3 5 of the Voting Rights Act of 1965 (52 U.S.C. 10304)
4 or any other requirements of such Act.

5 **TITLE IX—PRISON REFORM**

6 **SEC. 9001. ELIMINATION OF FEDERAL CONTRACTS FOR** 7 **PRIVATELY RUN PRISONS WITHIN 3 YEARS.**

8 (a) DEFINITION.—In this section, the term “facility
9 housing adult prisoners or detainees in the custody of the
10 Federal Government” does not include a community cor-
11 rectional facility or the residence of an individual on home
12 confinement, as described in section 3624(e) of title 18,
13 United States Code.

14 (b) OPERATIONAL CONTROL.—Except as provided in
15 subsection (c), not later than 2 years after the date of
16 enactment of this Act—

17 (1) each facility housing adult prisoners or de-
18 tainees in the custody of the Federal Government
19 shall be under the direct, operational control of the
20 Federal Government; and

21 (2) core correctional services at each such facil-
22 ity shall be performed by employees of the Federal
23 Government.

24 (c) WAIVER AUTHORIZED.—If the Attorney General
25 determines that the Federal Government is unable to com-

1 ply with subsection (b) by the date that is 2 years after
2 the date of enactment of this Act, the Attorney General
3 may waive the application of subsection (b) for not more
4 than 1 year.

5 **SEC. 9002. PROHIBITION ON PRIVATE ENTITIES RUNNING**
6 **PRISONS HOUSING STATE AND LOCAL PRIS-**
7 **ONERS AFTER 3 YEARS.**

8 (a) DEFINITION.—In this section, the term “facility
9 housing adult prisoners or detainees in the custody of a
10 State or local government” does not include a community
11 treatment center, halfway house, restitution center, men-
12 tal health facility, alcohol or drug rehabilitation center, or
13 other community facility that is not within the confines
14 of a jail or prison.

15 (b) OPERATIONAL CONTROL.—Except as provided in
16 subsection (c), on and after the date that is 2 years after
17 the date of enactment of this Act—

18 (1) no private entity engaged in or affecting
19 interstate commerce shall own or have direct, oper-
20 ational control over a facility housing adult prisoners
21 or detainees in the custody of the State or local gov-
22 ernment; and

23 (2) no private entity engaged in or affecting
24 interstate commerce shall perform core correctional
25 services at such a facility.

1 (c) WAIVER AUTHORIZED.—If the Attorney General
2 determines that a State or local government requires serv-
3 ices from a private entity that are described in subsection
4 (b) after the date that is 2 years after the date of enact-
5 ment of this Act, the Attorney General may waive the ap-
6 plication of subsection (b) as to that private entity for not
7 more than 1 year.

8 (d) ENFORCEMENT.—The Attorney General may
9 bring a civil action in an appropriate district court of the
10 United States for such declaratory or injunctive relief as
11 is necessary to carry out this section.

12 **SEC. 9003. FREEDOM OF INFORMATION ACT APPLICABLE**
13 **FOR CONTRACT PRISONS.**

14 (a) IN GENERAL.—Records relating to the operation
15 of a Contract Facility, and to prisoners held in Contract
16 Facilities, that are in the possession of an applicable entity
17 shall be subject to section 552 of title 5, United States
18 Code (popularly known as the Freedom of Information
19 Act), in the same manner as records maintained by a Fed-
20 eral agency operating a Federal prison or other Federal
21 detention facility would be subject to such section of title
22 5, including—

23 (1) the duty to release information about the
24 operation of the non-Federal prison or detention fa-
25 cility; and

1 (2) the applicability of the exceptions and ex-
2 emptions available under such section.

3 (b) REGULATIONS.—A Federal agency that contracts
4 with, or provides funds to, an applicable entity to incar-
5 cerate or detain Federal prisoners in a non-Federal prison
6 or detention facility shall promulgate regulations or guid-
7 ance to ensure compliance by the applicable entity with
8 subsection (a).

9 (c) NO FEDERAL FUNDS FOR COMPLIANCE.—No
10 Federal funds may be used to assist applicable entities
11 with compliance with this section or section 552 of title
12 5, United States Code.

13 (d) CIVIL ACTION.—Any party aggrieved by a viola-
14 tion of section 552 of title 5, United States Code, by an
15 applicable entity, as such section is applicable to such an
16 entity in accordance with subsection (a), may, in a civil
17 action, obtain appropriate relief, including an award under
18 subsection (a)(4)(E) of section 552 of such title 5, against
19 the applicable entity for the violation.

20 (e) DEFINITIONS.—In this section:

21 (1) APPLICABLE ENTITY.—The term “applica-
22 ble entity” means—

23 (A) a nongovernmental entity that directly
24 or indirectly contracts with or receives funds
25 from the Federal Government to incarcerate or

1 detain Federal prisoners in a Contract Facility;
2 or

3 (B) a State or local governmental entity
4 with a contract or intergovernmental service
5 agreement with the Federal Government to in-
6 carcerate or detain Federal prisoners in a Con-
7 tract Facility.

8 (2) CONTRACT FACILITY.—The term “Contract
9 Facility” means a prison or other correctional or de-
10 tention facility that is—

11 (A) owned or operated by a nongovern-
12 mental entity, a State, or a local government;
13 and

14 (B) incarcerates or detains Federal pris-
15 oners pursuant to a contract or intergovern-
16 mental agreement to which any Federal agency
17 is a party.

18 (3) FEDERAL PRISONER.—The term “Federal
19 prisoner” means any person incarcerated, detained,
20 or otherwise held under the custody, authority, or
21 jurisdiction of any Federal agency or department.

1 **SEC. 9004. RESTRICTIONS ON THE PROVISION OF INMATE**
2 **TELEPHONE AND VIDEO SERVICE.**

3 (a) DEFINITIONS.—Section 226(a) of the Commu-
4 nications Act of 1934 (47 U.S.C. 226(a)) is amended by
5 adding at the end the following:

6 “(10) The term ‘ancillary fee’ includes any
7 charge or fee that is imposed on a user of inmate
8 telephone and video service in addition to the per-
9 minute rate and connection charge.

10 “(11) The term ‘collect’ or ‘collect call’ means
11 a telephone call or video call from a person incarcer-
12 ated in a correctional institution that is billed to the
13 subscriber receiving the call.

14 “(12) The term ‘commission’ means a fee or
15 other payment by a provider of inmate telephone
16 and video service to an administrator of a correc-
17 tional institution, department of correction, or simi-
18 lar entity, based upon, or partly upon, inmate tele-
19 phone and video service revenue.

20 “(13) The term ‘debit account’ means the pay-
21 ment of inmate telephone and video service through
22 a prepaid card or other account of a prisoner, which
23 can be accessed only through an access code, per-
24 sonal identification number, or similar identifier.

25 “(14) The term ‘inmate telephone and video
26 service’ includes the provision of telephone and video

1 service enabling persons incarcerated in correctional
2 institutions to originate calls at payphones, tele-
3 phones, or video kiosks that are designated for the
4 personal use of prisoners, regardless of whether the
5 calls are collect, paid through a debit account, or
6 paid through any other means.

7 “(15) The term ‘provider of inmate telephone
8 and video service’ means any common carrier that
9 provides inmate telephone and video service or any
10 other person determined by the Commission to be
11 providing inmate telephone and video service.”.

12 (b) REGULATIONS.—Section 226 of the Communica-
13 tions Act of 1934 (47 U.S.C. 226) is further amended—

14 (1) by redesignating subsection (i) as subsection
15 (k); and

16 (2) by inserting after subsection (h) the fol-
17 lowing:

18 “(i) REGULATION OF INMATE TELEPHONE AND
19 VIDEO SERVICE.—

20 “(1) IN GENERAL.—In order to ensure that
21 charges for inmate telephone and video service are
22 just, reasonable, and nondiscriminatory, not later
23 than 1 year after the date of enactment of the Jus-
24 tice is Not For Sale Act of 2017, the Commission

1 shall adopt regulations on the use of inmate tele-
2 phone and video service that—

3 “(A) prescribe a maximum uniform per-
4 minute compensation rate;

5 “(B) prescribe a maximum uniform service
6 connection or other per-call compensation rate;

7 “(C) prescribe variable maximum com-
8 pensation rates depending on such factors as
9 carrier costs, the size of the correctional facility
10 served, and other relevant factors identified by
11 the Commission;

12 “(D) require providers of inmate telephone
13 and video service to offer both collect calling
14 and debit account services;

15 “(E) address the payment of commissions
16 by providers of inmate telephone and video
17 service to administrators of correctional institu-
18 tions, departments of correction, and similar
19 entities by—

20 “(i) prohibiting such payments; or

21 “(ii) limiting commission payments;

22 “(F) require administrators of correctional
23 institutions, departments of correction, and
24 similar entities to allow more than 1 provider of
25 inmate telephone and video service to provide

1 inmate telephone and video service at a correc-
2 tional institution so that prisoners have a choice
3 of such providers; and

4 “(G) prohibit or substantially limit any an-
5 cillary fees imposed by a provider of inmate
6 telephone and video service on a user of the
7 service.

8 “(2) SCOPE.—

9 “(A) IN GENERAL.—The regulations
10 adopted by the Commission under this sub-
11 section—

12 “(i) shall be technologically neutral;
13 and

14 “(ii) shall not jeopardize legitimate se-
15 curity and penological interests.

16 “(B) IMPACT ON REVENUE.—To the extent
17 the regulations adopted by the Commission
18 under this subsection reduce or eliminate the
19 revenue derived by administrators of correc-
20 tional institutions, departments of correction,
21 and similar entities from the receipt of commis-
22 sions, such effects of the regulations shall not
23 be considered to be jeopardizing or otherwise
24 affecting legitimate security or penological in-
25 terests.

1 “(3) PERIODIC REVIEW.—The Commission shall
2 review, on a biennial basis, the regulations adopted
3 under this subsection, including to determine wheth-
4 er any compensation rates established by the Com-
5 mission should be modified.

6 “(4) STATE PREEMPTION.—To the extent that
7 any State, local government, or private correctional
8 facility requirements are inconsistent with the regu-
9 lations of the Commission affecting or pertaining to
10 inmate telephone and video service, including restric-
11 tions on the payment of commissions based upon in-
12 mate telephone and video service revenues or earn-
13 ings, the regulations of the Commission on such
14 matters shall preempt the State, local government,
15 or private correctional facility requirements.

16 “(j) INMATE TELEPHONE AND VIDEO SERVICE
17 FULLY SUBJECT TO SECTIONS 201, 205, 251, 252, AND
18 276.—

19 “(1) IN GENERAL.—Inmate telephone and video
20 service shall be fully subject to the requirements of
21 sections 201, 205, 251, 252, and 276.

22 “(2) RESTRICTION.—A provider of inmate tele-
23 phone and video service may not block or otherwise
24 refuse to carry a call placed by an incarcerated per-
25 son on the grounds that the provider has no contrac-

1 tual or other arrangement with the local exchange
2 carrier serving the intended recipient of the call or
3 other common carrier involved in any portion of the
4 transmission of the call.”.

5 **SEC. 9005. FEDERAL PRISONER REENTRY INITIATIVE REAU-**
6 **THORIZATION; MODIFICATION OF IMPOSED**
7 **TERM OF IMPRISONMENT.**

8 (a) FEDERAL PRISONER REENTRY INITIATIVE.—
9 Section 231 of the Second Chance Act of 2007 (42 U.S.C.
10 17541) is amended—

11 (1) in subsection (g)—

12 (A) in paragraph (1)(B) by inserting after
13 “the Attorney General may” the following: “,
14 upon written request from the Director of the
15 Bureau of Prisons or an eligible elderly of-
16 fender,”;

17 (B) in paragraph (3), by striking “carried
18 out during fiscal years 2009 and 2010” and in-
19 serting “carried out during fiscal years 2018
20 through 2022”; and

21 (C) in paragraph (5)(A)—

22 (i) in clause (i), by striking “65
23 years” and inserting “60 years”; and

24 (ii) by amending clause (ii) to read as
25 follows:

1 “(ii) who is serving a term of impris-
2 onment that is not based on a conviction
3 for an offense described in section
4 102(e)(2)(C) of the Prison Reform and Re-
5 demption Act, and has served not less than
6 $\frac{2}{3}$ of the term of imprisonment to which
7 the offender was sentenced;”;

8 (2) by striking subsection (h);

9 (3) by redesignating subsection (i) as subsection
10 (h); and

11 (4) in subsection (h), as so redesignated, by
12 striking “2009 and 2010” and inserting “2018
13 through 2022”.

14 (b) MODIFICATION OF IMPOSED TERM OF IMPRISON-
15 MENT.—Section 3582(c)(1)(A) of title 18, United States
16 Code, is amended—

17 (1) in the matter preceding clause (i), by insert-
18 ing after “Director of the Bureau of Prisons” the
19 following: “or, if the Director does not make such a
20 motion 30 days after receiving a request to make
21 such a motion from the defendant, of the defend-
22 ant”; and

23 (2) in clause (ii), by inserting after “the Direc-
24 tor of the Bureau of Prisons” the following: “, or

1 the court in the case that the court is considering
2 a motion of the defendant”.

3 **SEC. 9006. REINSTATEMENT OF PAROLE.**

4 (a) IN GENERAL.—Chapter 229 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“SUBCHAPTER D—PAROLE

“Sec.

“3631. Definitions.

“3632. Powers and duties of the Commission.

“3633. Powers and duties of the Chairperson.

“3634. Time of eligibility for release on parole.

“3635. Parole determination criteria.

“3636. Information considered.

“3637. Parole determination proceeding; time.

“3638. Conditions of parole.

“3639. Jurisdiction of Commission.

“3640. Early termination of parole.

“3641. Aliens.

“3642. Summons to appear or warrant for retaking of parolee.

“3643. Revocation of parole.

“3644. Reconsideration and appeal.

“3645. Young adult offenders.

“3646. Applicability of Administrative Procedure Act.

7 **“Subchapter D—Parole**

8 **“§ 3631. Definitions**

9 “In this subchapter—

10 “(1) the term ‘Chairperson’ means the Chair-
11 person of the Commission;

12 “(2) the term ‘Commission’ means the United
13 States Parole Commission;

14 “(3) the term ‘Commissioner’ means any mem-
15 ber of the Commission;

1 “(4) the term ‘Director’ means the Director of
2 the Bureau of Prisons;

3 “(5) the term ‘eligible prisoner’ means any Fed-
4 eral prisoner who is eligible for parole under this
5 title or any other law, including any Federal pris-
6 oner whose parole has been revoked and who is not
7 otherwise ineligible for parole;

8 “(6) the term ‘parolee’ means any eligible pris-
9 oner who has been released on parole or deemed as
10 if released on parole under section 3626(b)(5) or
11 section 3634(a)(2); and

12 “(7) the term ‘rules and regulations’ means
13 rules and regulations promulgated by the Commis-
14 sion under section 3632 and section 553 of title 5.

15 **“§ 3632. Powers and duties of the Commission**

16 “(a) IN GENERAL.—The Commission shall meet at
17 least quarterly, and by majority vote shall—

18 “(1) promulgate rules and regulations estab-
19 lishing guidelines for the powers enumerated in sub-
20 section (b) and such other rules and regulations as
21 are necessary to carry out a national parole policy
22 and the purposes of this subchapter;

23 “(2) create such regions as are necessary to
24 carry out this subchapter, but in no event less than
25 5; and

1 “(3) ratify, revise, or deny any request for reg-
2 ular, supplemental, or deficiency appropriations, be-
3 fore the submission of the requests to the Office of
4 Management and Budget by the Chairperson, which
5 requests shall be separate from those of any other
6 agency in the Department of Justice.

7 “(b) POWERS RELATING TO PAROLE.—The Commis-
8 sion, by majority vote, and in accordance with the proce-
9 dures set out in this subchapter, shall have the power to—

10 “(1) grant or deny an application or rec-
11 ommendation to parole any eligible prisoner;

12 “(2) impose reasonable conditions on an order
13 granting parole;

14 “(3) modify or revoke an order paroling any eli-
15 gible prisoner; and

16 “(4) request probation officers and other indi-
17 viduals, organizations, and public or private agencies
18 to perform such duties with respect to any parolee
19 as the Commission determines necessary—

20 “(A) for maintaining proper supervision of
21 and assistance to such parolees; and

22 “(B) so as to assure that no probation offi-
23 cers, individuals, organizations, or agencies
24 shall bear excessive caseloads.

1 “(c) DELEGATION.—The Commission, by majority
2 vote, and in accordance with rules and regulations—

3 “(1) may delegate to one or more Commis-
4 sioners powers enumerated in subsection (b);

5 “(2) may delegate to hearing examiners any
6 powers necessary to conduct hearings and pro-
7 ceedings, take sworn testimony, obtain and make a
8 record of pertinent information, make findings of
9 probable cause and issue subpoenas for witnesses or
10 evidence in parole revocation proceedings, and rec-
11 ommend disposition of any matters enumerated in
12 subsection (b), except that any such findings or rec-
13 ommendations shall be based upon the concurrence
14 of not less than 2 hearing examiners;

15 “(3) may delegate authority to conduct hear-
16 ings held under section 3643 to any officer or em-
17 ployee of the executive or judicial branch of Federal
18 or State government;

19 “(4) may review, or may delegate to the Na-
20 tional Appeals Board the power to review, any deci-
21 sion made under paragraph (1), which shall be re-
22 affirmed, modified, or reversed not later than 30
23 days after the date the decision is rendered; and

24 “(5) shall provide written notice to the indi-
25 vidual to whom a decision described in paragraph

1 (4) applies of the Commission's actions with respect
2 thereto and the reasons for such actions.

3 “(d) POLICYMAKING.—Except as otherwise provided
4 by law, any action taken by the Commission under sub-
5 section (a) shall be taken by a majority vote of all individ-
6 uals currently holding office as members of the Commis-
7 sion which shall maintain and make available for public
8 inspection a record of the final vote of each member on
9 statements of policy and interpretations adopted by it. In
10 so acting, each Commissioner shall have equal responsi-
11 bility and authority, shall have full access to all informa-
12 tion relating to the performance of such duties and respon-
13 sibilities, and shall have 1 vote.

14 **“§ 3633. Powers and duties of the Chairperson**

15 “(a) IN GENERAL.—The Chairperson shall—

16 “(1) convene and preside at meetings of the
17 Commission under section 3632 and such additional
18 meetings of the Commission as the Chairperson may
19 call or as may be requested in writing by at least 3
20 Commissioners;

21 “(2) appoint, fix the compensation of, assign,
22 and supervise all personnel employed by the Com-
23 mission except that—

24 “(A) the appointment of any hearing ex-
25 aminer shall be subject to approval of the Com-

1 mission within the first year of such hearing ex-
2 aminer's employment; and

3 “(B) regional Commissioners shall appoint
4 and supervise such personnel employed regu-
5 larly and full time in their respective regions as
6 are compensated at a rate up to and including
7 level GS-9 of the General Schedule;

8 “(3) assign duties among officers and employ-
9 ees of the Commission, including Commissioners, so
10 as to balance the workload and provide for orderly
11 administration;

12 “(4) direct the preparation of requests for ap-
13 propriations for the Commission, and the use of
14 funds made available to the Commission;

15 “(5) designate 3 Commissioners to serve on the
16 National Appeals Board, 1 whom shall be designated
17 to serve as Vice Chairperson of the Commission
18 (who shall act as Chairperson of the Commission in
19 the absence or disability of the Chairperson or in the
20 event of a vacancy in the position of Chairperson);

21 “(6) designate, for each region established
22 under section 3632(a)(2), 1 Commissioner to serve
23 as regional Commissioner in each such region, ex-
24 cept that—

1 “(A) in each such designation the Chair-
2 person shall consider years of service, personal
3 preference, and fitness; and

4 “(B) no such designation shall take effect
5 unless concurred in by the President;

6 “(7) serve as spokesperson for the Commission
7 and report annually to each House of Congress on
8 the activities of the Commission; and

9 “(8) exercise such other powers and duties and
10 perform such other functions as may be necessary to
11 carry out the purposes of this subchapter or as may
12 be provided under any other provision of law.

13 “(b) OTHER AUTHORITIES.—The Chairperson shall
14 have the power to—

15 “(1) without regard to subsections (a) and (b)
16 of section 3324 of title 31, enter into and perform
17 such contracts, leases, cooperative agreements, and
18 other transactions as may be necessary in the con-
19 duct of the functions of the Commission with any
20 public agency or with any person, firm, association,
21 corporation, educational institution, or nonprofit or-
22 ganization;

23 “(2) accept voluntary and uncompensated serv-
24 ices, notwithstanding section 1342 of title 31;

1 “(3) procure for the Commission temporary and
2 intermittent services to the same extent as is author-
3 ized by section 3109(b) of title 5;

4 “(4) collect systematically the data obtained
5 from studies, research, and the empirical experience
6 of public and private agencies concerning the parole
7 process;

8 “(5) carry out programs of research concerning
9 the parole process to develop classification systems
10 which describe types of offenders, and to develop
11 theories and practices which can be applied to the
12 different types of offenders;

13 “(6) publish data concerning the parole process;

14 “(7) devise and conduct, in various geographical
15 locations, seminars, workshops, and training pro-
16 grams providing continuing studies and instruction
17 for personnel of Federal, State, and local agencies
18 and private and public organizations working with
19 parolees and connected with the parole process; and

20 “(8) use the services, equipment, personnel, in-
21 formation, facilities, and instrumentalities with or
22 without reimbursement therefor of other Federal,
23 State, local, and private agencies with their consent.

24 “(c) CONSISTENCY WITH NATIONAL PAROLE POLI-
25 CIES.—In carrying out the functions under this section,

1 the Chairperson shall be governed by the national parole
2 policies promulgated by the Commission.

3 **“§ 3634. Time of eligibility for release on parole**

4 “(a) ELIGIBILITY.—

5 “(1) IN GENERAL.—Except to the extent other-
6 wise provided by law—

7 “(A) a prisoner confined and serving a
8 definite term or terms of imprisonment of more
9 than 1 year shall be eligible for release on pa-
10 role after serving 33.3 percent of such term or
11 terms; and

12 “(B) a prisoner confined and serving a life
13 sentence shall be eligible for release on parole
14 after serving 10 years.

15 “(2) TERMS OF LESS THAN 1 YEAR.—Any pris-
16 oner sentenced to imprisonment for a term or terms
17 of not less than 6 months, and not more than 1
18 year, shall be released at the expiration of such sen-
19 tence, unless the court which imposed sentence shall,
20 at the time of sentencing, provide for the prisoner’s
21 release after service of 33.3 percent of such term or
22 terms, which shall be deemed to be as if released on
23 parole. This paragraph shall not prevent delivery of
24 any person released on parole to the authorities of

1 any State otherwise entitled to custody of the per-
2 son.

3 “(b) DETERMINATIONS BY COURT.—Upon entering
4 a judgment of conviction, the court having jurisdiction to
5 impose sentence, when in its opinion the ends of justice
6 and best interest of the public require that the defendant
7 be sentenced to imprisonment for a term exceeding 1 year,
8 may—

9 “(1) designate in the sentence of imprisonment
10 imposed a minimum term at the expiration of which
11 the defendant shall become eligible for parole, which
12 term may not be more than 33.3 percent of the max-
13 imum sentence imposed by the court; or

14 “(2) fix the maximum sentence of imprisonment
15 to be served by the defendant, in which event the
16 court may specify that the defendant may be re-
17 leased on parole at such time as the Commission
18 may determine.

19 “(c) ADDITIONAL INFORMATION.—

20 “(1) IN GENERAL.—If the court desires more
21 detailed information as a basis for determining the
22 sentence to be imposed, the court may commit the
23 defendant to the custody of the Attorney General,
24 which commitment shall be deemed to be for the

1 maximum sentence of imprisonment prescribed by
2 law, for a study as described in subsection (d).

3 “(2) REPORT AND RECOMMENDATIONS OF DI-
4 RECTOR.—Not later than 3 months after a defend-
5 ant is committed under paragraph (1), unless the
6 court grants additional time, not to exceed 3
7 months, for further study, the results of the study
8 described in subsection (d), together with any rec-
9 ommendations which the Director believes would be
10 helpful in determining the disposition of the case,
11 shall be furnished to the court.

12 “(3) SENTENCING AFTER ADDITIONAL INFOR-
13 MATION.—After receiving a report and recommenda-
14 tions under paragraph (2), the court may in its dis-
15 cretion—

16 “(A) place the offender on probation in ac-
17 cordance with subchapter A; or

18 “(B)(i)(I) affirm the sentence of imprison-
19 ment originally deemed to be imposed; or

20 “(II) reduce the sentence of imprisonment;

21 and

22 “(ii) commit the offender under any appli-
23 cable provision of law.

24 “(4) RUNNING OF TERM.—The term of a sen-
25 tence imposed under paragraph (3) shall run from

1 the date of original commitment under this sub-
2 section.

3 “(d) STUDY UPON COMMITMENT.—

4 “(1) IN GENERAL.—Upon commitment of a
5 prisoner sentenced to imprisonment under sub-
6 section (a) or (b), the Director, under such regula-
7 tions as the Attorney General may prescribe, shall
8 cause a complete study to be made of the prisoner
9 and shall furnish to the Commission a summary re-
10 port together with any recommendations which in
11 the opinion of the Director would be helpful in deter-
12 mining the suitability of the prisoner for parole.

13 “(2) CONTENTS.—A report under paragraph
14 (1) may include—

15 “(A) data regarding the prisoner’s previous
16 delinquency or criminal experience;

17 “(B) pertinent circumstances of the social
18 background, capabilities, and mental and phys-
19 ical health of the prisoner; and

20 “(C) consideration of such other factors as
21 may be considered pertinent.

22 “(3) STUDY BY COMMISSION.—The Commission
23 may make such other investigation relating to a
24 prisoner as it may determine necessary.

1 “(e) PROVISION OF INFORMATION.—Upon request of
2 the Commission, it shall be the duty of the various proba-
3 tion officers and agencies of the Federal Government to
4 furnish the Commission—

5 “(1) information available to such officer or
6 agency concerning any eligible prisoner or parolee;
7 and

8 “(2) whenever not incompatible with the public
9 interest, their views and recommendation with re-
10 spect to any matter within the jurisdiction of the
11 Commission.

12 “(f) REDUCTION OF MINIMUM TERM.—At any time,
13 upon motion of the Director, the court may reduce any
14 minimum term before a prisoner may be released on pa-
15 role to the time the prisoner has served. The court shall
16 have jurisdiction to act upon the application at any time
17 and no hearing shall be required.

18 “(g) RULE OF CONSTRUCTION.—Nothing in this sub-
19 chapter shall be construed to provide that any prisoner
20 shall be eligible for release on parole if such prisoner is
21 ineligible for such release under any other provision of law.

22 **“§ 3635. Parole determination criteria**

23 “(a) IN GENERAL.—Subject to subsections (b) and
24 (c), and in accordance with guidelines promulgated by the

1 Commission under section 3632, an eligible prisoner shall
2 be released on parole if—

3 “(1) the eligible prisoner has substantially ob-
4 served the rules of the institution or institutions to
5 which the eligible prisoner has been confined; and

6 “(2) the Commission, upon consideration of the
7 nature and circumstances of the offense and the his-
8 tory and characteristics of the eligible prisoner, de-
9 termines that release would not—

10 “(A) depreciate the seriousness of the of-
11 fense or promote disrespect for the law; or

12 “(B) jeopardize the public welfare.

13 “(b) EXCEPTION.—Notwithstanding the guidelines
14 promulgated by the Commission under section 3632, the
15 Commission may grant or deny release on parole if it de-
16 termines there is good cause for so doing.

17 “(c) NOTICE.—The Commission shall furnish an eli-
18 gible prisoner with a written notice of its determination
19 (including any determination described in subsection (b))
20 not later than 21 days, excluding holidays, after the date
21 of the parole determination proceeding. If parole is denied,
22 such notice shall state with particularity the reasons for
23 such denial.

24 “(d) CERTAIN PRISONERS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 any prisoner serving a term or terms of imprison-
3 ment of 5 years or longer, who is not earlier released
4 under this section or any other applicable provision
5 of law, shall be released on parole—

6 “(A) on the date on which the prisoner has
7 served 66.6 percent of each consecutive term or
8 terms; or

9 “(B) for a prisoner serving consecutive
10 term or terms of imprisonment of more than 45
11 years (including any life term), the earlier of—

12 “(i) the date described in subpara-
13 graph (A); or

14 “(ii) the date on which the prisoner
15 has served 30 years.

16 “(2) EXCEPTION.—The Commission shall not
17 release a prisoner under paragraph (1) if it deter-
18 mines that—

19 “(A) the prisoner has seriously or fre-
20 quently violated institution rules and regula-
21 tions; or

22 “(B) there is a reasonable probability that
23 the prisoner will commit any Federal, State, or
24 local crime.

1 **“§ 3636. Information considered**

2 “In making a determination under this subchapter
3 relating to release on parole of an eligible prisoner, the
4 Commission shall consider, if available and relevant—

5 “(1) reports and recommendations which the
6 staff of the facility in which such eligible prisoner is
7 confined may make;

8 “(2) official reports of the eligible prisoner’s
9 prior criminal record, including a report or record of
10 earlier probation and parole experiences;

11 “(3) presentence investigation reports;

12 “(4) recommendations regarding the eligible
13 prisoner’s parole made at the time of sentencing by
14 the sentencing judge;

15 “(5) reports of physical, mental, or psychiatric
16 examination of the eligible prisoner; and

17 “(6) such additional relevant information con-
18 cerning the eligible prisoner (including information
19 submitted by the eligible prisoner) as may be reason-
20 ably available.

21 **“§ 3637. Parole determination proceeding; time**

22 “(a) PROCEEDINGS.—

23 “(1) IN GENERAL.—In making a determination
24 under this subchapter (relating to parole), the Com-
25 mission shall conduct a parole determination pro-
26 ceeding unless it determines on the basis of the eligi-

1 ble prisoner's record that the eligible prisoner will be
2 released on parole.

3 “(2) TIMING.—

4 “(A) IN GENERAL.—Whenever feasible, the
5 initial parole determination proceeding for a
6 prisoner eligible for parole under subsection
7 (a)(1) or (b)(1) of section 3634 shall be held
8 not later than 30 days before the date of such
9 eligibility for parole.

10 “(B) OTHER PROCEEDINGS.—Whenever
11 feasible, the initial parole determination pro-
12 ceeding for a prisoner eligible for parole under
13 section 3634(b)(2) or who was released on pa-
14 role, and whose parole has been revoked, shall
15 be held not later than 120 days following such
16 prisoner's imprisonment or reimprisonment in a
17 Federal institution, as the case may be.

18 “(3) WAIVER.—An eligible prisoner may know-
19 ingly and intelligently waive any parole determina-
20 tion proceeding.

21 “(b) NOTICE.—

22 “(1) IN GENERAL.—Not later than 30 days be-
23 fore a parole determination proceeding relating to an
24 eligible prisoner, the eligible prisoner shall be pro-
25 vided with—

1 “(A) written notice of the time and place
2 of the proceeding; and

3 “(B) reasonable access to any reports or
4 other documents to be used by the Commission
5 in making its determination.

6 “(2) WAIVER.—An eligible prisoner may waive
7 notice of a parole determination proceeding, except
8 that if notice is not waived, the proceeding shall be
9 held during the next regularly scheduled proceedings
10 by the Commission at the institution in which the el-
11 igible prisoner is confined.

12 “(c) WITHHOLDING OF CERTAIN MATERIALS.—

13 “(1) IN GENERAL.—Subsection (b)(1)(B) shall
14 not apply to—

15 “(A) diagnostic opinions which, if made
16 known to the eligible prisoner, could lead to a
17 serious disruption of the institutional program;

18 “(B) any document which reveals sources
19 of information obtained upon a promise of con-
20 fidentiality; or

21 “(C) any other information which, if dis-
22 closed, might result in harm, physical or other-
23 wise, to any person.

24 “(2) SUMMARIES.—If access to a report or
25 other document is not provided by the Commission,

1 the Bureau of Prisons, or any other agency under
2 paragraph (1), the Commission, the Bureau, or such
3 other agency, respectively, shall provide to the eligi-
4 ble prisoner a summary of the basic contents of the
5 material withheld, bearing in mind the need for con-
6 fidentiality and the impact on the eligible prisoner.

7 “(d) CONSULTATION AND REPRESENTATION.—

8 “(1) IN GENERAL.—During the period before a
9 parole determination proceeding described in sub-
10 section (b)(1), an eligible prisoner may consult, as
11 provided by the Director, with a representative as
12 referred to in paragraph (2), and by mail or other-
13 wise with any person concerning such proceeding.

14 “(2) REPRESENTATION AT PROCEEDING.—An
15 eligible prisoner shall, if the eligible prisoner choos-
16 es, be represented at the parole determination pro-
17 ceeding by a representative who qualifies under rules
18 promulgated by the Commission. Such rules shall
19 not exclude attorneys as a class.

20 “(e) TESTIMONY BY ELIGIBLE PRISONER.—An eligi-
21 ble prisoner shall be allowed to appear and testify on his
22 or her own behalf at the parole determination proceeding.

23 “(f) RECORDS.—A full and complete record of every
24 parole determination proceeding shall be retained by the
25 Commission. Upon request, the Commission shall make

1 available to any eligible prisoner such record as the Com-
2 mission may retain of the parole determination pro-
3 ceeding.

4 “(g) CONFERENCE IF DENIED.—If parole is denied,
5 and if feasible—

6 “(1) a personal conference to explain the rea-
7 sons for the denial shall be held between the eligible
8 prisoner and the Commissioners or examiners con-
9 ducting the proceeding at the conclusion of the pro-
10 ceeding; and

11 “(2) the conference shall include advice to the
12 eligible prisoner as to what steps may be taken to
13 enhance the chance of being released at a subse-
14 quent proceeding.

15 “(h) SUBSEQUENT PROCEEDINGS IF DENIED.—In
16 any case in which release on parole is not granted, subse-
17 quent parole determination proceedings shall be held not
18 less frequently than every—

19 “(1) 18 months in the case of an eligible pris-
20 oner serving a term or terms of imprisonment of
21 more than 1 year and less than 7 years; and

22 “(2) 24 months in the case of an eligible pris-
23 oner serving a term or terms of imprisonment of not
24 less than 7 years.

1 **“§ 3638. Conditions of parole**

2 “(a) CONDITIONS.—

3 “(1) NO OTHER CRIMES.—In every case, the
4 Commission shall impose as a condition of parole
5 that the parolee not commit another Federal, State,
6 or local crime.

7 “(2) OTHER CONDITIONS.—The Commission—

8 “(A) may impose or modify other condi-
9 tions of parole to the extent that such condi-
10 tions are reasonably related to—

11 “(i) the nature and circumstances of
12 the offense; and

13 “(ii) the history and characteristics of
14 the parolee; and

15 “(B) may provide for such supervision and
16 other limitations as are reasonable to protect
17 the public welfare.

18 “(b) SCOPE OF CONDITIONS.—

19 “(1) IN GENERAL.—The conditions of parole
20 should be sufficiently specific to serve as a guide to
21 supervision and conduct.

22 “(2) CERTIFICATE.—Upon release on parole, a
23 parolee shall be given a certificate setting forth the
24 conditions of parole. An effort shall be made to
25 make certain that the parolee understands the condi-
26 tions of parole.

1 “(c) TREATMENT.—

2 “(1) IN GENERAL.—Release on parole or re-
3 lease as if on parole may as a condition of such re-
4 lease require—

5 “(A) a parolee to reside in or participate in
6 the program of a residential community treat-
7 ment center, or both, for all or part of the pe-
8 riod of such parole; and

9 “(B) a parolee who is an addict (as defined
10 under section 102 of the Controlled Substances
11 Act (21 U.S.C. 802)) or a drug dependent per-
12 son (as defined in section 2 of the Public
13 Health Service Act (42 U.S.C. 201)) to undergo
14 available medical, psychiatric, or psychological
15 treatment for drug or alcohol dependency for all
16 or part of the period of parole.

17 “(2) COSTS.—A parolee residing in a residen-
18 tial community treatment center pursuant to para-
19 graph (1) may be required to pay such costs incident
20 to residence as the Commission determines appro-
21 priate.

22 “(d) MODIFICATION OF CONDITIONS.—

23 “(1) IN GENERAL.—The Commission may mod-
24 ify conditions of parole under this section on its own

1 motion, or on the motion of a United States proba-
2 tion officer supervising a parolee.

3 “(2) NOTICE REQUIRED.—A parolee shall re-
4 ceive notice of a proposed modification of conditions
5 of parol and a period of not less than 10 days after
6 receipt of such notice to express the views of the pa-
7 rolee on the proposed modification.

8 “(3) PERIOD FOR DETERMINATION.—Not later
9 than 21 days after the end of the 10-day period de-
10 scribed in paragraph (2), the Commission shall act
11 upon a motion or application to modify conditions of
12 parole.

13 “(4) PETITION BY PAROLEE.—A parolee may
14 petition the Commission for a modification of condi-
15 tions under this section.

16 “(5) RELATION TO REVOCATION PRO-
17 CEEDINGS.—This subsection shall not apply to modi-
18 fications of parole conditions under a revocation pro-
19 ceeding under section 3643.

20 **“§ 3639. Jurisdiction of Commission**

21 “(a) ATTORNEY GENERAL JURISDICTION.—A pa-
22 rolee shall remain in the legal custody and under the con-
23 trol of the Attorney General, until the expiration of the
24 maximum term or terms of imprisonment to which such
25 parolee was sentenced.

1 “(b) JURISDICTION OF COMMISSION GENERALLY.—
2 Except as otherwise provided in this section, the jurisdic-
3 tion of the Commission over the parolee shall terminate
4 not later than the date of the expiration of the maximum
5 term or terms for which the parolee was sentenced, except
6 that—

7 “(1) such jurisdiction shall terminate at an ear-
8 lier date to the extent provided under section
9 3624(b)(5) or section 3640; and

10 “(2) in the case of a parolee who has been con-
11 victed of a Federal, State, or local crime committed
12 subsequent to release on parole that is punishable by
13 a term of imprisonment, detention, or incarceration
14 in any penal facility, the Commission shall deter-
15 mine, in accordance with subsection (b) or (c) of sec-
16 tion 3643, whether all or any part of the unexpired
17 term being served at the time of parole shall run
18 concurrently or consecutively with the sentence im-
19 posed for the new offense, but in no case shall such
20 service together with such time as the parolee has
21 previously served in connection with the offense for
22 which the parolee was paroled, be longer than the
23 maximum term for which the parolee was sentenced
24 in connection with such offense.

1 “(c) INTENTIONAL FAILURE OR REFUSAL.—If a pa-
2 rolee intentionally refuses or fails to respond to any rea-
3 sonable request, order, summons, or warrant of the Com-
4 mission or any member or agent thereof, the jurisdiction
5 of the Commission may be extended for the period during
6 which the parolee so refuses or fails to respond.

7 “(d) OTHER SENTENCES.—The parole of any parolee
8 shall run concurrently with the period of parole or proba-
9 tion under any other Federal, State, or local sentence.
10 Upon the termination of the jurisdiction of the Commis-
11 sion over any parolee, the Commission shall issue a certifi-
12 cate of discharge to the parolee and to such other agencies
13 as it may determine.

14 **“§ 3640. Early termination of parole**

15 “(a) IN GENERAL.—Upon its own motion or upon re-
16 quest of the parolee, the Commission may terminate su-
17 pervision over a parolee prior to the termination of juris-
18 diction under section 3639.

19 “(b) STATUS REVIEWS.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after a parolee is released on parole, and every year
22 thereafter, the Commission shall review the status of
23 the parolee to determine the need for continued su-
24 pervision.

1 “(2) EXCLUSION OF CERTAIN PERIODS.—In
2 calculating the 2-year period described in paragraph
3 (1), there shall not be included any period of release
4 on parole prior to the most recent such release, nor
5 any period served in confinement on any other sen-
6 tence.

7 “(c) TERMINATION AFTER 5 YEARS.—

8 “(1) IN GENERAL.—Five years after a parolee
9 is released on parole, the Commission shall termi-
10 nate supervision over the parolee unless the Commis-
11 sion determines, after a hearing conducted in ac-
12 cordance with the procedures prescribed in section
13 3643(a)(2), that such supervision should not be ter-
14 minated because there is a likelihood that the pa-
15 rolee will engaged in conduct violating any criminal
16 law.

17 “(2) CONTINUATION OF PAROLE.—If super-
18 vision is not terminated under paragraph (1), the
19 parolee may request a hearing annually thereafter,
20 and a hearing, with procedures in accordance with
21 paragraph (1), shall be conducted with respect to
22 such termination of supervision not less frequently
23 than every 2 years.

24 “(3) EXCLUSION OF CERTAIN PERIODS.—In
25 calculating the 5-year period described in paragraph

1 (1), there shall not be included any period of release
2 on parole prior to the most recent such release, nor
3 any period served in confinement on any other sen-
4 tence.

5 **“§ 3641. Aliens**

6 “(a) ELIGIBILITY OF PAROLE FOR ALIENS.—Not-
7 withstanding any other provision of law, aliens shall be
8 eligible for parole under this title.

9 “(b) ALIENS WITH FINAL ORDERS OF REMOVAL.—
10 When an alien prisoner subject to a final order of removal
11 becomes eligible for parole, the Commission may authorize
12 the release of such prisoner and, when parole becomes ef-
13 fective, may deliver such prisoner to a duly authorized im-
14 migration official for removal.

15 **“§ 3642. Summons to appear or warrant for retaking**
16 **of parolee**

17 “(a) IN GENERAL.—If a parolee is alleged to have
18 violated the conditions of parole, the Commission may—

19 “(1) summon such parolee to appear at a hear-
20 ing conducted under section 3643; or

21 “(2) issue a warrant and retake the parolee as
22 provided in this section.

23 “(b) ISSUANCE OF SUMMONS OR WARRANT.—

24 “(1) IN GENERAL.—A summons or warrant
25 issued under this section shall be issued by the Com-

1 mission as soon as practicable after discovery of the
2 alleged violation, except when delay is determined
3 necessary.

4 “(2) IMPRISONMENT.—Imprisonment in an in-
5 stitution shall not constitute grounds for delay of
6 such issuance, except that, in the case of any parolee
7 charged with a criminal offense, issuance of a sum-
8 mons or warrant may be suspended pending disposi-
9 tion of the charge.

10 “(c) NOTICE.—A summons or warrant issued under
11 this section shall provide the parolee with written notice
12 of—

13 “(1) the conditions of parole imposed under
14 section 3638 that the parolee is alleged to have vio-
15 lated;

16 “(2) the rights of the parolee under this sub-
17 chapter; and

18 “(3) the possible action which may be taken by
19 the Commission.

20 “(d) EXECUTION OF WARRANTS.—An officer of a
21 Federal penal or correctional institution, or a Federal offi-
22 cer authorized to serve criminal process within the United
23 States, to whom a warrant issued under this section is
24 delivered, shall execute such warrant by taking such pa-
25 rolee and returning the parolee to the custody of the re-

1 gional commissioner, or to the custody of the Attorney
2 General, if the Commission shall so direct.

3 **“§ 3643. Revocation of parole**

4 “(a) REVOCATION GENERALLY.—

5 “(1) IN GENERAL.—Except as provided in sub-
6 sections (b) and (c)—

7 “(A) an alleged parole violator summoned
8 or retaken under section 3642 shall be afforded
9 the opportunity to have a preliminary hearing
10 at or reasonably near the place of the alleged
11 parole violation or arrest, without unnecessary
12 delay, to determine if there is probable cause to
13 believe that the parolee has violated a condition
14 of parole;

15 “(B) upon a finding of probable cause, and
16 except as provided in subparagraph (C)—

17 “(i) a digest shall be prepared by the
18 Commission setting forth in writing the
19 factors considered and the reasons for the
20 decision; and

21 “(ii) a copy of the digest shall be
22 given to the parolee within a reasonable
23 period of time;

24 “(C) the Commission may restore any pa-
25 rolee to parole supervision if—

1 “(i) continuation of revocation pro-
2 ceedings is not warranted;

3 “(ii) incarceration of the parolee
4 pending further revocation proceedings is
5 not warranted by the alleged frequency or
6 seriousness of such violation or violations;

7 “(iii) the parolee is not likely to fail to
8 appear for further proceedings; and

9 “(iv) the parolee does not constitute a
10 danger to himself, herself, or others; and

11 “(D) not later than 60 days after a finding
12 of probable cause, a revocation hearing shall be
13 held at or reasonably near the place of the al-
14 leged parole violation or arrest, except that a
15 revocation hearing may be held at the same
16 time and place set for the preliminary hearing.

17 “(2) HEARING PROCEDURES.—For a hearing
18 held under paragraph (1)—

19 “(A) notice shall be given to the parolee of
20 the conditions of parole alleged to have been
21 violated, and the time, place, and purposes of
22 the scheduled hearing;

23 “(B) the parolee shall have an opportunity
24 to be represented by an attorney (retained by
25 the parolee, or if the parolee is financially un-

1 able to retain counsel, counsel shall be provided
2 under section 3006A) or, if the parolee so
3 chooses, a representative as provided by rules
4 and regulations, unless the parolee knowingly
5 and intelligently waives such representation;

6 “(C) the parolee shall have an opportunity
7 to appear and testify, and present witnesses
8 and relevant evidence on his or her own behalf;
9 and

10 “(D) the parolee shall have an opportunity
11 to be apprised of the evidence against the pa-
12 rolee and, if the parolee so requests, to confront
13 and cross-examine adverse witnesses, unless the
14 Commission specifically finds substantial reason
15 for not so allowing.

16 “(3) SUBPOENAS.—For purposes of paragraph
17 (1), the Commission may subpoena witnesses and
18 evidence, and pay witness fees as established for the
19 courts of the United States. If a person refuses to
20 obey such a subpoena, the Commission may petition
21 a court of the United States for the judicial district
22 in which such parole proceeding is being conducted,
23 or in which such person may be found, to request
24 such person to attend, testify, and produce evidence.
25 The court may issue an order requiring such person

1 to appear before the Commission, when the court
2 finds such information, thing, or testimony directly
3 related to a matter with respect to which the Com-
4 mission is empowered to make a determination
5 under this section. Failure to obey such an order is
6 punishable by such court as a contempt. All process
7 in such a case may be served in the judicial district
8 in which such a parole proceeding is being con-
9 ducted, or in which such person may be found.

10 “(b) CONVICTION OF CRIMES WHILE ON PAROLE.—

11 “(1) IN GENERAL.—Conviction for a Federal,
12 State, or local crime committed subsequent to re-
13 lease on parole shall constitute probable cause for
14 purposes of subsection (a).

15 “(2) PAROLEES INCARCERATED.—If a parolee
16 has been convicted of a Federal, State, or local
17 crime and is serving a new sentence in an institu-
18 tion, a parole revocation warrant or summons issued
19 under section 3642 may be placed against the pa-
20 rolee as a detainer. Not later than 180 days after
21 the Commission receives notice of the placement of
22 a detainer, the detainer shall be reviewed by the
23 Commission. The parolee shall receive notice of the
24 pending review, have an opportunity to submit a
25 written application containing information relative to

1 the disposition of the detainer, and, unless waived,
2 shall have counsel as provided in subsection
3 (a)(2)(B) to assist in the preparation of such appli-
4 cation.

5 “(3) HEARING.—If the Commission determines
6 that additional information is needed to review a de-
7 tainer under paragraph (2), a dispositional hearing
8 may be held at the institution in which the parolee
9 is confined. The parolee shall receive notice of such
10 hearing, be allowed to appear and testify on his or
11 her own behalf, and, unless waived, shall have coun-
12 sel as provided in subsection (a)(2)(B).

13 “(4) RESOLUTION.—Following the review relat-
14 ing to the disposition of a detainer, the Commission
15 may—

16 “(A) let the detainer stand; or

17 “(B) withdraw the detainer.

18 “(c) CERTAIN ALLEGED PAROLE VIOLATORS.—

19 “(1) REVOCATION HEARING.—

20 “(A) IN GENERAL.—An alleged parole vio-
21 lator described in subparagraph (B) shall re-
22 ceive a revocation hearing within 90 days of the
23 date of retaking.

24 “(B) COVERED ALLEGED PAROLE VIOLA-
25 TORS.—An alleged parole violator described in

1 this subparagraph is an alleged parole violator
2 who—

3 “(i) is summoned or retaken by war-
4 rant under section 3642 and knowingly
5 and intelligently waives the right to a hear-
6 ing under subsection (a);

7 “(ii) knowingly and intelligently ad-
8 mits violation at a preliminary hearing
9 held under subsection (a)(1)(A); or

10 “(iii) is retaken under subsection (b).

11 “(C) CONDUCT OF HEARING.—The Com-
12 mission may conduct a hearing under subpara-
13 graph (A) at the institution to which the pa-
14 rolee has been returned, and the alleged parole
15 violator shall receive notice of the hearing, be
16 allowed to appear and testify on his or her own
17 behalf, and, unless waived, shall have counsel or
18 another representative as provided in subsection
19 (a)(2)(B).

20 “(d) DISPOSITION.—

21 “(1) IN GENERAL.—If a parolee is summoned
22 or retaken under section 3642, and the Commission
23 finds, in accordance with this section (including
24 paragraph (2) of this subsection) and by a prepon-

1 derance of the evidence, that the parolee has violated
2 a condition of parole, the Commission may—

3 “(A) restore the parolee to supervision;

4 “(B) reprimand the parolee;

5 “(C) modify the conditions of the parole of
6 the parolee;

7 “(D) refer the parolee to a residential com-
8 munity treatment center for all or part of the
9 remainder of the original sentence; or

10 “(E) formally revoke parole or release as if
11 on parole under this title.

12 “(2) REQUIREMENTS.—The Commission may
13 take an action under paragraph (1) if it has taken
14 into consideration—

15 “(A) whether the parolee has been con-
16 victed of any Federal, State, or local crime sub-
17 sequent to release on parole, and the serious-
18 ness thereof; and

19 “(B) whether the action is warranted by
20 the frequency or seriousness of the violation by
21 the parolee of any other condition or conditions
22 of parole.

23 “(e) NOTICE.—Not later than 21 days, excluding
24 holidays, after a revocation hearing under this section, the
25 Commission shall furnish the parolee with a written notice

1 of its determination. If parole is revoked, a digest shall
2 be prepared by the Commission setting forth in writing
3 the factors considered and reasons for such action, a copy
4 of which shall be given to the parolee.

5 **“§ 3644. Reconsideration and appeal**

6 “(a) IN GENERAL.—If parole release is denied under
7 section 3635, parole conditions are imposed or modified
8 under section 3638, parole discharge is denied under sec-
9 tion 3640(c), or parole is modified or revoked under sec-
10 tion 3643, the individual to whom such decision applies
11 may have the decision reconsidered by submitting a writ-
12 ten application to the regional Commissioner not later
13 than 30 days after the date on which the decision is ren-
14 dered.

15 “(b) REVIEW BY REGIONAL COMMISSIONER.—Not
16 later than 30 days after receipt of an application under
17 subsection (a), a regional Commissioner shall—

18 “(1) acting in accordance with rules and regula-
19 tions, reaffirm, modify, or reverse the original deci-
20 sion; and

21 “(2) inform the applicant in writing of the deci-
22 sion and the reasons therefor.

23 “(c) APPEAL TO NATIONAL APPEALS BOARD.—

24 “(1) IN GENERAL.—Any decision made under
25 subsection (b) which is adverse to the applicant for

1 reconsideration may be appealed by the individual to
2 the National Appeals Board by submitting a written
3 notice of appeal not later than 30 days following the
4 date on which such decision is rendered.

5 “(2) REVIEW.—In accordance with rules and
6 regulations, the National Appeals Board—

7 “(A) not later than 60 days after receipt
8 of an appellant’s papers, shall reaffirm, modify,
9 or reverse the decision; and

10 “(B) shall inform the appellant in writing
11 of the decision and the reasons therefor.

12 **“§ 3645. Young adult offenders**

13 “(a) DEFINITION.—In this section, the term ‘young
14 adult offender’ means an individual—

15 “(1) who has been convicted of a Federal of-
16 fense; and

17 “(2) on the date of the conviction, is not less
18 than 22 years of age and is less than 26 years of
19 age.

20 “(b) TREATMENT AS A JUVENILE.—A young adult
21 offender may be deemed a juvenile for purposes of chapter
22 403 if, after taking into consideration the previous record
23 of the young adult offender as to delinquency or criminal
24 experience, the social background, capabilities, mental and
25 physical health of the young adult offender, and such

1 other factors as may be considered pertinent, the court
2 finds that there are reasonable grounds to believe that the
3 young adult offender will benefit from being treated as a
4 juvenile under chapter 403.

5 **“§ 3646. Applicability of Administrative Procedure**
6 **Act**

7 “(a) IN GENERAL.—The Commission shall be an
8 agency for purposes of chapter 5 of title 5, except for sec-
9 tions 554, 555, 556, and 557.

10 “(b) RULEMAKING.—For purposes of subsection (a),
11 section 553(b)(3)(A) of title 5 shall be applied as though
12 ‘, general statements of policy,’ were struck.

13 “(c) JUDICIAL REVIEW.—To the extent that actions
14 of the Commission under section 3632(a)(1) are not in
15 accord with section 553 of title 5, they shall be reviewable
16 in accordance with chapter 7 of title 5.

17 “(d) EXCLUSION OF CERTAIN ACTIONS.—Actions of
18 the Commission under paragraphs (1), (2), and (3) of sec-
19 tion 3632(b) shall be considered actions committed to
20 agency discretion for purposes of section 701(a)(2) of title
21 5.”.

22 (b) PERMANENT CONTINUATION OF PAROLE COM-
23 MISSION.—Notwithstanding section 235(b) of the Sen-
24 tencing Reform Act of 1984 (18 U.S.C. 3551 note), the
25 United States Parole Commission shall not be terminated

1 under such section and appointments to the United States
2 Parole Commission shall be made in accordance with sec-
3 tion 4202 of title 18, United States Code, as in effect on
4 the day before the effective date of the Sentencing Reform
5 Act of 1984 under section 235(a) of such Act (18 U.S.C.
6 3551 note).

7 (c) CREDIT TOWARD SERVICE OF SENTENCE FOR
8 SATISFACTORY BEHAVIOR.—Section 3624(b) of title 18,
9 United States Code, is amended by adding at the end the
10 following:

11 “(5) A prisoner having served the term or
12 terms of imprisonment of the prisoner, less credit to-
13 ward the service of the prisoner’s sentence under
14 this subsection, shall, upon release, be deemed as if
15 released on parole until the expiration of the max-
16 imum term or terms for which the prisoner was sen-
17 tenced less 180 days. This paragraph shall not pre-
18 vent delivery of a prisoner to the authorities of any
19 State otherwise entitled to custody of the prisoner.”.

20 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 3553 of title 18, United States
22 Code, is amended—

23 (A) in subsection (b), by inserting “max-
24 imum” before “sentence of the kind” each place
25 it appears; and

1 (B) in subsection (c), in the matter pre-
2 ceding paragraph (1), by inserting “maximum”
3 before “sentence—”.

4 (2) Section 3621(a) of title 18, United States
5 Code, is amended by inserting “on parole” before
6 “for satisfactory behavior”.

7 (3) Section 3624 of title 18, United States
8 Code, is amended—

9 (A) in subsection (a), by striking “A pris-
10 oner” and inserting “Subject to release on pa-
11 role under subchapter D, a prisoner”;

12 (B) in subsection (b)(2), by inserting “,
13 which shall not include a release on parole
14 under subchapter D” after “released from cus-
15 tody”; and

16 (C) in subsection (d), by inserting “or on
17 parole under subchapter D” after “Upon the
18 release of a prisoner”.

19 (4) Section 4321 of title 18, United States
20 Code, is amended by inserting “or parole” before the
21 period at the end.

22 (5) Chapter 403 of title 18, United States
23 Code, is amended—

24 (A) by inserting after section 5040 the fol-
25 lowing:

1 **“§ 5041. Parole**

2 “A juvenile delinquent who has been committed may
3 be released on parole at any time under such conditions
4 and regulations as the United States Parole Commission
5 determines proper in accordance with section 3635.”; and

6 (B) by striking the item relating to section
7 5041 and inserting the following:

“5041. Parole.”.

8 (6) The table of subchapters for chapter 229 of
9 title 18, United States Code, is amended by insert-
10 ing after the item relating to subchapter C the fol-
11 lowing:

“D. Parole 3631”.

12 (7) The Controlled Substances Act (21 U.S.C.
13 801 et seq.) is amended—

14 (A) in section 401(b)(1) (21 U.S.C.
15 841(b)(1))—

16 (i) in subparagraph (A), in the matter
17 following clause (viii), by striking the last
18 sentence;

19 (ii) in subparagraph (B), in the mat-
20 ter following clause (viii), by striking the
21 last sentence; and

22 (iii) in subparagraph (C), in the last
23 sentence, by striking “, nor shall a person

1 so sentenced be eligible for parole during
2 the term of such a sentence”;

3 (B) in section 419(d) (21 U.S.C. 860(d)),
4 by striking the second sentence; and

5 (C) in section 420(e) (21 U.S.C. 861(e)),
6 by striking the second sentence.

7 (8) Section 1010(b) of the Controlled Sub-
8 stances Import and Export Act (21 U.S.C. 960(b))
9 is amended—

10 (A) in paragraph (1), in the matter fol-
11 lowing subparagraph (H), by striking the last
12 sentence; and

13 (B) in paragraph (2), in the matter fol-
14 lowing subparagraph (H), by striking the last
15 sentence.

16 (e) APPLICABILITY.—The amendments made by this
17 section shall apply with respect to any sentence imposed
18 on or after January 1, 2019.

19 **SEC. 9007. TERMINATION OF DETENTION BED QUOTA.**

20 (a) IN GENERAL.—The matter under the heading
21 “SALARIES AND EXPENSES” under the heading “UNITED
22 STATES IMMIGRATION AND CUSTOMS ENFORCEMENT”
23 under title II of the Department of Homeland Security
24 Appropriations Act, 2016 (division F of Public Law 114–
25 113; 129 Stat. 2497) is amended by striking “*Provided*

1 *further*, That funding made available under this heading
2 shall maintain a level of not less than 34,000 detention
3 beds through September 30, 2016:”.

4 (b) DETENTION CAPACITY.—Notwithstanding any
5 other provision of law, the number of detention beds main-
6 tained by U.S. Immigration and Customs Enforcement
7 shall be determined by the Secretary of Homeland Secu-
8 rity and shall be based solely on detention needs.

9 (c) ALTERNATIVES TO DETENTION.—

10 (1) IN GENERAL.—The Secretary of Homeland
11 Security shall establish nationwide alternatives to
12 detention programs that incorporate case manage-
13 ment services in each field office of the Department
14 of Homeland Security to ensure appearances at im-
15 migration proceedings and public safety.

16 (2) CONTRACT AUTHORITY.—The Secretary
17 may contract with nongovernmental community-
18 based organizations—

19 (A) to conduct screening of detainees;

20 (B) to operate community-based super-
21 vision programs; and

22 (C) to implement secure alternatives that
23 allow U.S. Immigration and Customs Enforce-
24 ment to maintain custody over the alien.

1 (3) ASSESSMENTS.—The Secretary shall regu-
2 larly assess the demand for alternative to detention
3 programs and make available sufficient alternative
4 to detention slots regardless of proximity to available
5 detention beds. Alternative programs shall offer a
6 continuum of supervision mechanisms and options,
7 including community support, depending on an as-
8 sessment of each individual’s circumstances. Infor-
9 mation regarding the amount of slots available in
10 each area shall be made public.

11 (4) INDIVIDUALIZED DETERMINATIONS.—In de-
12 termining whether to use alternatives to detention
13 programs, the Secretary shall make an individualized
14 determination, and for each individual placed in an
15 alternatives to detention program, shall review the
16 level of supervision on a monthly basis. Alternatives
17 to detention programs shall not be used when release
18 on bond or recognizance is determined to be a suffi-
19 cient measure to ensure appearances at immigration
20 proceedings and public safety. Detention shall not be
21 used when alternatives to detention programs are
22 determined to be a sufficient measure to ensure ap-
23 pearances at immigration proceedings and public
24 safety.

1 (5) CUSTODY.—The Secretary may use alter-
2 natives to detention programs to maintain custody
3 over any alien detained under the Immigration and
4 Nationality Act, except for aliens detained under
5 section 236A of such Act (8 U.S.C. 1226a). If an
6 individual is not eligible for release from custody or
7 detention, the Secretary shall consider the alien for
8 placement in alternative programs that maintain
9 custody over the alien.

10 (6) VULNERABLE POPULATIONS.—

11 (A) DEFINED TERM.—In this paragraph,
12 the term “vulnerable population” includes, but
13 is not limited to, asylum seekers, victims of tor-
14 ture or trafficking, families with minor children,
15 pregnant women, nursing mothers, individuals
16 who are gay, lesbian, bisexual, or transgender,
17 individuals with a mental or physical disability,
18 and individuals who are older than 65 years of
19 age.

20 (B) CONSIDERATIONS FOR PLACEMENT.—

21 In determining whether to place a detainee in
22 an alternatives to detention program, the Sec-
23 retary shall consider whether the detainee is a
24 member of a vulnerable population. Notwith-
25 standing section 236 of the Immigration and

1 Nationality Act (8 U.S.C. 1226), a member of
2 a vulnerable population whose needs cannot be
3 adequately met by a detention facility may not
4 be held in a detention facility unless the Sec-
5 retary determines such placement is in the in-
6 terest of national security.

7 **SEC. 9008. OVERSIGHT OF DETENTION FACILITIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPLICABLE STANDARDS.—The term “ap-
10 applicable standards” means the most recent version of
11 detention standards and detention-related policies
12 issued by the Secretary or the Director of U.S. Im-
13 migration and Customs Enforcement.

14 (2) DETENTION FACILITY.—The term “deten-
15 tion facility” means a Federal, State, or local gov-
16 ernment facility, or a privately owned and operated
17 facility, that is used, in whole or in part, to hold in-
18 dividuals under the authority of the Director of U.S.
19 Immigration and Customs Enforcement, including
20 facilities that hold such individuals under a contract
21 or agreement with the Department of Homeland Se-
22 curity.

23 (b) DETENTION REQUIREMENTS.—The Secretary of
24 Homeland Security shall ensure that all persons detained
25 pursuant to the Immigration and Nationality Act (8

1 U.S.C. 1101 et seq.) are treated humanely and benefit
2 from the protections set forth in this section.

3 (c) OVERSIGHT REQUIREMENTS.—

4 (1) ANNUAL INSPECTION.—All detention facili-
5 ties housing aliens in the custody of the Department
6 of Homeland Security shall be inspected, for compli-
7 ance with applicable detention standards issued by
8 the Secretary and other applicable regulations, by—

9 (A) the Secretary of Homeland Security at
10 least annually; and

11 (B) an independent, third-party auditor at
12 least biannually.

13 (2) ROUTINE OVERSIGHT.—In addition to the
14 inspections required under paragraph (1), the Sec-
15 retary shall conduct routine oversight of the deten-
16 tion facilities described in paragraph (1), including
17 unannounced inspections.

18 (3) AVAILABILITY OF RECORDS.—All detention
19 facility contracts, memoranda of agreement, audits,
20 inspections, evaluations and reviews, include those
21 conducted by the Office for Civil Rights and Civil
22 Liberties and the Office of Inspector General of the
23 Department of Homeland Security, shall be consid-
24 ered records for purposes of section 552(f)(2) of title
25 5, United States Code.

1 (4) CONSULTATION.—The Secretary shall seek
2 input from nongovernmental organizations regarding
3 their independent opinion of specific facilities.

4 (d) COMPLIANCE MECHANISMS.—

5 (1) AGREEMENTS.—

6 (A) NEW AGREEMENTS.—Compliance with
7 applicable standards of the Secretary of Home-
8 land Security and all applicable regulations, and
9 meaningful financial penalties for failure to
10 comply, shall be a material term in any new
11 contract, memorandum of agreement, or any re-
12 negotiation, modification, or renewal of an ex-
13 isting contract or agreement, including fee ne-
14 gotiations, executed with detention facilities.

15 (B) EXISTING AGREEMENTS.—Not later
16 than 180 days after the date of the enactment
17 of this Act, the Secretary shall secure a modi-
18 fication incorporating these terms for any exist-
19 ing contracts or agreements that will not be re-
20 negotiated, renewed, or otherwise modified.

21 (C) CANCELLATION OF AGREEMENTS.—

22 Unless the Secretary provides a reasonable ex-
23 tension to a specific detention facility that is
24 negotiating in good faith, contracts or agree-
25 ments with detention facilities that are not

1 modified within 1 year of the date of the enact-
2 ment of this Act will be cancelled.

3 (D) PROVISION OF INFORMATION.—In
4 making modifications under this paragraph, the
5 Secretary shall require that detention facilities
6 provide to the Secretary all contracts, memo-
7 randa of agreement, evaluations, and reviews
8 regarding the facility on a regular basis. The
9 Secretary shall make these materials publicly
10 available on a timely and regular basis.

11 (2) FINANCIAL PENALTIES.—

12 (A) REQUIREMENT TO IMPOSE.—Subject
13 to subparagraph (C), the Secretary shall impose
14 meaningful financial penalties upon facilities
15 that fail to comply with applicable detention
16 standards issued by the Secretary and other ap-
17 plicable regulations.

18 (B) TIMING OF IMPOSITION.—Financial
19 penalties imposed under subparagraph (A) shall
20 be imposed immediately after a facility fails to
21 achieve an adequate or the equivalent median
22 score in any performance evaluation.

23 (C) WAIVER.—The requirements of sub-
24 paragraph (A) may be waived if the facility cor-

1 rects the noted deficiencies and receives an ade-
2 quate score in not more than 90 days.

3 (D) MULTIPLE OFFENDERS.—If the Sec-
4 retary determines that a facility has been per-
5 sistently and substantially violating the deten-
6 tion standards issued by the Secretary, includ-
7 ing by scoring less than adequate or the equiva-
8 lent median score in 2 consecutive inspections—

9 (i) the Secretary shall terminate con-
10 tracts or agreements with such facilities
11 within 60 days; or

12 (ii) in the case of facilities operated by
13 the Secretary, the Secretary shall close
14 such facilities within 90 days.

15 (e) REPORTING REQUIREMENTS.—

16 (1) OBJECTIVES.—Not later than June 30 of
17 each year, the Secretary of Homeland Security shall
18 submit a report to the Committee on the Judiciary
19 of the Senate and the Committee on the Judiciary
20 of the House of Representatives that describes the
21 inspection and oversight activities at detention facili-
22 ties.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) shall include—

1 (A) a description of each detention facility
2 found to be in noncompliance with applicable
3 detention standards issued by the Department
4 of Homeland Security and other applicable reg-
5 ulations;

6 (B) a description of the actions taken by
7 the Department to remedy any findings of non-
8 compliance or other identified problems, includ-
9 ing financial penalties, contract or agreement
10 termination, or facility closure; and

11 (C) information regarding whether the ac-
12 tions described in subparagraph (B) resulted in
13 compliance with applicable detention standards
14 and regulations.

15 **SEC. 9009. PRERELEASE CUSTODY.**

16 Section 3624(c)(1) of title 18, United States Code,
17 is amended by adding at the end the following: “Subject
18 to the availability of appropriations and of bed space avail-
19 ability, the Director shall place a prisoner in a residential
20 reentry center that is within 50 miles of the prisoner’s
21 previous or anticipated permanent legal address.”.

22 **SEC. 9010. PURPOSES.**

23 The purposes of this Act are to—

24 (1) develop and implement national standards
25 for the use of solitary confinement to ensure that it

1 is used infrequently and only under extreme cir-
2 cumstances;

3 (2) establish a more humane and constitu-
4 tionally sound practice of segregated detention or
5 solitary confinement in correctional facilities;

6 (3) accelerate the development of best practices
7 and make reforming solitary confinement a top pri-
8 ority in each correctional facility at the Federal and
9 State levels;

10 (4) increase the available data and information
11 on the incidence of solitary confinement, con-
12 sequently improving the management and adminis-
13 tration of correctional facilities;

14 (5) standardize the definitions used for col-
15 lecting data on the incidence of solitary confinement;

16 (6) increase the accountability of correctional
17 facility officials who fail to design and implement
18 humane and constitutionally sound solitary confine-
19 ment practices;

20 (7) protect the Eighth Amendment rights of in-
21 mates at correctional facilities; and

22 (8) reduce the costs that solitary confinement
23 imposes on interstate commerce.

1 **SEC. 9011. NATIONAL SOLITARY CONFINEMENT STUDY AND**
2 **REFORM COMMISSION.**

3 (a) **ESTABLISHMENT.**—There is established a com-
4 mission to be known as the National Solitary Confinement
5 Study and Reform Commission.

6 (b) **MEMBERS.**—

7 (1) **IN GENERAL.**—The Commission shall be
8 composed of 9 members, of whom—

9 (A) 3 shall be appointed by the President;

10 (B) 2 shall be appointed by the Speaker of
11 the House of Representatives, unless the Speak-
12 er is of the same party as the President, in
13 which case 1 shall be appointed by the Speaker
14 of the House of Representatives and 1 shall be
15 appointed by the minority leader of the House
16 of Representatives;

17 (C) 1 shall be appointed by the minority
18 leader of the House of Representatives (in addi-
19 tion to any appointment made under subpara-
20 graph (B));

21 (D) 2 shall be appointed by the majority
22 leader of the Senate, unless the majority leader
23 is of the same party as the President, in which
24 case 1 shall be appointed by the majority leader
25 of the Senate and 1 shall be appointed by the
26 minority leader of the Senate; and

1 (E) 1 shall be appointed by the minority
2 leader of the Senate (in addition to any ap-
3 pointment made under subparagraph (D)).

4 (2) PERSONS ELIGIBLE.—Each member of the
5 Commission shall be an individual who has knowl-
6 edge or expertise in matters to be studied by the
7 Commission.

8 (3) CONSULTATION REQUIRED.—The President,
9 the Speaker and minority leader of the House of
10 Representatives, and the majority leader and minor-
11 ity leader of the Senate shall consult with one an-
12 other prior to the appointment of the members of
13 the Commission to achieve, to the maximum extent
14 possible, fair and equitable representation of various
15 points of view with respect to the matters to be
16 studied by the Commission.

17 (4) TERM.—Each member shall be appointed
18 for the life of the Commission.

19 (5) TIME FOR INITIAL APPOINTMENTS.—The
20 appointment of the members shall be made not later
21 than 180 days after the date of enactment of this
22 Act.

23 (6) VACANCIES.—A vacancy in the Commission
24 shall be filled in the manner in which the original
25 appointment was made, and shall be made not later

1 than 60 days after the date on which the vacancy
2 occurred.

3 (c) OPERATION.—

4 (1) CHAIRPERSON.—Not later than 15 days
5 after appointments of all the members are made, the
6 President shall appoint a chairperson for the Com-
7 mission from among its members.

8 (2) MEETINGS.—The Commission shall meet at
9 the call of the chairperson. The initial meeting of the
10 Commission shall take place not later than 30 days
11 after the initial appointment of the members is com-
12 pleted.

13 (3) QUORUM.—A majority of the members of
14 the Commission shall constitute a quorum to con-
15 duct business, but the Commission may establish a
16 lesser quorum for conducting hearings scheduled by
17 the Commission.

18 (4) RULES.—The Commission may establish by
19 majority vote any other rules for the conduct of
20 Commission business, if such rules are not incon-
21 sistent with this Act or other applicable law.

22 (d) COMPREHENSIVE STUDY OF THE IMPACTS OF
23 SOLITARY CONFINEMENT.—

24 (1) IN GENERAL.—The Commission shall carry
25 out a comprehensive legal and factual study of the

1 penological, physical, mental, medical, social, fiscal,
2 and economic impacts of solitary confinement in the
3 United States on—

4 (A) Federal, State, and local governments;

5 and

6 (B) communities and social institutions
7 generally, including individuals, families, and
8 businesses within such communities and social
9 institutions.

10 (2) MATTERS INCLUDED.—The study under
11 paragraph (1) shall include—

12 (A) a review of existing Federal, State,
13 and local government policies and practices with
14 respect to the extent and duration of the use of
15 solitary confinement;

16 (B) an assessment of the relationship be-
17 tween solitary confinement and correctional fa-
18 cility conditions, and existing monitoring, regu-
19 latory, and enforcement practices;

20 (C) an assessment of the characteristics of
21 prisoners and juvenile detainees most likely to
22 be referred to solitary confinement and the ef-
23 fectiveness of various types of treatment or pro-
24 grams to reduce such likelihood;

1 (D) an assessment of the impacts of soli-
2 tary confinement on individuals, families, social
3 institutions, and the economy generally;

4 (E) an identification of additional scientific
5 and social science research needed on the preva-
6 lence of solitary confinement in correctional fa-
7 cilities as well as a full assessment of existing
8 literature;

9 (F) an assessment of the general relation-
10 ship between solitary confinement and mental
11 illness;

12 (G) an assessment of the relationship be-
13 tween solitary confinement and levels of train-
14 ing, supervision, and discipline of the staff of
15 correctional facilities; and

16 (H) an assessment of existing Federal and
17 State systems for collecting and reporting the
18 number and duration of solitary confinement
19 incidents in correctional facilities nationwide.

20 (3) REPORT.—

21 (A) DISTRIBUTION.—Not later than two
22 years after the date of the initial meeting of the
23 Commission, the Commission shall submit a re-
24 port on the study carried out under this sub-
25 section to—

- 1 (i) the President;
- 2 (ii) the Congress;
- 3 (iii) the Attorney General of the
- 4 United States;
- 5 (iv) the Secretary of Health and
- 6 Human Services;
- 7 (v) the Director of the Federal Bu-
- 8 reau of Prisons;
- 9 (vi) the Administrator of the Office of
- 10 Juvenile Justice and Delinquency Preven-
- 11 tion;
- 12 (vii) the chief executive of each State;
- 13 and
- 14 (viii) the head of the department of
- 15 corrections of each State.

16 (B) CONTENTS.—The report under sub-

17 paragraph (A) shall include—

- 18 (i) the findings and conclusions of the
- 19 Commission;
- 20 (ii) the recommended national stand-
- 21 ards for reducing the use of solitary con-
- 22 finement described in subsection (e); and
- 23 (iii) a summary of the materials relied
- 24 on by the Commission in the preparation
- 25 of the report.

1 (e) RECOMMENDATIONS.—

2 (1) IN GENERAL.—As part of the report sub-
3 mitted under subsection (d)(3), the Commission
4 shall provide the Attorney General and the Secretary
5 of Health and Human Services with recommended
6 national standards for significantly reducing the use
7 of solitary confinement in correctional facilities.

8 (2) MATTERS INCLUDED.—The information
9 provided under paragraph (1) shall include rec-
10 ommended national standards relating to—

11 (A) how authorities can progress toward
12 significantly limiting the utilization of solitary
13 confinement so that a prisoner or juvenile de-
14 tainee may be placed in solitary confinement
15 only when the safety or security of the facility
16 or another person is at imminent risk, during
17 an ongoing disciplinary investigation concerning
18 an adult prisoner, or to punish an adult pris-
19 oner for an extremely serious disciplinary in-
20 fraction;

21 (B) methods that can be employed to en-
22 sure that the duration of solitary confinement
23 of a prisoner or juvenile detainee at an institu-
24 tion can be limited to fewer than 30 days in
25 any 45-day period, except in a case in which the

1 head of a correctional facility makes an individ-
2 ualized determination that prolonged solitary
3 confinement of the prisoner or detainee for a
4 serious disciplinary infraction is necessary for
5 the order or security of the institution, or a
6 prisoner or detainee requests such placement;

7 (C) ensuring that prior to being classified,
8 assigned, or subject to long-term solitary con-
9 finement, an adult prisoner shall be entitled to
10 a meaningful hearing on the reason for and du-
11 ration of the confinement and have access to
12 legal counsel for such hearings;

13 (D) ensuring that indefinite sentencing of
14 an adult prisoner to long-term solitary confine-
15 ment will not be allowed and that the prisoner
16 will be afforded a meaningful review of the con-
17 finement at least once every 30 days that the
18 prisoner remains in solitary confinement and
19 that correctional facility officials must record
20 and provide a transcript of the review pro-
21 ceedings for the prisoner under review to the
22 prisoner or the prisoner's designee;

23 (E) ensuring that correctional facility offi-
24 cials design and implement programming that
25 allows adult prisoners subject to long-term soli-

1 tary confinement to earn placement in less re-
2 strictive housing through positive behavior;

3 (F) limiting the use of involuntary solitary
4 confinement for the purpose of protective cus-
5 tody solely because of a personal characteristic
6 that makes the prisoner or juvenile detainee
7 particularly vulnerable to harm, including age,
8 gender identity, race, or religion;

9 (G) ensuring that correctional facility offi-
10 cials improve access to mental health treatment
11 for prisoners and juvenile detainees in solitary
12 confinement;

13 (H) ensuring that correctional facility offi-
14 cials work toward systems wherein prisoners
15 and juvenile detainees diagnosed by a qualified
16 mental health professional with a serious men-
17 tal illness are not held in long-term solitary
18 confinement;

19 (I) ensuring that correctional facility offi-
20 cials do all that is feasible to make certain that
21 prisoners and juvenile detainees are not held in
22 solitary confinement for any duration, except
23 under extreme emergency circumstances;

24 (J) ensuring that correctional facility offi-
25 cials develop alternative methods to manage

1 issues with prisoners and juvenile detainees
2 other than solitary confinement; and

3 (K) such other matters as may reasonably
4 be related to the goal of reducing solitary con-
5 finement in correctional facilities.

6 (3) LIMITATION.—The Commission shall not
7 propose a recommended standard that would impose
8 substantial additional costs compared to the costs
9 presently expended by correctional facilities, and
10 shall seek to propose standards that reduce the costs
11 of incarceration at such facilities.

12 (f) CONSULTATION WITH ACCREDITATION ORGANI-
13 ZATIONS.—In developing recommended national standards
14 for the reduction of solitary confinement under subsection
15 (e), the Commission shall consider any standards that
16 have already been developed, or are being developed simul-
17 taneously to the deliberations of the Commission. The
18 Commission shall consult with accreditation organizations
19 responsible for the accreditation of correctional facilities
20 that have developed or are developing standards related
21 to solitary confinement. The Commission shall also consult
22 with national associations representing the corrections
23 profession, the legal profession, the medical profession, or
24 any other pertinent professional body that has developed
25 or is developing standards related to solitary confinement.

1 (g) HEARINGS.—

2 (1) IN GENERAL.—The Commission shall hold
3 public hearings. The Commission may hold such
4 hearings, sit and act at such times and places, take
5 such testimony, and receive such evidence as the
6 Commission considers advisable to carry out its du-
7 ties under this section.

8 (2) WITNESS EXPENSES.—Witnesses requested
9 to appear before the Commission shall be paid the
10 same fees as are paid to witnesses under section
11 1821 of title 28, United States Code. The per diem
12 and mileage allowances for witnesses shall be paid
13 from funds appropriated to the Commission.

14 (h) INFORMATION FROM FEDERAL OR STATE AGEN-
15 CIES.—The Commission may secure directly from any
16 Federal department or agency such information as the
17 Commission considers necessary to carry out its duties
18 under this section. The Commission may request the head
19 of any State or local department or agency to furnish such
20 information to the Commission.

21 (i) PERSONNEL MATTERS.—

22 (1) TRAVEL EXPENSES.—The members of the
23 Commission shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates author-
25 ized for employees of agencies under subchapter I of

1 chapter 57 of title 5, United States Code, while
2 away from their homes or regular places of business
3 in the performance of service for the Commission.

4 (2) DETAIL OF FEDERAL EMPLOYEES.—With
5 the affirmative vote of $\frac{2}{3}$ of the Commission, any
6 Federal Government employee, with the approval of
7 the head of the appropriate Federal agency, may be
8 detailed to the Commission without reimbursement,
9 and such detail shall be without interruption or loss
10 of civil service status, benefits, or privileges.

11 (3) PROCUREMENT OF TEMPORARY AND INTER-
12 MITTENT SERVICES.—Upon the request of the Com-
13 mission, the Attorney General shall provide reason-
14 able and appropriate office space, supplies, and ad-
15 ministrative assistance.

16 (j) CONTRACTS FOR RESEARCH.—

17 (1) NATIONAL INSTITUTE OF JUSTICE.—With a
18 $\frac{2}{3}$ affirmative vote, the Commission may select non-
19 governmental researchers and experts to assist the
20 Commission in carrying out its duties under this
21 Act. The National Institute of Justice shall contract
22 with the researchers and experts selected by the
23 Commission to provide funding in exchange for their
24 services.

1 (2) OTHER ORGANIZATIONS.—Nothing in this
2 subsection shall be construed to limit the ability of
3 the Commission to enter into contracts with other
4 entities or organizations for research necessary to
5 carry out the duties of the Commission under this
6 section.

7 (k) TERMINATION.—The Commission shall terminate
8 on the date that is 60 days after the date on which the
9 Commission submits the reports required by this section.

10 (l) EXEMPTION.—The Commission shall be exempt
11 from the Federal Advisory Committee Act.

12 **SEC. 9012. ADOPTION AND EFFECT OF NATIONAL STAND-**
13 **ARDS.**

14 (a) PUBLICATION OF STANDARDS.—

15 (1) FINAL RULE.—Not later than two years
16 after receiving the report specified in section
17 (3)(d)(3), the Attorney General shall publish a final
18 rule adopting national standards for the reduction of
19 solitary confinement in correctional facilities.

20 (2) INDEPENDENT JUDGMENT.—The standards
21 referred to in paragraph (1) shall be based upon the
22 independent judgment of the Attorney General, after
23 giving consideration to the recommended national
24 standards provided by the Commission under section
25 3(e), and being informed by such data, opinions, and

1 proposals that the Attorney General determines to
2 be appropriate to consider.

3 (3) LIMITATION.—The Attorney General shall
4 not establish a national standard under this section
5 that would impose substantial additional costs com-
6 pared to the costs presently expended by Federal
7 and State correctional systems. The Attorney Gen-
8 eral may, however, provide a list of improvements
9 for consideration by correctional facilities.

10 (4) TRANSMISSION TO STATES.—Not later than
11 90 days after publishing the final rule under para-
12 graph (1), the Attorney General shall transmit the
13 national standards adopted under that paragraph to
14 the chief executive of each State, the head of the de-
15 partment of corrections of each State, the head of
16 the department of juvenile justice of each State, and
17 to the appropriate authorities in those units of local
18 government who oversee operations in one or more
19 correctional facilities.

20 (b) APPLICABILITY TO FEDERAL BUREAU OF PRIS-
21 ONS.—The national standards referred to in subsection
22 (a) shall apply to the Federal Bureau of Prisons imme-
23 diately upon adoption of the final rule under subsection
24 (a)(1).

25 (c) ELIGIBILITY FOR FEDERAL FUNDS.—

1 (1) IN GENERAL.—Beginning in the second fis-
2 cal year that begins after the date on which the At-
3 torney General issues a the final rule under sub-
4 section (a)(1), in order to be eligible to receive a
5 grant under a program identified by the Attorney
6 General under paragraph (2), the chief executive of
7 a State or unit of local government seeking such a
8 grant shall submit to the Attorney general a certifi-
9 cation that the State or local government has adopt-
10 ed, and is in full compliance with the national stand-
11 ards described in subsection (a)(1).

12 (2) COVERED GRANT PROGRAMS.—The Attor-
13 ney General shall identify grant programs carried
14 out by the Department of Justice which provide
15 funding to States and units of local government for
16 the construction, maintenance, or operation of cor-
17 rectional facilities, and make a list of such programs
18 publicly available.

19 **SEC. 9013. DEFINITIONS.**

20 For purposes of this Act, the following definitions
21 shall apply:

22 (1) ATTORNEY GENERAL.—The term “Attorney
23 General” means the Attorney General of the United
24 States.

1 (2) COMMISSION.—The term “Commission”
2 means the National Solitary Confinement Study and
3 Reform Commission established under section 3 of
4 this Act.

5 (3) LONG-TERM.—The term “long-term” means
6 any period lasting more than 30 days, consecutive or
7 nonconsecutive, in any 45-day period.

8 (4) QUALIFIED MENTAL HEALTH PROFES-
9 SIONAL.—The term “qualified mental health profes-
10 sional” means a psychiatrist, psychologist, psy-
11 chiatric social worker, licensed professional coun-
12 selor, psychiatric nurse, or another individual who,
13 by virtue of education, credentials, and experience, is
14 permitted by law to evaluate and provide mental
15 health care.

16 (5) SERIOUS MENTAL ILLNESS.—The term “se-
17 rious mental illness” means a substantial disorder
18 that—

19 (A) significantly impairs judgment, behav-
20 ior, or capacity to recognize reality or cope with
21 the ordinary demands of life; and

22 (B) is manifested by substantial pain or
23 disability, the status of being actively suicidal,
24 a severe cognitive disorder that results in sig-
25 nificant functional impairment, or a severe per-

1 sonality disorder that results in significant
2 functional impairment.

3 (6) SOLITARY CONFINEMENT.—The term “solitary
4 confinement” means confinement of a prisoner
5 or juvenile detainee in a cell or other place, alone or
6 with other persons, for approximately 22 hours or
7 more per day with severely restricted activity, move-
8 ment, and social interaction, which is separate from
9 the general population of that correctional facility.

10 (7) CORRECTIONAL FACILITY.—The term “cor-
11 rectional facility” means a Federal, State, local, or
12 privately run prison, jail, or juvenile detention facil-
13 ity.

14 **TITLE X—COLLATERAL** 15 **CONSEQUENCES**

16 **SEC. 10001. REPEAL OF SUSPENSION OF ELIGIBILITY** 17 **UNDER THE HIGHER EDUCATION ACT OF 1965** 18 **FOR GRANTS, LOANS, AND WORK ASSISTANCE** 19 **FOR DRUG-RELATED OFFENSES.**

20 (a) REPEAL.—Subsection (r) of section 484 (20
21 U.S.C. 1091(r)) is repealed.

22 (b) REVISION OF FAFSA FORM.—Section 483 of the
23 Higher Education Act of 1965 (20 U.S.C. 1090) is
24 amended by adding at the end the following:

1 “(i) CONVICTIONS.—The Secretary
2 shall not include any question about the
3 conviction of an applicant for the posses-
4 sion or sale of illegal drugs on the FAFSA
5 (or any other form developed under sub-
6 section (a)).”.

7 (c) CONFORMING AMENDMENTS.—The Act (20
8 U.S.C. 1001 et seq.) is amended—

9 (1) in section 428(b)(3) (20 U.S.C.
10 1078(b)(3))—

11 (A) in subparagraph (C), by striking
12 “485(l)” and inserting “485(k)”; and

13 (B) in subparagraph (D), by striking
14 “485(l)” and inserting “485(k)”; and

15 (2) in section 435(d)(5) (20 U.S.C.
16 1085(d)(5))—

17 (A) in subparagraph (E), by striking
18 “485(l)” and inserting “485(k)”; and

19 (B) in subparagraph (F), by striking
20 “485(l)” and inserting “485(k)”; and

21 (3) in section 484 (20 U.S.C. 1091), as amend-
22 ed by section 6, by redesignating subsections (s), (t),
23 and (u) as subsections (r), (s), and (t), respectively;

24 (4) in section 485 (20 U.S.C. 1092)—

25 (A) by striking subsection (k); and

1 (B) by redesignating subsections (l) and
2 (m) as subsections (k) and (l), respectively; and
3 (5) in section 487(e)(2)(B)(ii)(IV) (20 U.S.C.
4 1094(e)(2)(B)(ii)(IV)), by striking “(l) of section
5 485” and inserting “(k) of section 485”.

6 **SEC. 10002. REPEAL OF DENIAL OF ASSISTANCE AND BENE-**
7 **FITS FOR CERTAIN DRUG-RELATED CONVICTI-**
8 **TIONS.**

9 The Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996 is amended by striking section
11 115 (21 U.S.C. 862).

12 **SEC. 10003. PROHIBITION ON CRIMINAL HISTORY INQUIR-**
13 **IES PRIOR TO CONDITIONAL OFFER FOR FED-**
14 **ERAL EMPLOYMENT.**

15 (a) IN GENERAL.—Subpart H of part III of title 5,
16 United States Code, is amended by adding at the end the
17 following:

18 **“CHAPTER 92—PROHIBITION ON CRIMI-**
19 **NAL HISTORY INQUIRIES PRIOR TO**
20 **CONDITIONAL OFFER**

“Sec.

“9201. Definitions.

“9202. Limitations on requests for criminal history record information.

“9203. Agency policies; complaint procedures.

“9204. Adverse action.

“9205. Procedures.

“9206. Rules of construction.

21 **“§ 9201. Definitions**

22 “In this chapter—

1 “(1) the term ‘agency’ means ‘Executive agen-
2 cy’ as such term is defined in section 105 and in-
3 cludes—

4 “(A) the United States Postal Service and
5 the Postal Regulatory Commission; and

6 “(B) the Executive Office of the President;

7 “(2) the term ‘appointing authority’ means an
8 employee in the executive branch of the Government
9 of the United States that has authority to make ap-
10 pointments to positions in the civil service;

11 “(3) the term ‘conditional offer’ means an offer
12 of employment in a position in the civil service that
13 is conditioned upon the results of a criminal history
14 inquiry;

15 “(4) the term ‘criminal history record informa-
16 tion’—

17 “(A) except as provided in subparagraph
18 (B), has the meaning given the term in section
19 9101(a);

20 “(B) includes any information described in
21 the first sentence of section 9101(a)(2) that has
22 been sealed or expunged pursuant to law; and

23 “(C) includes information collected by a
24 criminal justice agency, relating to an act or al-
25 leged act of juvenile delinquency, that is analo-

1 gous to criminal history record information (in-
2 cluding such information that has been sealed
3 or expunged pursuant to law); and

4 “(5) the term ‘suspension’ has the meaning
5 given the term in section 7501.

6 **“§ 9202. Limitations on requests for criminal history**
7 **record information**

8 “(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—
9 Except as provided in subsections (b) and (c), an employee
10 of an agency may not request, in oral or written form (in-
11 cluding through the Declaration for Federal Employment
12 (Office of Personnel Management Optional Form 306), or
13 any similar successor form), including through the
14 USAJOBS internet website or any other electronic means,
15 that an applicant for an appointment to a position in the
16 civil service disclose criminal history record information
17 regarding the applicant before the appointing authority
18 extends a conditional offer to the applicant.

19 “(b) OTHERWISE REQUIRED BY LAW.—The prohibi-
20 tion under subsection (a) shall not apply with respect to
21 an applicant for a position in the civil service if consider-
22 ation of criminal history record information prior to a con-
23 ditional offer with respect to the position is otherwise re-
24 quired by law.

1 “(c) EXCEPTION FOR CERTAIN POSITIONS.—The
2 prohibition under subsection (a) shall not apply with re-
3 spect to an applicant for an appointment to a position—

4 “(1) that requires a determination of eligibility
5 described in clause (i), (ii), or (iii) of section
6 9101(b)(1)(A); or

7 “(2) as a Federal law enforcement officer (as
8 defined in section 115(c) of title 18).

9 **“§ 9203. Agency policies; complaint procedures**

10 “The Director of the Office of Personnel Manage-
11 ment shall—

12 “(1) develop, implement, and publish a policy to
13 assist employees of agencies in complying with sec-
14 tion 9202 and the regulations issued pursuant to
15 such section; and

16 “(2) establish and publish procedures under
17 which an applicant for an appointment to a position
18 in the civil service may submit a complaint, or any
19 other information, relating to compliance by an em-
20 ployee of an agency with section 9202.

21 **“§ 9204. Adverse action**

22 “(a) FIRST VIOLATION.—If the Director of the Office
23 of Personnel Management determines, after notice and an
24 opportunity for a hearing on the record, that an employee

1 of an agency has violated section 9202, the Director
2 shall—

3 “(1) issue to the employee a written warning
4 that includes a description of the violation and the
5 additional penalties that may apply for subsequent
6 violations; and

7 “(2) file such warning in the employee’s official
8 personnel record file.

9 “(b) SUBSEQUENT VIOLATIONS.—If the Director of
10 the Office of Personnel Management determines, after no-
11 tice and an opportunity for a hearing on the record, that
12 an employee that was subject to subsection (a) has com-
13 mitted a subsequent violation of section 9202, the Director
14 may take the following action:

15 “(1) For a second violation, suspension of the
16 employee for a period of not more than 7 days.

17 “(2) For a third violation, suspension of the
18 employee for a period of more than 7 days.

19 “(3) For a fourth violation—

20 “(A) suspension of the employee for a pe-
21 riod of more than 7 days; and

22 “(B) a civil penalty against the employee
23 in an amount that is not more than \$250.

24 “(4) For a fifth violation—

1 “(A) suspension of the employee for a pe-
2 riod of more than 7 days; and

3 “(B) a civil penalty against the employee
4 in an amount that is not more than \$500.

5 “(5) For any subsequent violation—

6 “(A) suspension of the employee for a pe-
7 riod of more than 7 days; and

8 “(B) a civil penalty against the employee
9 in an amount that is not more than \$1,000.

10 **“§ 9205. Procedures**

11 “(a) APPEALS.—The Director of the Office of Per-
12 sonnel Management shall by rule establish procedures pro-
13 viding for an appeal from any adverse action taken under
14 section 9204 by not later than 30 days after the date of
15 the action.

16 “(b) APPLICABILITY OF OTHER LAWS.—An adverse
17 action taken under section 9204 (including a determina-
18 tion in an appeal from such an action under subsection
19 (a) of this section) shall not be subject to—

20 “(1) the procedures under chapter 75; or

21 “(2) except as provided in subsection (a) of this
22 section, appeal or judicial review.

23 **“§ 9206. Rules of construction**

24 “Nothing in this chapter may be construed to—

1 “(1) authorize any officer or employee of an
2 agency to request the disclosure of information de-
3 scribed under subparagraphs (B) and (C) of section
4 9201(4); or

5 “(2) create a private right of action for any
6 person.”.

7 (b) REGULATIONS; EFFECTIVE DATE.—

8 (1) REGULATIONS.—Not later than 1 year after
9 the date of enactment of this Act, the Director of
10 the Office of Personnel Management shall issue such
11 regulations as are necessary to carry out chapter 92
12 of title 5, United States Code (as added by this
13 Act).

14 (2) EFFECTIVE DATE.—Section 9202 of title 5,
15 United States Code (as added by this Act), shall
16 take effect on the date that is 2 years after the date
17 of enactment of this Act.

18 (c) TECHNICAL AND CONFORMING AMENDMENT.—

19 The table of chapters for part III of title 5, United States
20 Code, is amended by inserting after the item relating to
21 chapter 91 the following:

**“92. Prohibition on criminal history inquiries prior to
conditional offer 9201”.**

22 (d) APPLICATION TO LEGISLATIVE BRANCH.—

1 (1) IN GENERAL.—The Congressional Account-
2 ability Act of 1995 (2 U.S.C. 1301 et seq.) is
3 amended—

4 (A) in section 102(a) (2 U.S.C. 1302(a)),
5 by adding at the end the following:

6 “(12) Section 9202 of title 5, United States
7 Code.”;

8 (B) by redesignating section 207 (2 U.S.C.
9 1317) as section 208; and

10 (C) by inserting after section 206 (2
11 U.S.C. 1316) the following new section:

12 **“SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMI-**
13 **NAL HISTORY INQUIRIES.**

14 “(a) DEFINITIONS.—In this section, the terms ‘agen-
15 cy’, ‘criminal history record information’, and ‘suspension’
16 have the meanings given the terms in section 9201 of title
17 5, United States Code, except as otherwise modified by
18 this section.

19 “(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-
20 IES.—

21 “(1) IN GENERAL.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), an employee of an employing
24 office may not request that an applicant for em-
25 ployment as a covered employee disclose crimi-

1 nal history record information if the request
2 would be prohibited under section 9202 of title
3 5, United States Code, if made by an employee
4 of an agency.

5 “(B) CONDITIONAL OFFER.—For purposes
6 of applying section 9202 of title 5, United
7 States Code, under subparagraph (A), a ref-
8 erence in such section to a conditional offer in
9 such section shall be considered to be an offer
10 of employment to a covered employee that is
11 conditioned upon the results of a criminal his-
12 tory inquiry.

13 “(2) RULES OF CONSTRUCTION.—The provi-
14 sions of section 9206 of title 5, United States Code,
15 shall apply to employing offices, consistent with reg-
16 ulations issued under subsection (d).

17 “(c) REMEDY.—

18 “(1) IN GENERAL.—The remedy for a violation
19 of subsection (b)(1) shall be such remedy as would
20 be appropriate if awarded under section 9204 of title
21 5, United States Code, if the violation had been
22 committed by an employee of an agency, consistent
23 with regulations issued under subsection (d), except
24 that the reference in that section to a suspension
25 shall be considered to be a suspension with the level

1 of compensation provided for a covered employee
2 who is taking unpaid leave under section 202.

3 “(2) PROCESS FOR OBTAINING RELIEF.—An
4 applicant for employment as a covered employee who
5 alleges a violation of subsection (b)(1) may rely on
6 the provisions of title IV (other than sections
7 404(2), 407, and 408), consistent with regulations
8 issued under subsection (d).

9 “(d) REGULATIONS TO IMPLEMENT SECTION.—

10 “(1) IN GENERAL.—Not later than 18 months
11 after the date of enactment of the Fair Chance to
12 Compete for Jobs Act of 2017, the Board shall, pur-
13 suant to section 304, issue regulations to implement
14 this section.

15 “(2) PARALLEL WITH AGENCY REGULATIONS.—
16 The regulations issued under paragraph (1) shall be
17 the same as substantive regulations issued by the
18 Director of the Office of Personnel Management
19 under section 2(b)(1) of the Fair Chance to Com-
20 pete for Jobs Act of 2017 to implement the statu-
21 tory provisions referred to in subsections (a) through
22 (c) except to the extent that the Board may deter-
23 mine, for good cause shown and stated together with
24 the regulation, that a modification of such regula-

1 tions would be more effective for the implementation
2 of the rights and protections under this section.

3 “(e) EFFECTIVE DATE.—Section 102(a)(12) and
4 subsections (a) through (c) shall take effect on the date
5 on which section 9202 of title 5, United States Code, ap-
6 plies with respect to agencies.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents of such Act is amended—

9 (A) by redesignating the item relating to
10 section 207 as the item relating to section 208;
11 and

12 (B) by inserting after the item relating to
13 section 206 the following new item:

“Sec. 207. Rights and protections relating to criminal history inquiries.”.

14 (e) APPLICATION TO JUDICIAL BRANCH.—

15 (1) IN GENERAL.—Section 604 of title 28,
16 United States Code, is amended by adding at the
17 end the following:

18 “(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIR-
19 IES.—

20 “(1) DEFINITIONS.—In this subsection—

21 “(A) the terms ‘agency’ and ‘criminal his-
22 tory record information’ have the meanings
23 given those terms in section 9201 of title 5;

1 “(B) the term ‘covered employee’ means an
2 employee of the judicial branch of the United
3 States Government, other than—

4 “(i) any judge or justice who is enti-
5 tled to hold office during good behavior;

6 “(ii) a United States magistrate
7 judge; or

8 “(iii) a bankruptcy judge; and

9 “(C) the term ‘employing office’ means any
10 office or entity of the judicial branch of the
11 United States Government that employs covered
12 employees.

13 “(2) RESTRICTION.—A covered employee may
14 not request that an applicant for employment as a
15 covered employee disclose criminal history record in-
16 formation if the request would be prohibited under
17 section 9202 of title 5 if made by an employee of an
18 agency.

19 “(3) EMPLOYING OFFICE POLICIES; COMPLAINT
20 PROCEDURE.—The provisions of sections 9203 and
21 9206 of title 5 shall apply to employing offices and
22 to applicants for employment as covered employees,
23 consistent with regulations issued by the Director to
24 implement this subsection.

25 “(4) ADVERSE ACTION.—

1 “(A) ADVERSE ACTION.—The Director
2 may take such adverse action with respect to a
3 covered employee who violates paragraph (2) as
4 would be appropriate under section 9204 of
5 title 5 if the violation had been committed by
6 an employee of an agency.

7 “(B) APPEALS.—The Director shall by
8 rule establish procedures providing for an ap-
9 peal from any adverse action taken under sub-
10 paragraph (A) by not later than 30 days after
11 the date of the action.

12 “(C) APPLICABILITY OF OTHER LAWS.—
13 Except as provided in subparagraph (B), an ad-
14 verse action taken under subparagraph (A) (in-
15 cluding a determination in an appeal from such
16 an action under subparagraph (B)) shall not be
17 subject to appeal or judicial review.

18 “(5) REGULATIONS TO BE ISSUED.—

19 “(A) IN GENERAL.—Not later than 18
20 months after the date of enactment of the Fair
21 Chance to Compete for Jobs Act of 2017, the
22 Director shall issue regulations to implement
23 this subsection.

24 “(B) PARALLEL WITH AGENCY REGULA-
25 TIONS.—The regulations issued under subpara-

1 graph (A) shall be the same as substantive reg-
2 ulations promulgated by the Director of the Of-
3 fice of Personnel Management under section
4 2(b)(1) of the Fair Chance to Compete for Jobs
5 Act of 2017 except to the extent that the Direc-
6 tor of the Administrative Office of the United
7 States Courts may determine, for good cause
8 shown and stated together with the regulation,
9 that a modification of such regulations would be
10 more effective for the implementation of the
11 rights and protections under this subsection.

12 “(6) EFFECTIVE DATE.—Paragraphs (1)
13 through (4) shall take effect on the date on which
14 section 9202 of title 5 applies with respect to agen-
15 cies.”.

16 **SEC. 10004. PROHIBITION ON CRIMINAL HISTORY INQUIR-**
17 **IES BY CONTRACTORS PRIOR TO CONDI-**
18 **TIONAL OFFER.**

19 (a) CIVILIAN AGENCY CONTRACTS.—

20 (1) IN GENERAL.—Division C of subtitle I of
21 title 41, United States Code, is amended by adding
22 at the end the following new section:

1 **“§ 4713. Prohibition on criminal history inquiries by**
2 **contractors prior to conditional offer**

3 “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-
4 IES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graphs (2) and (3), an executive agency—

7 “(A) may not require that an individual or
8 sole proprietor who submits a bid for a contract
9 to disclose criminal history record information
10 regarding that individual or sole proprietor be-
11 fore determining the apparent awardee; and

12 “(B) shall require as a condition of receiv-
13 ing a Federal contract and receiving payments
14 under such contract that the contractor may
15 not verbally, or through written form, request
16 the disclosure of criminal history record infor-
17 mation regarding an applicant for a position re-
18 lated to work under such contract before the
19 contractor extends a conditional offer to the ap-
20 plicant.

21 “(2) OTHERWISE REQUIRED BY LAW.—The
22 prohibition under paragraph (1) does not apply with
23 respect to a contract if consideration of criminal his-
24 tory record information prior to a conditional offer
25 with respect to the position is otherwise required by
26 law.

1 “(3) EXCEPTION FOR CERTAIN POSITIONS.—

2 The prohibition under paragraph (1) does not apply
3 with respect to a contract that requires an individual
4 hired under the contract to access classified informa-
5 tion or to have sensitive law enforcement or national
6 security duties.

7 “(b) COMPLAINT PROCEDURES.—The Administrator
8 of General Services shall establish and publish procedures
9 under which an applicant for a position with a Federal
10 contractor may submit to the Administrator a complaint,
11 or any other information, relating to compliance by the
12 contractor with subsection (a)(1)(B).

13 “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON
14 CRIMINAL HISTORY INQUIRIES.—

15 “(1) FIRST VIOLATION.—If the head of an execu-
16 utive agency determines that a contractor has vio-
17 lated subsection (a)(1)(B), such head shall—

18 “(A) notify the contractor;

19 “(B) provide 30 days after such notifica-
20 tion for the contractor to appeal the determina-
21 tion; and

22 “(C) issue a written warning to the con-
23 tractor that includes a description of the viola-
24 tion and the additional remedies that may apply
25 for subsequent violations.

1 “(2) SUBSEQUENT VIOLATION.—If the head of
2 an executive agency determines that a contractor
3 that was subject to paragraph (1) has committed a
4 subsequent violation of subsection (a)(1)(B), such
5 head shall notify the contractor, shall provide 30
6 days after such notification for the contractor to ap-
7 peal the determination, and, in consultation with the
8 relevant Federal agencies, may take actions, depend-
9 ing on the severity of the infraction and the contrac-
10 tor’s history of violations, including—

11 “(A) providing written guidance to the
12 contractor that the contractor’s eligibility for
13 contracts requires compliance with this section;

14 “(B) requiring that the contractor respond
15 within 30 days affirming that the contractor is
16 taking steps to comply with this section;

17 “(C) suspending payment under the con-
18 tract for which the applicant was being consid-
19 ered;

20 “(D) terminating the contract under which
21 the applicant was being considered; and

22 “(E) referring the contractor to the sus-
23 pension and debarment office of the agency for
24 consideration of actions pursuant to section 9.4
25 of the Federal Acquisition Regulation.

1 “(d) DEFINITIONS.—In this section:

2 “(1) CONDITIONAL OFFER.—The term ‘condi-
3 tional offer’ means an offer of employment for a po-
4 sition related to work under a contract that is condi-
5 tioned upon the results of a criminal history inquiry.

6 “(2) CRIMINAL HISTORY RECORD INFORMA-
7 TION.—The term ‘criminal history record informa-
8 tion’ has the meaning given that term in section
9 9201 of title 5.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for division C of subtitle I of title 41, United
12 States Code, is amended by inserting after the item
13 relating to section 4712 the following new item:

“4713. Prohibition on criminal history inquiries by contractors prior to condi-
tional offer.”.

14 (3) EFFECTIVE DATE.—Section 4713(a) of title
15 41, United States Code, as added by paragraph (1),
16 shall apply with respect to contracts awarded pursu-
17 ant to solicitations issued after the effective date de-
18 scribed in section 2(b)(2) of this Act.

19 (b) DEFENSE CONTRACTS.—

20 (1) IN GENERAL.—Chapter 137 of title 10,
21 United States Code, is amended by adding at the
22 end the following new section:

1 **“§ 2338. Prohibition on criminal history inquiries by**
2 **contractors prior to conditional offer**

3 “(a) LIMITATION ON CRIMINAL HISTORY INQUIR-
4 IES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graphs (2) and (3), the head of an agency—

7 “(A) may not require that an individual or
8 sole proprietor who submits a bid for a contract
9 to disclose criminal history record information
10 regarding that individual or sole proprietor be-
11 fore determining the apparent awardee; and

12 “(B) shall require as a condition of receiv-
13 ing a Federal contract and receiving payments
14 under such contract that the contractor may
15 not verbally or through written form request
16 the disclosure of criminal history record infor-
17 mation regarding an applicant for a position re-
18 lated to work under such contract before such
19 contractor extends a conditional offer to the ap-
20 plicant.

21 “(2) OTHERWISE REQUIRED BY LAW.—The
22 prohibition under paragraph (1) does not apply with
23 respect to a contract if consideration of criminal his-
24 tory record information prior to a conditional offer
25 with respect to the position is otherwise required by
26 law.

1 “(3) EXCEPTION FOR CERTAIN POSITIONS.—

2 The prohibition under paragraph (1) does not apply
3 with respect to a contract that requires an individual
4 hired under the contract to access classified informa-
5 tion or to have sensitive law enforcement or national
6 security duties.

7 “(b) COMPLAINT PROCEDURES.—The Secretary of
8 Defense shall establish and publish procedures under
9 which an applicant for a position with a Department of
10 Defense contractor may submit a complaint, or any other
11 information, relating to compliance by the contractor with
12 subsection (a)(1)(B).

13 “(c) ACTION FOR VIOLATIONS OF PROHIBITION ON
14 CRIMINAL HISTORY INQUIRIES.—

15 “(1) FIRST VIOLATION.—If the Secretary of
16 Defense determines that a contractor has violated
17 subsection (a)(1)(B), the Secretary shall—

18 “(A) notify the contractor;

19 “(B) provide 30 days after such notifica-
20 tion for the contractor to appeal the determina-
21 tion; and

22 “(C) issue a written warning to the con-
23 tractor that includes a description of the viola-
24 tion and the additional penalties that may apply
25 for subsequent violations.

1 “(2) SUBSEQUENT VIOLATIONS.—If the Sec-
2 retary of Defense determines that a contractor that
3 was subject to paragraph (1) has committed a sub-
4 sequent violation of subsection (a)(1)(B), the Sec-
5 retary shall notify the contractor, shall provide 30
6 days after such notification for the contractor to ap-
7 peal the determination, and, in consultation with the
8 relevant Federal agencies, may take actions, depend-
9 ing on the severity of the infraction and the contrac-
10 tor’s history of violations, including—

11 “(A) providing written guidance to the
12 contractor that the contractor’s eligibility for
13 contracts requires compliance with this section;

14 “(B) requiring that the contractor respond
15 within 30 days affirming that the contractor is
16 taking steps to comply with this section;

17 “(C) suspending payment under the con-
18 tract for which the applicant was being consid-
19 ered;

20 “(D) terminating the contract under which
21 the applicant was being considered; and

22 “(E) referring the contractor to the sus-
23 pension and debarment office of the agency for
24 consideration of actions pursuant to section 9.4
25 of the Federal Acquisition Regulation.

1 “(d) DEFINITIONS.—In this section:

2 “(1) CONDITIONAL OFFER.—The term ‘condi-
3 tional offer’ means an offer of employment for a po-
4 sition related to work under a contract that is condi-
5 tioned upon the results of a criminal history inquiry.

6 “(2) CRIMINAL HISTORY RECORD INFORMA-
7 TION.—The term ‘criminal history record informa-
8 tion’ has the meaning given that term in section
9 9201 of title 5.”.

10 (2) EFFECTIVE DATE.—Section 2338(a) of title
11 10, United States Code, as added by paragraph (1),
12 shall apply with respect to contracts awarded pursu-
13 ant to solicitations issued after the effective date de-
14 scribed in section 2(b)(2) of this Act.

15 (3) CLERICAL AMENDMENT.—The table of sec-
16 tions for chapter 137 of title 10, United States
17 Code, is amended by inserting after the item relating
18 to section 2337 the following new item:

“2338. Prohibition on criminal history inquiries by contractors prior to condi-
tional offer.”.

19 (e) REVISIONS TO FEDERAL ACQUISITION REGULA-
20 TION.—

21 (1) IN GENERAL.—Not later than 18 months
22 after the date of enactment of this Act, the Federal
23 Acquisition Regulatory Council shall revise the Fed-
24 eral Acquisition Regulation to implement section

1 4713 of title 41, United States Code, and section
2 2338 of title 10, United States Code, as added by
3 this section.

4 (2) CONSISTENCY WITH OFFICE OF PERSONNEL
5 MANAGEMENT REGULATIONS.—The Federal Acquisi-
6 tion Regulatory Council shall revise the Federal Ac-
7 quisition Regulation under paragraph (1) to be con-
8 sistent with the regulations issued by the Director of
9 the Office of Personnel Management under section
10 2(b)(1) to the maximum extent practicable. The
11 Council shall include together with such revision an
12 explanation of any substantive modification of the
13 Office of Personnel Management regulations, includ-
14 ing an explanation of how such modification will
15 more effectively implement the rights and protec-
16 tions under this section.

17 **SEC. 10005. REPORT ON EMPLOYMENT OF INDIVIDUALS**
18 **FORMERLY INCARCERATED IN FEDERAL**
19 **PRISONS.**

20 (a) DEFINITION.—In this section, the term “covered
21 individual”—

22 (1) means an individual who has completed a
23 term of imprisonment in a Federal prison for a Fed-
24 eral criminal offense; and

1 (2) does not include an alien who is or will be
2 removed from the United States for a violation of
3 the immigration laws (as such term is defined in sec-
4 tion 101 of the Immigration and Nationality Act (8
5 U.S.C. 1101)).

6 (b) STUDY AND REPORT REQUIRED.—The Director
7 of the Bureau of Justice Statistics, in coordination with
8 the Director of the Bureau of the Census, shall—

9 (1) not later than 6 months after the date of
10 enactment of this Act, design and initiate a study on
11 the employment of covered individuals after their re-
12 lease from Federal prison, including by collecting—

13 (A) demographic data on covered individ-
14 uals, including race, age, and sex; and

15 (B) data on employment and earnings of
16 covered individuals who have been denied em-
17 ployment, including the reasons for the denials;
18 and

19 (2) not later than 2 years after the date of en-
20 actment of this Act, and every 5 years thereafter,
21 submit a report that does not include any personally
22 identifiable information on the study conducted
23 under paragraph (1) to—

24 (A) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 (B) the Committee on Health, Education,
2 Labor, and Pensions of the Senate;

3 (C) the Committee on Oversight and Gov-
4 ernment Reform of the House of Representa-
5 tives; and

6 (D) the Committee on Education and the
7 Workforce of the House of Representatives.

8 **SEC. 10006. PENALTY FOR UNAUTHORIZED PARTICIPATION**
9 **BY CONVICTED INDIVIDUAL.**

10 (a) PROHIBITION.—

11 (1) IN GENERAL.—Except with the prior writ-
12 ten consent of the Corporation—

13 (A) any person who has been convicted of
14 any criminal offense involving dishonesty or a
15 breach of trust or money laundering, or has
16 agreed to enter into a pretrial diversion or simi-
17 lar program in connection with a prosecution
18 for such offense, may not—

19 (i) become, or continue as, an institu-
20 tion-affiliated party with respect to any in-
21 sured depository institution;

22 (ii) own or control, directly or indi-
23 rectly, any insured depository institution;
24 or

1 (iii) otherwise participate, directly or
2 indirectly, in the conduct of the affairs of
3 any insured depository institution; and

4 (B) any insured depository institution may
5 not permit any person referred to in subpara-
6 graph (A) to engage in any conduct or continue
7 any relationship prohibited under such subpara-
8 graph.

9 (2) MINIMUM 10-YEAR PROHIBITION PERIOD
10 FOR CERTAIN OFFENSES.—

11 (A) IN GENERAL.—If the offense referred
12 to in paragraph (1)(A) in connection with any
13 person referred to in such paragraph is—

14 (i) an offense under—

15 (I) section 215, 656, 657, 1005,
16 1006, 1007, 1008, 1014, 1032,
17 1344, 1517, 1956, or 1957 of title 18;
18 or

19 (II) section 1341 or 1343 of such
20 title which affects any financial insti-
21 tution (as defined in section 20 of
22 such title); or

23 (ii) the offense of conspiring to com-
24 mit any such offense, the Corporation may
25 not consent to any exception to the appli-

1 cation of paragraph (1) to such person
2 during the 10-year period beginning on the
3 date the conviction or the agreement of the
4 person becomes final.

5 (B) EXCEPTION BY ORDER OF SEN-
6 TENCING COURT.—

7 (i) IN GENERAL.—On motion of the
8 Corporation, the court in which the convic-
9 tion or the agreement of a person referred
10 to in subparagraph (A) has been entered
11 may grant an exception to the application
12 of paragraph (1) to such person if granting
13 the exception is in the interest of justice.

14 (ii) PERIOD FOR FILING.—A motion
15 may be filed under clause (i) at any time
16 during the 10-year period described in sub-
17 paragraph (A) with regard to the person
18 on whose behalf such motion is made.

19 (b) PENALTY.—Whoever knowingly violates sub-
20 section (a) of this section shall be fined not more than
21 \$1,000,000 for each day such prohibition is violated or
22 imprisoned for not more than 5 years, or both.

23 (d) 2 BANK HOLDING COMPANIES.—

24 (1) IN GENERAL.—Subsections (a) and (b) shall
25 apply to any company (other than a foreign bank)

1 that is a bank holding company and any organiza-
2 tion organized and operated under section 25A of
3 the Federal Reserve Act (12 U.S.C. 611 et seq.) or
4 operating under section 25 of the Federal Reserve
5 Act (12 U.S.C. 601 et seq.), as if such bank holding
6 company or organization were an insured depository
7 institution, except that such subsections shall be ap-
8 plied for purposes of this subsection by substituting
9 “Board of Governors of the Federal Reserve Sys-
10 tem” for “Corporation” each place that term ap-
11 pears in such subsections.

12 (2) AUTHORITY OF BOARD.—The Board of
13 Governors of the Federal Reserve System may pro-
14 vide exemptions, by regulation or order, from the ap-
15 plication of paragraph (1) if the exemption is con-
16 sistent with the purposes of this subsection.

17 (e) SAVINGS AND LOAN HOLDING COMPANIES.—

18 (1) IN GENERAL.—Subsections (a) and (b) shall
19 apply to any savings and loan holding company as
20 if such savings and loan holding company were an
21 insured depository institution, except that such sub-
22 sections shall be applied for purposes of this sub-
23 section by substituting “Board of Governors of the
24 Federal Reserve System” for “Corporation” each
25 place that term appears in such subsections.

1 (2) AUTHORITY OF DIRECTOR.—The Board of
2 Governors of the Federal Reserve System may pro-
3 vide exemptions, by regulation or order, from the ap-
4 plication of paragraph (1) if the exemption is con-
5 sistent with the purposes of this subsection.

6 **SEC. 10007. LOWERING THE AGE FOR EXPUNGEMENT OF**
7 **CERTAIN CONVICTIONS FOR SIMPLE POSSES-**
8 **SION OF CONTROLLED SUBSTANCES BY NON-**
9 **VIOLENT YOUNG OFFENDERS.**

10 Section 3607(c) of title 18, United States Code, is
11 amended by striking “less than twenty-one” and inserting
12 “less than twenty-five”.

13 **SEC. 10008. RESIDENCE OF INCARCERATED INDIVIDUALS.**

14 Section 141 of title 13, United States Code, is
15 amended—

16 (1) by redesignating subsection (g) as sub-
17 section (h); and

18 (2) by inserting after subsection (f) the fol-
19 lowing:

20 “(g)(1) Effective beginning with the 2020 decennial
21 census of population, in taking any tabulation of total pop-
22 ulation by States under subsection (a) for purposes of the
23 apportionment of Representatives in Congress among the
24 several States, the Secretary shall, with respect to an indi-
25 vidual incarcerated in a State, Federal, county, or munic-

1 ipal correctional center as of the date on which such cen-
 2 sus is taken, attribute such individual to such individual’s
 3 last place of residence before incarceration.

4 “(2) In carrying out this subsection, the Secretary
 5 shall consult with each State department of corrections to
 6 collect the information necessary to make the determina-
 7 tion required under paragraph (1).”.

8 **TITLE XI—GUN VIOLENCE**

9 **SEC. 11001. DEFINITIONS OF “INTIMATE PARTNER” AND** 10 **“MISDEMEANOR CRIME OF DOMESTIC VIO-** 11 **LENCE” EXPANDED.**

12 Section 921(a) of title 18, United States Code, is
 13 amended—

14 (1) in paragraph (32)—

15 (A) by striking “and an individual” and in-
 16 serting “an individual”; and

17 (B) by inserting “, or a dating partner (as
 18 defined in section 2266) or former dating part-
 19 ner” before the period at the end; and

20 (2) in paragraph (33)(A)(ii)—

21 (A) by striking “or by” and inserting
 22 “by”; and

23 (B) by inserting “, or by a dating partner
 24 (as defined in section 2266) or former dating

1 partner of the victim” before the period at the
2 end.

3 **SEC. 11002. UNLAWFUL SALE OF FIREARM TO A PERSON**
4 **SUBJECT TO COURT ORDER.**

5 Section 922(d)(8) of title 18, United States Code, is
6 amended to read as follows:

7 “(8) is subject to a court order described in
8 subsection (g)(8); or”.

9 **SEC. 11003. LIST OF PERSONS SUBJECT TO A RESTRAINING**
10 **OR SIMILAR ORDER PROHIBITED FROM POS-**
11 **SESSING OR RECEIVING A FIREARM EX-**
12 **PANDED.**

13 Section 922(g)(8) of title 18, United States Code, is
14 amended—

15 (1) in the matter preceding subparagraph (A),
16 by striking “that”;

17 (2) by striking subparagraphs (A) and (B) and
18 inserting the following:

19 “(A)(i) that was issued after a hearing of
20 which such person received actual notice, and at
21 which such person had an opportunity to par-
22 ticipate; or

23 “(ii) in the case of an ex parte order, relat-
24 ing to which notice and opportunity to be heard
25 are provided—

1 “(I) within the time required by
2 State, tribal, or territorial law; and

3 “(II) in any event within a reasonable
4 time after the order is issued, sufficient to
5 protect the person’s right to due process;

6 “(B) that restrains such person from—

7 “(i) harassing, stalking, threatening,
8 or engaging in other conduct that would
9 put an individual in reasonable fear of bod-
10 ily injury to such individual, including an
11 order that was issued at the request of an
12 employer on behalf of its employee or at
13 the request of an institution of higher edu-
14 cation on behalf of its student; or

15 “(ii) intimidating or dissuading a wit-
16 ness from testifying in court; and”;

17 (3) in subparagraph (C)—

18 (A) by striking “intimate partner or child”
19 each place it appears and inserting “individual
20 described in subparagraph (B)”;

21 (B) in clause (i), by inserting “that” be-
22 fore “includes”; and

23 (C) in clause (ii), by inserting “that” be-
24 fore “by its”.

1 **SEC. 11004. STALKING PROHIBITIONS.**

2 (a) SALES OR OTHER DISPOSITIONS OF FIREARMS
3 OR AMMUNITION.—Section 922(d) of title 18, United
4 States Code, as amended by section 3 of this Act, is
5 amended—

6 (1) by striking “or” at the end of paragraph
7 (8);

8 (2) by striking the period at the end of para-
9 graph (9) and inserting “; or”; and

10 (3) by inserting after paragraph (9) the fol-
11 lowing:

12 “(10) has been convicted in any court of—

13 “(A) a misdemeanor crime of stalking
14 under Federal, State, territorial, or tribal law;
15 or

16 “(B) a crime that involves conduct which
17 would be prohibited by section 2261A if com-
18 mitted within the special maritime and terri-
19 torial jurisdiction of the United States.”.

20 (b) POSSESSION, ETC., OF FIREARMS OR AMMUNI-
21 TION.—Section 922(g) of such title, as amended by section
22 4 of this Act, is amended—

23 (1) by striking “or” at the end of paragraph
24 (8);

25 (2) by striking the comma at the end of para-
26 graph (9) and inserting “; or”; and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) has been convicted in any court of—

4 “(A) a misdemeanor crime of stalking
5 under Federal, State, territorial, or tribal law;
6 or

7 “(B) a crime that involves conduct which
8 would be prohibited by section 2261A if com-
9 mitted within the special maritime and terri-
10 torial jurisdiction of the United States,”.

11 **SEC. 11005. FINDINGS.**

12 The Congress finds as follows:

13 (1) As of December 4, 2017, there have been
14 56,825 incidents of gun violence in the United
15 States in 2017.

16 (2) As of December 4, 2017, there have been
17 14,319 deaths related to gun violence in the United
18 States in 2017.

19 (3) Defining a mass shooting as an incident of
20 violence during which four or more people are shot,
21 not including the shooter—

22 (A) there have been 327 mass shootings in
23 the United States in 2017;

1 (B) on average, there is more than one
2 mass shooting each day in the United States;
3 and

4 (C) there have been more than 1,500 mass
5 shootings in the United States since the shoot-
6 ing at Sandy Hook Elementary in 2012.

7 **SEC. 11006. RESEARCH ON MENTAL HEALTH, GUN VIO-**
8 **LENCE, AND HOW THEY INTERSECT.**

9 Effective on the date of enactment of the Consoli-
10 dated Appropriations Act, 2016 (Public Law 114–113),
11 section 210 (prohibiting the availability of funds to advo-
12 cate or promote gun control) of title II of division H of
13 such Act (relating to the Department of Health and
14 Human Services) is amended to read as follows:

15 “SEC. 210. None of the funds made available in this
16 title may be used, in whole or in part, to advocate or pro-
17 mote gun control. Nothing in this section shall be con-
18 strued to limit funding for the conduct or support of re-
19 search on mental health, gun violence, and how they inter-
20 sect.”.

21 **SEC. 11007. REPORT ON EFFECTS OF GUN VIOLENCE ON**
22 **PUBLIC HEALTH.**

23 Not later than one year after the date of the enact-
24 ment of this Act, and annually thereafter, the Surgeon
25 General of the Public Health Service shall submit to Con-

1 gress a report on the effects on public health, including
2 mental health, of gun violence in the United States during
3 the preceding year, and the status of actions taken to ad-
4 dress such effects.

5 **SEC. 11008. REPORT ON EFFECTS OF GUN VIOLENCE ON**
6 **MENTAL HEALTH IN MINORITY COMMU-**
7 **NITIES.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Deputy Assistant Secretary for Mi-
10 nority Health in the Office of the Secretary of Health and
11 Human Services shall submit to Congress a report on the
12 effects of gun violence on public health, including mental
13 health, in minority communities in the United States, and
14 the status of actions taken to address such effects.

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