

of Health and Human Services, acting through the Director of the National Institute of Mental Health, to conduct or support research on the mental health consequences of SARS-CoV-2 or COVID-19, and for other purposes.

S. 635

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 635, a bill to reauthorize The Last Green Valley National Heritage Corridor and the Upper Housatonic Valley National Heritage Area, and for other purposes.

S. 644

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. SMITH), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 644, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program, and for other purposes.

S. RES. 95

At the request of Mr. BOOKER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. Res. 95, a resolution recognizing the disproportionate impact of COVID-19 on women and girls globally.

S. RES. 96

At the request of Ms. ROSEN, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. Res. 96, a resolution designating March 8 through March 14, 2021, as "Women of the Aviation Workforce Week".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN:

S. 685. A bill to amend the Internal Revenue Code of 1986 to establish a carbon fee to reduce greenhouse gas emissions, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 685

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Clean Future Fund Act".

#### SEC. 2. CLIMATE CHANGE FINANCE CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an independent agency, to be known as the "Climate Change Finance Corporation" (referred to in this section as the "C2FC"), which shall finance clean en-

ergy and climate change resiliency activities in accordance with this section.

(2) MISSION.—

(A) IN GENERAL.—The mission of the C2FC is to combat and reduce the effects of climate change by building resiliency among communities facing harmful impacts of climate change and supporting a dramatic reduction in greenhouse gas emissions—

(i) through the deployment of clean and renewable technology, resilient infrastructure, research and development, the commercialization of new technology, clean energy manufacturing, and industrial decarbonization; and

(ii) to meet the goals of—

(I) by 2030, a net reduction of greenhouse gas emissions by 45 percent, based on 2018 levels; and

(II) by 2050, a net reduction of greenhouse gas emissions by 100 percent, based on 2018 levels.

(B) ACTIVITIES.—The C2FC shall carry out the mission described in subparagraph (A) by—

(i) financing investments in clean energy and transportation, resiliency, and infrastructure;

(ii) using Federal investment to encourage the infusion of private capital and investment into the clean energy and resilient infrastructure sectors, while creating new workforce opportunities; and

(iii) providing financing in cases where private capital cannot be leveraged, while minimizing competition with private investment.

(3) EXERCISE OF POWERS.—Except as otherwise provided expressly by law, all Federal laws dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, United States Code, shall apply to the exercise of the powers of the C2FC.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The management of the C2FC shall be vested in a Board of Directors (referred to in this section as the "Board") consisting of 7 members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—A Chairperson and Vice Chairperson of the Board shall be appointed by the President, by and with the advice and consent of the Senate, from among the individuals appointed to the Board under paragraph (1).

(B) TERM.—An individual—

(i) shall serve as Chairperson or Vice Chairperson of the Board for a 3-year term; and

(ii) may be renominated for the position until the term of that individual on the Board under paragraph (3)(C) expires.

(3) BOARD MEMBERS.—

(A) CITIZENSHIP REQUIRED.—Each member of the Board shall be an individual who is a citizen of the United States.

(B) REPRESENTATION.—The members of the Board shall fairly represent agricultural, educational, research, industrial, nongovernmental, labor, and commercial interests throughout the United States.

(C) TERM.—

(i) IN GENERAL.—Except as otherwise provided in this section, each member of the Board—

(I) shall be appointed for a term of 6 years; and

(II) may be reappointed for 1 additional term.

(ii) INITIAL STAGGERED TERMS.—Of the members first appointed to the Board—

(I) 2 shall each be appointed for a term of 2 years;

(II) 3 shall each be appointed for a term of 4 years; and

(III) 2 shall each be appointed for a term of 6 years.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board are appointed under paragraph (1), the Board shall hold an initial meeting.

(c) WORKING GROUPS.—

(1) IN GENERAL.—The Board shall create, oversee, and incorporate feedback from the following working groups (each referred to in this section as a "working group"):

(A) An environmental justice working group.

(B) A worker and community transition assistance working group.

(C) A research and innovation working group.

(2) WORKING GROUP MEMBERS.—

(A) IN GENERAL.—Each working group shall—

(i) be chaired by a Board member; and

(ii) comprise not less than 10 and not more than 20 individuals, who shall be experts, members of directly impacted communities relating to the subject matter of the working group, and other relevant stakeholders.

(B) DIVERSITY.—Individuals on a working group shall, to the maximum extent practicable, represent—

(i) a diverse array of interests related to the subject matter of the working group; and

(ii) diverse geographical, racial, religious, gender, educational, age, disability, and socioeconomic backgrounds.

(3) MEETINGS.—Each working group shall meet not less than 2 times per year.

(4) COMMUNITY AND STAKEHOLDER ENGAGEMENT.—

(A) IN GENERAL.—Each working group shall create and engage in meaningful community and stakeholder involvement opportunities, including through regular community engagement activities, for purposes of—

(i) maintaining up-to-date situational awareness about the needs of relevant communities and stakeholders;

(ii) using the feedback obtained through those opportunities to inform the advice of the working group to the Board; and

(iii) providing a mechanism for direct and substantial community feedback relating to the investment plan and the funding decisions of the C2FC.

(B) PUBLIC AWARENESS.—Each working group shall inform the public about C2FC investment by engaging in public awareness campaigns, which shall target relevant communities through electronic media, newspapers, radio, direct mailings, canvassing, or other outreach methods suited for the relevant community.

(C) BROAD PARTICIPATION.—In carrying out subparagraph (A), each working group shall, to the maximum extent practicable, maximize participation from a broad group of stakeholders, including by holding multiple meetings with significant advance notice and holding meetings at different times and in multiple languages.

(5) TASKS.—Each working group shall, as it relates to the subject matter of the working group—

(A) advise and provide general input to the Board regarding loans and grants provided by the C2FC; and

(B) consult with and, based on the activities described in paragraph (4), provide recommendations to, the Board in the development of and updates to the investment plan of the C2FC.

(d) INVESTMENT PLAN.—

(1) IN GENERAL.—The Board, in consultation with each working group described in subsection (c)(1), shall develop an investment plan (referred to in this subsection as the "investment plan") for the C2FC in accordance with this subsection.

(2) PURPOSES.—The purposes of the investment plan are—

(A) to ensure that investments made by the C2FC—

- (i) are equitable and reach the prioritized communities described in subsection (e)(2);
- (ii) are effective at progressing towards the goals described in subsection (a)(2)(A)(ii);
- (iii) support the advancement of research in clean technologies and resilience; and
- (iv) are transparent to the public; and

(B) to provide methods and standards by which the Board and the working groups described in subsection (c)(1) shall choose projects in which to invest.

(3) DISTRIBUTION OF GRANT FUNDS.—The initial investment plan shall require that, of the total amount of grant funds provided under subsection (e)(3)(A) each year, not less than 40 percent shall be used to benefit communities described in subsection (e)(2)(A).

(4) INVESTMENT PLAN UPDATES.—

(A) IN GENERAL.—The Board, in consultation with each working group described in subsection (c)(1), shall update the investment plan not later than December 31, 2023, and every 4 years thereafter, including by taking into account—

- (i) the current needs of the prioritized communities described in subsection (e)(2);
- (ii) the effectiveness of the previous investment plan in addressing the needs of those communities;
- (iii) the current state of relevant research and technology;
- (iv) the resiliency needs of local communities;
- (v) the goals described in subsection (a)(2)(A)(ii); and
- (vi) the 2 most recent program reviews conducted under subsection (f).

(B) EFFECTIVENESS.—An investment plan shall remain in effect until the date on which the Board approves an updated investment plan.

(C) PUBLIC INPUT.—In updating the investment plan, the Board and the working groups described in subsection (c)(1) shall—

- (i) engage stakeholders and the public in a public comment and feedback process; and
- (ii) ensure that the prioritized communities described in subsection (e)(2) have access to participate in that process.

(5) PUBLIC UPDATES.—The Board shall make publicly available on a quarterly basis information relating to the expenditure of funds under the investment plan.

(e) INVESTMENT TOOLS.—

(1) DEFINITIONS.—In this subsection:

(A) COMMUNITY OF COLOR.—The term “community of color” means a geographically distinct area in which the population of any of the following categories of individuals is higher than the average population of that category for the State in which the community is located:

- (i) Black.
- (ii) African American.
- (iii) Asian.
- (iv) Pacific Islander.
- (v) Other non-White race.
- (vi) Hispanic.
- (vii) Latino.
- (viii) Linguistically isolated.

(B) ELIGIBLE BORROWER.—The term “eligible borrower” means any person, including a business owner or project developer, that seeks a loan to carry out approved practices or projects described in subparagraph (A)(i) of paragraph (3) from an eligible lender that may receive a loan guarantee under that paragraph for that loan, according to criteria determined by the C2FC.

(C) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (i) a State;
- (ii) an Indian Tribe;
- (iii) a unit of local government; and

(iv) a research and development institution (including a National Laboratory).

(D) ELIGIBLE LENDER.—The term “eligible lender” means—

- (i) a Federal- or State-chartered bank;
- (ii) a Federal- or State-chartered credit union;
- (iii) an agricultural credit corporation;
- (iv) a United States Green Bank Institution;
- (v) a community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702));
- (vi) a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note; Public Law 101-73)); and
- (vii) any other lender that the Board determines has a demonstrated ability to underwrite and service loans for the intended approved practice for which the loan will be used.

(E) ENVIRONMENTAL JUSTICE COMMUNITY.—The term “environmental justice community” means a community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

(F) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(G) LOW-INCOME COMMUNITY.—The term “low-income community” means any census block group in which 30 percent or more of the population are individuals with an annual household income equal to, or less than, the greater of—

- (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and
- (ii) 200 percent of the Federal poverty line.

(H) STATE.—The term “State” means—

- (i) a State;
- (ii) the District of Columbia;
- (iii) the Commonwealth of Puerto Rico; and
- (iv) any other territory or possession of the United States.

(2) COMMUNITY PRIORITIZATION.—In providing financial and other assistance under paragraph (3), the C2FC shall give priority to, as determined by the C2FC—

(A) environmental justice communities, communities with populations of color, communities of color, indigenous communities, and low-income communities that—

- (i) experience a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards, such as natural disasters; or
- (ii) may not have access to public information and opportunities for meaningful public participation relating to human health and environmental planning, regulations, and enforcement;

(B) deindustrialized communities or communities with significant local economic reliance on carbon-intensive industries;

(C) low-income communities at risk of impacts of natural disasters or sea level rise exacerbated by climate change;

(D) public or nonprofit entities that serve dislocated workers, veterans, or individuals with a barrier to employment; and

(E) communities that have minimal or no investment in the approved practices and projects described in paragraph (3)(A)(i).

(3) GRANTS, LOAN GUARANTEES, AND OTHER INVESTMENT TOOLS.—

(A) IN GENERAL.—The C2FC—

- (i) shall provide grants to eligible entities and loan guarantees to eligible lenders issuing loans to eligible borrowers for approved practices and projects relating to climate change mitigation and resilience measures, including—

(I) energy efficiency upgrades to infrastructure;

(II) electric, hydrogen, and clean transportation programs and deployment, including programs—

- (aa) to purchase personal vehicles, commercial vehicles, and public transportation fleets and school bus fleets;
- (bb) to deploy electric vehicle charging and hydrogen infrastructure; and

(cc) to develop and deploy low carbon sustainable aviation fuels;

(III) clean energy and vehicle manufacturing research, demonstrations, and deployment;

(IV) battery storage research, demonstrations, and deployment;

(V) development or purchase of equipment for practices described in section 6;

(VI) development and deployment of clean energy and clean technologies, with a focus on—

- (aa) carbon capture, utilization, and sequestration, bioenergy with carbon capture and sequestration, direct air capture, and infrastructure associated with those processes, including construction of carrier pipelines for the transportation of anthropogenic carbon dioxide;
- (bb) energy storage and grid modernization;

(cc) geothermal energy;

(dd) commercial and residential solar;

(ee) wind energy; and

(ff) any other clean technology use or development, as determined by the Board;

(VII) measures that anticipate and prepare for climate change impacts, and reduce risks and enhance resilience to sea level rise, extreme weather events, heat island impacts, and other climate change impacts, including by—

- (aa) building resilient energy, water, and transportation infrastructure;
- (bb) providing weatherization assistance for low-income households; and

(cc) increasing the resilience of the agriculture sector; and

(VIII) natural infrastructure research, demonstrations, and deployment; and

(ii) may implement other investment tools and products approved by the Board, pursuant to subparagraph (C), to achieve the mission of the C2FC described in subsection (a)(2).

(B) LOAN GUARANTEES.—

(i) IN GENERAL.—In providing loan guarantees under subparagraph (A), the C2FC shall cooperate with eligible lenders through agreements to participate on a deferred (guaranteed) basis.

(ii) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—In providing a loan guarantee under subparagraph (A), the C2FC shall guarantee 75 percent of the balance of the financing outstanding at the time of disbursement of the loan.

(iii) INTEREST RATES.—Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest that may be charged, taken, received, or reserved, the maximum legal rate of interest on any financing made on a deferred basis under this subsection shall not exceed a rate prescribed by the C2FC.

(iv) GUARANTEE FEES.—

(I) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than

a loan that is repayable in 1 year or less), the C2FC shall collect a guarantee fee, which shall be payable by the eligible lender, and may be charged to the eligible borrower in accordance with subclause (II).

(II) BORROWER CHARGES.—A guarantee fee described in subclause (I) charged to an eligible borrower shall not—

(aa) exceed 2 percent of the deferred participation share of a total loan amount that is equal to or less than \$150,000;

(bb) exceed 3 percent of the deferred participation share of a total loan amount that is greater than \$150,000 but less than \$700,000; or

(cc) exceed 3.5 percent of the deferred participation share of a total loan amount that is equal to or greater than \$700,000.

(C) OTHER INVESTMENT TOOLS AND PRODUCTS.—

(i) IN GENERAL.—The Board may, based on market needs, develop and implement any other investment tool or product necessary to achieve the mission of the C2FC described in subsection (a)(2) and the deployment of projects described in subparagraph (A)(i), including offering—

(I) warehousing and aggregation credit facilities;

(II) zero interest loans;

(III) credit enhancements; and

(IV) construction finance.

(ii) STATE AND LOCAL GREEN BANKS.—The Board shall provide—

(I) funds to United States Green Bank Institutions as necessary to finance projects that are best served by those entities; and

(II) technical assistance as necessary to States and localities seeking to establish green banks.

(4) WAGE RATE REQUIREMENTS.—

(A) IN GENERAL.—All laborers and mechanics employed by eligible entities and eligible borrowers on projects funded directly by or assisted in whole or in part by the activities of the C2FC under this section shall be paid at wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(5) BUY AMERICA REQUIREMENTS.—

(A) IN GENERAL.—All iron, steel, and manufactured goods used for projects under this section shall be produced in the United States.

(B) WAIVER.—The Board may waive the requirement in subparagraph (A) if the Board finds that—

(i) enforcing the requirement would be inconsistent with the public interest;

(ii) the iron, steel, and manufactured goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(iii) enforcing the requirement will increase the overall cost of the project by more than 25 percent.

(f) PROGRAM REVIEW AND REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall—

(1) conduct a review of the activities of the C2FC and identify projects and funding opportunities that were a part of the current investment plan; and

(2) submit to Congress and make publicly available a report that—

(A) describes the projects and funding opportunities that have been most successful in progressing towards the mission described in subsection (a)(2) during the time period covered by the report;

(B) includes recommendations on the clean energy and resiliency projects that should be prioritized in forthcoming years to achieve that mission;

(C) quantifies the total amount and percentage of funding given to prioritized communities described in subsection (e)(2); and

(D) identifies barriers for disadvantaged groups to receive C2FC funding and provides recommendations to address those barriers.

(g) INITIAL CAPITALIZATION.—There is appropriated to carry out this section, out of any funds in the Treasury not otherwise appropriated, \$7,500,000,000 for each of fiscal years 2022 and 2023, to remain available until expended.

### SEC. 3. CARBON FEE.

(a) IN GENERAL.—Chapter 38 of subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

#### “Subchapter E—Carbon Fee

“Sec. 4691. Definitions.

“Sec. 4692. Carbon fee.

“Sec. 4693. Fee on noncovered fuel emissions.

“Sec. 4694. Refunds for carbon capture, sequestration, and utilization.

“Sec. 4695. Border adjustments.

#### “SEC. 4691. DEFINITIONS.

“For purposes of this subchapter—

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) CARBON DIOXIDE EQUIVALENT OR CO<sub>2</sub>-E.—The term ‘carbon dioxide equivalent’ or ‘CO<sub>2</sub>-e’ means the number of metric tons of carbon dioxide emissions with the same global warming potential over a 100-year period as one metric ton of another greenhouse gas.

“(3) CARBON-INTENSIVE PRODUCT.—The term ‘carbon-intensive product’ means—

“(A) iron, steel, steel mill products (including pipe and tube), aluminum, cement, glass (including flat, container, and specialty glass and fiberglass), pulp, paper, chemicals, or industrial ceramics, and

“(B) any manufactured product which the Secretary, in consultation with the Administrator, the Secretary of Commerce, and the Secretary of Energy, determines is energy-intensive and trade-exposed (with the exception of any covered fuel).

“(4) COVERED ENTITY.—The term ‘covered entity’ means—

“(A) in the case of crude oil—

“(i) any operator of a United States refinery (as described in subsection (d)(1) of section 4611), and

“(ii) any person entering such product into the United States for consumption, use, or warehousing (as described in subsection (d)(2) of such section),

“(B) in the case of coal—

“(i) any producer subject to the tax under section 4121, and

“(ii) any importer of coal into the United States,

“(C) in the case of natural gas—

“(i) any entity which produces natural gas (as defined in section 613A(e)(2)) from a well located in the United States, and

“(ii) any importer of natural gas into the United States,

“(D) in the case of any noncovered fuel emissions, the entity which is the source of such emissions, provided that the total amount of carbon dioxide or methane emitted by such entity for the preceding year (as determined using the methodology required under section 4692(e)(4)) was not less than 25,000 metric tons, and

“(E) any entity or class of entities which, as determined by the Secretary, is transporting, selling, or otherwise using a covered fuel in a manner which emits a greenhouse gas into the atmosphere and which has not been covered by the carbon fee, the fee on noncovered fuel emissions, or the carbon border fee adjustment.

“(5) COVERED FUEL.—The term ‘covered fuel’ means crude oil, natural gas, coal, or any other product derived from crude oil, natural gas, or coal which shall be used so as to emit greenhouse gases to the atmosphere.

“(6) GREENHOUSE GAS.—The term ‘greenhouse gas’—

“(A) has the meaning given such term in section 901 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17321), and

“(B) includes any other gases identified by rule of the Administrator.

“(7) GREENHOUSE GAS CONTENT.—The term ‘greenhouse gas content’ means the amount of greenhouse gases, expressed in metric tons of CO<sub>2</sub>-e, which would be emitted to the atmosphere by the use of a covered fuel.

“(8) NONCOVERED FUEL EMISSION.—The term ‘noncovered fuel emission’ means any carbon dioxide or methane emitted as a result of the production, processing, transport, or use of any product or material within the energy or industrial sectors—

“(A) including any fugitive or process emissions associated with the production, processing, or transport of a covered fuel, and

“(B) excluding any emissions from the combustion or use of a covered fuel.

“(9) QUALIFIED CARBON OXIDE.—The term ‘qualified carbon oxide’ has the meaning given the term in section 45Q(c).

“(10) UNITED STATES.—The term ‘United States’ shall be treated as including each possession of the United States (including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands).

#### “SEC. 4692. CARBON FEE.

“(a) DEFINITIONS.—In this section:

“(1) APPLICABLE PERIOD.—The term ‘applicable period’ means, with respect to any determination made by the Secretary under subsection (e)(3) for any calendar year, the period—

“(A) beginning on January 1, 2023, and

“(B) ending on December 31 of the preceding calendar year.

“(2) CUMULATIVE EMISSIONS.—The term ‘cumulative emissions’ means an amount equal to the sum of any greenhouse gas emissions resulting from the use of covered fuels and any noncovered fuel emissions for all years during the applicable period.

“(3) CUMULATIVE EMISSIONS TARGET.—The term ‘cumulative emissions target’ means an amount equal to the sum of the emissions targets for all years during the applicable period.

“(4) EMISSIONS TARGET.—The term ‘emissions target’ means the target for greenhouse gas emissions during a calendar year as determined under subsection (e)(1).

“(b) CARBON FEE.—During any calendar year that begins after December 31, 2022, there is imposed a carbon fee on any covered entity’s use, sale, or transfer of any covered fuel.

“(c) AMOUNT OF THE CARBON FEE.—The carbon fee imposed by this section is an amount equal to—

“(1) the greenhouse gas content of the covered fuel, multiplied by

“(2) the carbon fee rate, as determined under subsection (d).

“(d) CARBON FEE RATE.—The carbon fee rate shall be determined in accordance with the following:

“(1) IN GENERAL.—The carbon fee rate, with respect to any use, sale, or transfer during a calendar year, shall be—

“(A) in the case of calendar year 2023, \$25, and

“(B) except as provided in paragraphs (2) and (3), in the case of any calendar year after 2023, the amount equal to the sum of—

“(i) the amount under subparagraph (A), plus

“(ii)(I) in the case of calendar year 2024, \$10, and

“(II) in the case of any calendar year after 2024, the amount in effect under this clause for the preceding calendar year, plus \$10.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any calendar year after 2023, the amount determined under paragraph (1)(B) shall be increased by an amount equal to—

“(i) that dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for that calendar year, determined by substituting ‘2022’ for ‘2016’ in subparagraph (A)(ii) thereof.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of \$1, such increase shall be rounded up to the next whole dollar amount.

“(3) ADJUSTMENT OF CARBON FEE RATE.—

“(A) INCREASE IN RATE FOLLOWING MISSED CUMULATIVE EMISSIONS TARGET.—In the case of any calendar year following a determination by the Secretary pursuant to subsection (e)(3) that the cumulative emissions for the preceding calendar year exceeded the cumulative emissions target for such year, paragraph (1)(B)(ii)(II) shall be applied—

“(i) in the case of calendar years 2026 through 2030, by substituting ‘\$15’ for ‘\$10’,

“(ii) in the case of calendar years 2031 through 2040, by substituting ‘\$20’ for ‘\$10’, and

“(iii) in the case of any calendar year beginning after 2040, by substituting ‘\$25’ for ‘\$10’.

“(B) CESSATION OF RATE INCREASE FOLLOWING ACHIEVEMENT OF CUMULATIVE EMISSIONS TARGET.—In the case of any year following a determination by the Secretary pursuant to subsection (e)(3) that—

“(i) the average annual emissions of greenhouse gases from covered entities over the preceding 3-year period are not more than 10 percent of the greenhouse gas emissions during the year 2018, and

“(ii) the cumulative emissions did not exceed the cumulative emissions target, paragraph (1)(B)(ii)(II) shall be applied by substituting ‘\$0’ for ‘\$10’.

“(C) METHODOLOGY.—With respect to any year, the annual greenhouse gas emissions and cumulative emissions described in subparagraph (A) or (B) shall be determined using the methodology required under subsection (e)(4).

“(e) EMISSIONS TARGETS.—

“(1) IN GENERAL.—

“(A) REFERENCE YEAR.—For purposes of subsection (d), the emissions target for any year shall be the amount of greenhouse gas emissions that is equal to—

“(i) for calendar years 2023 and 2024, the applicable percentage of the total amount of greenhouse gas emissions from the use of any covered fuel during calendar year 2018, and

“(ii) for calendar year 2025 and each calendar year thereafter, the applicable percentage of the total amount of greenhouse gas emissions from the use of any covered fuel and noncovered fuel emissions during calendar year 2018.

“(B) METHODOLOGY.—For purposes of subparagraph (A), with respect to determining the total amount of greenhouse gas emissions from the use of any covered fuel and noncovered fuel emissions during calendar

year 2018, the Administrator shall use such methods as are determined appropriate, provided that such methods are, to the greatest extent practicable, comparable to the methods established under paragraph (4).

“(2) APPLICABLE PERCENTAGE.—

“(A) 2023 THROUGH 2035.—In the case of calendar years 2023 through 2035, the applicable percentage shall be determined as follows:

Year	Applicable percentage
2023	81 percent
2024	75 percent
2025	70 percent
2026	67 percent
2027	63 percent
2028	60 percent
2029	57 percent
2030	55 percent
2031	52 percent
2032	49 percent
2033	46 percent
2034	43 percent
2035	40 percent

“(B) 2036 THROUGH 2050.—In the case of calendar years 2036 through 2050, the applicable percentage shall be equal to—

“(i) the applicable percentage for the preceding year, minus

“(ii) 2 percentage points.

“(C) AFTER 2050.—In the case of any calendar year beginning after 2050, the applicable percentage shall be equal to 10 percent.

“(3) EMISSIONS REPORTING AND DETERMINATIONS.—

“(A) REPORTING.—Not later than September 30, 2024, and annually thereafter, the Administrator, in consultation with the Secretary, shall make available to the public a report on—

“(i) the cumulative emissions with respect to the preceding calendar year, and

“(ii) any other relevant information, as determined appropriate by the Administrator.

“(B) DETERMINATIONS.—Not later than September 30, 2025, and annually thereafter, the Administrator, in consultation with the Secretary and as part of the report described in subparagraph (A), shall determine whether cumulative emissions with respect to the preceding calendar year exceeded the cumulative emissions target with respect to such year.

“(4) EMISSIONS ACCOUNTING METHODOLOGY.—

“(A) IN GENERAL.—Not later than January 1, 2023, the Administrator shall prescribe rules for greenhouse gas accounting for covered entities for purposes of this subchapter, which shall—

“(i) to the greatest extent practicable, employ existing data collection methodologies and greenhouse gas accounting practices,

“(ii) ensure that the method of accounting—

“(I) applies to—

“(aa) all greenhouse gas emissions from covered fuels and all noncovered fuel emissions, and

“(bb) all covered entities,

“(II) excludes—

“(aa) any greenhouse gas emissions which are not described item (aa) of subclause (I), and

“(bb) any entities which are not described in item (bb) of such subclause, and

“(III) appropriately accounts for—

“(aa) qualified carbon oxide which is captured and disposed or used in a manner described in section 4694, and

“(bb) nonemitting uses of covered fuels, as described in subsection (f),

“(iii) subject to such penalties as are determined appropriate by the Administrator, require any covered entity to report, not later than April 1 of each calendar year—

“(I) the total greenhouse gas content of any covered fuels used, sold, or transferred by such covered entity during the preceding calendar year, and

“(II) the total noncovered fuel emissions of the covered entity during the preceding calendar year, and

“(iv) require any information reported pursuant to clause (iii) to be verified by a third-party entity that, subject to such process as is determined appropriate by the Administrator, has been certified by the Administrator with respect to the qualifications, independence, and reliability of such entity.

“(B) GREENHOUSE GAS REPORTING PROGRAM.—For purposes of establishing the rules described in subparagraph (A), the Administrator may elect to modify the activities of the Greenhouse Gas Reporting Program to satisfy the requirements described in clauses (i) through (iv) of such subparagraph.

“(5) REVISIONS.—With respect to any determination made by the Administrator as to the amount of greenhouse gas emissions for any calendar year (including calendar year 2018), any subsequent revision by the Administrator with respect to such amount shall apply for purposes of the fee imposed under subsection (b) for any calendar years beginning after such revision.

“(f) EXEMPTION AND REFUND.—The Secretary shall prescribe such rules as are necessary to ensure the carbon fee imposed by this section is not imposed with respect to any nonemitting use, or any sale or transfer for a nonemitting use, including rules providing for the refund of any carbon fee paid under this section with respect to any such use, sale, or transfer.

“(g) ADMINISTRATIVE AUTHORITY.—The Secretary, in consultation with the Administrator, shall prescribe such regulations, and other guidance, to assess and collect the carbon fee imposed by this section, including—

“(1) the identification of covered entities that are liable for payment of a fee under this section or section 4693,

“(2) as may be necessary or convenient, rules for distinguishing between different types of covered entities,

“(3) as may be necessary or convenient, rules for distinguishing between the greenhouse gas emissions of a covered entity and the greenhouse gas emissions that are attributed to the covered entity but not directly emitted by the covered entity,

“(4) requirements for the quarterly payment of such fees, and

“(5) rules to ensure that the carbon fee under this section, the fee on noncovered fuel emissions under section 4693, or the carbon border fee adjustment is not imposed on an emission from covered fuel or noncovered fuel emission more than once.

**“SEC. 4693. FEE ON NONCOVERED FUEL EMISSIONS.**

“(a) IN GENERAL.—During any calendar year that begins after December 31, 2024, there is imposed a fee on a covered entity for any noncovered fuel emissions which occur during the calendar year.

“(b) AMOUNT.—The fee to be paid under subsection (a) by the covered entity which is the source of the emissions described in that subsection shall be an amount equal to—

“(1) the total amount, in metric tons of CO<sub>2</sub>-e, of emitted greenhouse gases, multiplied by

“(2) an amount equal to the carbon fee rate in effect under section 4692(d) for the calendar year of such emission.

“(c) ADMINISTRATIVE AUTHORITY.—The Secretary, in consultation with the Administrator, shall prescribe such regulations, and other guidance, to assess and collect the carbon fee imposed by this section, including regulations describing the requirements for the quarterly payment of such fees.

**“SEC. 4694. REFUNDS FOR CARBON CAPTURE, SEQUESTRATION, AND UTILIZATION.**

“(a) IN GENERAL.—

“(1) CAPTURE, SEQUESTRATION, AND USE.—The Secretary, in consultation with the Administrator and the Secretary of Energy, shall prescribe regulations for providing payments to any person which captures qualified carbon oxide which is—

“(A) disposed of by such person in secure geological storage, as described in section 45Q(f)(2), or

“(B) used in a manner which has been approved by the Secretary pursuant to subsection (c).

“(2) ELECTION.—If the person described in paragraph (1) makes an election under this paragraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

“(A) shall be allowable to the person that owns the facility described in subsection (b)(1), and

“(B) shall not be allowable to the person described in paragraph (1).

“(b) PAYMENTS FOR CARBON CAPTURE.—

“(1) IN GENERAL.—In the case of any facility for which carbon capture equipment has been placed in service, the Secretary shall make payments in the same manner as if such payment was a refund of an overpayment of the fee imposed by section 4692 or 4693.

“(2) AMOUNT OF PAYMENT.—The payment determined under this subsection shall be an amount equal to—

“(A) the metric tons of qualified carbon oxide captured and disposed of, used, or utilized in a manner consistent with subsection (a), multiplied by

“(B)(i) the carbon fee rate during the year in which the carbon fee was imposed by section 4692 on the covered fuel to which such carbon oxide relates, or

“(ii) in the case of a direct air capture facility (as defined in section 45Q(e)(1)), the carbon fee rate during the year in which the qualified carbon oxide was captured and disposed of, used, or utilized.

“(c) APPROVED USES OF QUALIFIED CARBON OXIDE.—The Secretary, in consultation with Administrator and the Secretary of Energy, shall, through regulation or other public guidance, determine which uses of qualified carbon oxide are eligible for payments under this section, which may include—

“(1) utilization in a manner described in clause (i) or (ii) of section 45Q(f)(5)(A), or

“(2) any other use which ensures minimal leakage or escape of such carbon oxide.

“(d) EXCEPTION.—In the case of any facility which is owned by an entity that is determined to be—

“(1) in violation of any applicable air or water quality regulations, or

“(2) with respect to any environmental justice community (as defined in section 2(d)(1)(D) of the America's Clean Future Fund Act), creating health or environmental harm to such community, such facility shall not be eligible for any payment under this section during the period of such violation.

#### “SEC. 4695. BORDER ADJUSTMENTS.

“(a) IN GENERAL.—The fees imposed by, and refunds allowed under, this section shall be referred to as ‘the carbon border fee adjustment’.

“(b) EXPORTS.—

“(1) CARBON-INTENSIVE PRODUCTS.—In the case of any carbon-intensive product which is exported from the United States, the Secretary shall pay to the person exporting such product a refund equal to the amount of the cost of such product attributable to any fees imposed under this subchapter related to the manufacturing of such product (as determined under regulations established by the Secretary).

“(2) COVERED FUELS.—In the case of any covered fuel which is exported from the

United States, the Secretary shall pay to the person exporting such fuel a refund equal to the amount of the cost of such fuel attributable to any fees imposed under this subchapter related to the use, sale, or transfer of such fuel.

“(c) IMPORTS.—

“(1) CARBON-INTENSIVE PRODUCTS.—

“(A) IMPOSITION OF EQUIVALENCY FEE.—In the case of any carbon-intensive product imported into the United States, there is imposed an equivalency fee on the person importing such product in an amount equal to the cost of such product that would be attributable to any fees imposed under this subchapter related to the manufacturing of such product if any inputs or processes used in manufacturing such product were subject to such fees (as determined under regulations established by the Secretary).

“(B) REDUCTION IN FEE.—The amount of the equivalency fee under subparagraph (A) shall be reduced by the amount, if any, of any fees imposed on the carbon-intensive product by the foreign nation or governmental units from which such product was imported.

“(2) COVERED FUELS.—

“(A) IN GENERAL.—In the case of any covered fuel imported into the United States, there is imposed a fee on the person importing such fuel in an amount equal to the amount of any fees that would be imposed under this subchapter related to the use, sale, or transfer of such fuel.

“(B) REDUCTION IN FEE.—The amount of the fee under subparagraph (A) shall be reduced by the amount, if any, of any fees imposed on the covered fuel by the foreign nation or governmental units from which the fuel was imported.

“(d) TREATMENT OF ALTERNATIVE POLICIES AS FEES.—Under regulations established by the Secretary, foreign policies that have substantially the same effect in reducing emissions of greenhouse gases as fees shall be treated as fees for purposes of subsections (b) and (c).

“(e) REGULATORY AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall consult with the Administrator, the Secretary of Commerce, and the Secretary of Energy in establishing rules and regulations implementing the purposes of this section.

“(2) TREATIES.—The Secretary, in consultation with the Secretary of State, may adjust the applicable amounts of the refunds and equivalency fees under this section in a manner that is consistent with any obligations of the United States under an international agreement.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods beginning after December 31, 2022.

#### SEC. 4. AMERICA'S CLEAN FUTURE FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

##### “SEC. 9512. AMERICA'S CLEAN FUTURE FUND.

“(a) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the ‘America's Clean Future Fund’ (referred to in this section as the ‘Trust Fund’), consisting of such amounts as are appropriated to the Trust Fund under subsection (b).

“(b) TRANSFERS TO AMERICA'S CLEAN FUTURE FUND.—There is appropriated to the Trust Fund, out of any funds in the Treasury not otherwise appropriated, amounts equal to the fees received into the Treasury under sections 4692, 4693, and 4695, less—

“(1) any amounts refunded or paid under sections 4692(d), 4694, and 4695(b), and

“(2) for each of the first 18 fiscal years beginning after September 30, 2023, an amount equal to the quotient of—

“(A) \$100,000,000,000, and

“(B) 18.

“(c) EXPENDITURES.—For each fiscal year, amounts in the Trust Fund shall be apportioned as follows:

“(1) CARBON FEE REBATE AND AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.—

“(A) CARBON FEE REBATE.—For the purposes described in section 5 of the America's Clean Future Fund Act and any expenses necessary to administer such section—

“(i) for each of the first 10 fiscal years beginning after September 30, 2023, an amount equal to—

“(I) 75 percent of those amounts, minus

“(II) the amount determined under subparagraph (B) for such fiscal year, and

“(ii) for any fiscal year beginning after the period described in clause (i), the applicable percentage of such amounts.

“(B) AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.—For the purposes described in section 6 of the America's Clean Future Fund Act, for each of the first 10 fiscal years beginning after September 30, 2023, an amount equal to 7 percent of the amount determined annually under subparagraph (A)(i)(I).

“(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(ii), the applicable percentage shall be equal to—

“(i) for the first fiscal year beginning after the period described in subparagraph (A)(i), 76 percent,

“(ii) for each of the first 3 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year increased by 1 percentage point, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 80 percent.

“(2) CLIMATE CHANGE FINANCE CORPORATION.—

“(A) IN GENERAL.—For the purposes described in section 2 of the America's Clean Future Fund Act, the applicable percentage of such amounts.

“(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be equal to—

“(i) for each of the first 10 fiscal years beginning after the period described in subsection (e) of such section, 15 percent,

“(ii) for each of the first 4 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year increased by 1 percentage point, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 20 percent.

“(3) TRANSITION ASSISTANCE FOR IMPACTED COMMUNITIES.—

“(A) IN GENERAL.—For the purposes described in section 7 of the America's Clean Future Fund Act, the applicable percentage of such amounts.

“(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be equal to—

“(i) for each of the first 10 fiscal years beginning after September 30, 2023, 10 percent,

“(ii) for each of the first 4 fiscal years subsequent to the period described in clause (i), the applicable percentage for the preceding fiscal year reduced by 2 percentage points, and

“(iii) for any fiscal year subsequent to the period described in clause (ii), 0 percent.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 9512. America's Clean Future Fund.”.

#### SEC. 5. AMERICA'S CLEAN FUTURE FUND STIMULUS.

(a) ELIGIBLE INDIVIDUAL.—

(1) IN GENERAL.—In this section, the term “eligible individual” means, with respect to any quarter, any natural living person—

(A) who has a valid Social Security number or taxpayer identification number,

(B) who has attained 18 years of age, and

(C) whose principal place of abode is in the United States for more than one-half of the most recent taxable year for which a return has been filed.

(2) VERIFICATION.—The Secretary of the Treasury, or the Secretary's delegate (referred to in this section as the "Secretary") may verify the eligibility of an individual to receive a carbon fee rebate payment under subsection (b).

(b) REBATES.—Subject to subsections (c)(2) and (k), from amounts in the America's Clean Future Fund established by section 9512(c)(1)(A) of the Internal Revenue Code of 1986 that are available in any year, the Secretary shall, for each calendar quarter beginning after September 30, 2023, make carbon fee rebate payments to each eligible individual, to be known as "America's Clean Future Fund Stimulus payments" (referred to in this section as "carbon fee rebate payments").

(c) PRO-RATA SHARE.—

(1) IN GENERAL.—With respect to each quarter during any fiscal year beginning after September 30, 2023, the carbon fee rebate payment is 1 pro-rata share for each eligible individual of an amount equal to 25 percent of amounts apportioned under section 9512(c)(1)(A) of the Internal Revenue Code of 1986 for such fiscal year.

(2) INITIAL ANNUAL REBATE PAYMENTS.—

(A) IN GENERAL.—From amounts appropriated under subsection (j), the Secretary shall, for each of fiscal years 2022 and 2023, make carbon fee rebate payments to each eligible individual during the third quarter of each such fiscal year.

(B) PRO-RATA SHARE.—For purposes of this paragraph, the carbon fee rebate payment is 1 pro-rata share for each eligible individual of the amount appropriated under subsection (j) for the fiscal year.

(3) ESTIMATE.—For each fiscal year described in paragraph (1), the Secretary shall, not later than the first day of such fiscal year, publicly announce an estimate of the amount of the carbon fee rebate payment for each quarter during such fiscal year.

(d) PHASEOUT.—

(1) DEFINITIONS.—In this subsection:

(A) MODIFIED ADJUSTED GROSS INCOME.—The term "modified adjusted gross income" means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933 of the Internal Revenue Code of 1986.

(B) HOUSEHOLD MEMBER.—The term "household member of the taxpayer" means the taxpayer, the taxpayer's spouse, and any dependent of the taxpayer.

(C) THRESHOLD AMOUNT.—The term "threshold amount" means—

(i) \$150,000 in the case of a taxpayer filing a joint return, and

(ii) \$75,000 in the case of a taxpayer not filing a joint return.

(2) PHASEOUT OF PAYMENTS.—In the case of any taxpayer whose modified adjusted gross income for the most recent taxable year for which a return has been filed exceeds the threshold amount, the amount of the carbon fee rebate payment otherwise payable to any household member of the taxpayer under this section shall be reduced (but not below zero) by a dollar amount equal to 5 percent of such payment (as determined before application of this paragraph) for each \$1,000 (or fraction thereof) by which the modified adjusted gross income of the taxpayer exceeds the threshold amount.

(e) FEE TREATMENT OF PAYMENTS.—Amounts paid under this section shall not be includible in gross income for purposes of Federal income taxes.

(f) FEDERAL PROGRAMS AND FEDERAL ASSISTED PROGRAMS.—The carbon fee rebate payment received by any eligible individual shall not be taken into account as income and shall not be taken into account as resources for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(g) DISCLOSURE OF RETURN INFORMATION.—Section 6103(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(23) DISCLOSURE OF RETURN INFORMATION RELATING TO CARBON FEE REBATE PAYMENTS.—

"(A) DEPARTMENT OF TREASURY.—Return information with respect to any taxpayer shall, without written request, be open to inspection by or disclosure to officers and employees of the Department of the Treasury whose official duties require such inspection or disclosure for purposes of administering section 5 of the America's Clean Future Fund Act.

"(B) RESTRICTION ON DISCLOSURE.—Information disclosed under this paragraph shall be disclosed only for purposes of, and to the extent necessary in, carrying out such section."

(h) REGULATIONS.—The Secretary shall prescribe such regulations, and other guidance, as may be necessary to carry out the purposes of this section, including—

(1) establishment of rules for eligible individuals who have not filed a recent tax return, and

(2) in coordination with the Commissioner of Social Security, the Secretary of Veterans Affairs, and any relevant State agencies, establish methods to identify eligible individuals and provide carbon fee rebate payments to such individuals through appropriate means of distribution, including through the use of electronic benefit transfer cards.

(i) PUBLIC AWARENESS CAMPAIGN.—The Secretary shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security, the heads of other relevant Federal agencies, and Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), to provide information to the public regarding the availability of carbon fee rebate payments under this section.

(j) INITIAL APPROPRIATION.—For purposes of subsection (c)(2), there is appropriated, out of any funds in the Treasury not otherwise appropriated, to remain available until expended—

(1) for the fiscal year ending September 30, 2022, \$37,500,000,000, and

(2) for the fiscal year ending September 30, 2023, \$37,500,000,000.

(k) TERMINATION.—This section shall not apply to any calendar quarter beginning after—

(1) a determination by the Secretary under section 4692(d)(3)(B) of the Internal Revenue Code of 1986; or

(2) any period of 8 consecutive calendar quarters for which the amount of carbon fee rebate payment (without application of subsection (d)) during each such quarter is less than \$20.

## SEC. 6. AGRICULTURAL DECARBONIZATION TRANSITION PAYMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to provide transition assistance to eligible producers in the agricultural, livestock, and forestry sectors to prepare for and facilitate entry into private sector greenhouse gas credit markets; and

(2) to provide for the collection and reporting of data under subsection (d).

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE LAND.—

(A) IN GENERAL.—The term "eligible land" means land in the United States—

(i) on which farming, ranching, or forestry may physically and legally be conducted; and

(ii) that is—

(I) cropland, grassland, pastureland, rangeland, hayland, or other land on which food, feed, fiber, crops, livestock, or other agricultural products are produced or capable of being produced; or

(II) nonindustrial private forest land (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

(B) INCLUSION OF TRIBAL LAND.—The term "eligible land" includes land described in subparagraph (A) that is Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501)).

(2) ELIGIBLE PRODUCER.—The term "eligible producer" means an individual or legal entity that—

(A) is an owner, operator, or tenant of eligible land;

(B) has control over the eligible land;

(C) is actively engaged in farming, ranching, or forestry on the eligible land, as determined by the Secretary;

(D) bears the risk of loss of the farming, ranching, or forestry on the eligible land; and

(E) has the ability to enter into an agreement with the Secretary to carry out qualifying practices described in subsection (c)(2) under the program.

(3) GREENHOUSE GAS EMISSIONS REDUCTION.—The term "greenhouse gas emissions reduction" means the reduction in greenhouse gas emissions as a result of the adoption of qualifying practices described in subsection (c)(2), as compared to a historical baseline.

(4) HISTORICALLY UNDERSERVED.—The term "historically underserved", with respect to an eligible producer, means that the eligible producer—

(A) is American Indian or Alaskan Native;

(B) is Asian or Asian American;

(C) is Black or African American;

(D) is Native Hawaiian or Pacific Islander;

(E) is Hispanic;

(F) is disabled;

(G) is female;

(H) is new to farming, ranching, or forestry, as determined by the Secretary;

(I)(i) has served in the United States Armed Forces; and

(ii)(I) has not operated a farm, ranch, or forestry operation;

(II) is new to farming, ranching, or forestry, as determined by the Secretary; or

(III) first obtained veteran status during the previous 5-year period; or

(J) is an owner, operator, or tenant of a limited resource farming, ranching, or forestry operation or has a household income not greater than the national poverty level.

(5) PROGRAM.—The term "program" means the program established under subsection (c)(1).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(c) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish a program to provide payments to eligible producers that will assist with the transition to reducing greenhouse gas emissions through the adoption of qualifying practices described in paragraph (2).

(2) QUALIFYING PRACTICES.—

(A) IN GENERAL.—To be eligible for payments under the program, a practice shall be—



(i) approved by the Secretary; and

(ii) measurable, reportable, and verifiable for reducing greenhouse gas emissions, as determined by the Secretary.

(B) INCLUDED PRACTICES.—Practices that the Secretary may determine to be qualifying practices under the program include—

(i) improved crop, soil health, water, and land management systems, including—

(I) diversified soil health-enhancing cropping systems that may include resource-conserving crop rotations, cover crops, and sod crops;

(II) conservation plantings, such as prairie strips, contour grass strips, filter strips and riparian buffers, field borders, hedgerows, windbreaks, alley cropping, and silvopasture or other agroforestry plantings;

(III) conservation tillage;

(IV) fertilizer practice improvements, including biologically based nutrient management;

(V) ecologically appropriate reforestation and other sustainable forestry and related stewardship practices;

(VI) application of soil carbon amendments, such as compost or biochar;

(VII) restoration or avoidance of the conversion of grassland, wetland, and forest land; and

(VIII) the adoption of organic and other similar advanced agroecological production systems;

(i) livestock management, including—

(I) enteric fermentation reduction, including—

(aa) improved feed, forage, and grazing; and

(bb) feed additives approved by the Commissioner of Food and Drugs;

(II) improved manure management, including anaerobic digesters; and

(III) the integration of livestock and crop production;

(iii) on-site capital upgrades and infrastructure investments, including—

(I) building and equipment refurbishment or upgrades, including energy efficiency technologies and digital technologies; and

(II) the adoption of renewable or clean energy;

(iv) conservation easements, including farm, ranch, and forest land preservation, that include conservation activities to improve soil health and reduce greenhouse gas emissions; and

(v) other similar practices, as determined by the Secretary.

(3) CONSIDERATIONS.—In determining the rate and duration of a payment under paragraph (1), the Secretary shall consider—

(A) the degree of additionality of the greenhouse gas emissions reduction;

(B) whether the recipient of the payment was an early adopter of 1 or more practices that reduce greenhouse gas emissions;

(C) the likelihood that the applicable qualifying practice described in paragraph (2) would have been carried out absent the provision of the payment;

(D) the degree of transitionality or permanence of the greenhouse gas emissions reduction;

(E) whether the applicable qualifying practice described in paragraph (2) provides multiple environmental and health co-benefits in addition to reduced greenhouse gas emissions;

(F) the degree to which current soil conditions influence the greenhouse gas emissions reductions;

(G) the degree to which the recipient of the payment is a historically underserved eligible producer;

(H) the integration with and enhancement of payments and policies of similar Federal, State, or local programs; and

(I) any payments received, or to be received, by the applicable eligible producer from a private carbon offset market due to the applicable qualifying practice described in paragraph (2).

(4) INELIGIBILITY.—A person that is determined to be in violation of any applicable water or air quality regulation, including under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including regulations), shall not be eligible for any payment under paragraph (1) during the period of the violation.

(5) EFFECTIVENESS.—The authority to provide payments under this subsection shall be effective for each of the first 10 fiscal years beginning after September 30, 2022.

(d) COLLECTION OF DATA AND REPORTING.—

(1) MEASUREMENT SYSTEM.—

(A) IN GENERAL.—The Secretary shall establish an outcomes-based measurement system (referred to in this paragraph as the “measurement system”) that uses the best available science and technology for cost-effective recordkeeping, modeling, and measurement of farm-level greenhouse gas emissions on eligible land enrolled in the program.

(B) STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate standards on the measurement system, based on information obtained from—

(i) agro-ecosystem models;

(ii) remote sensing data and analysis;

(iii) soil health demonstration trials; and

(iv) field-level measurement.

(C) PROTOCOLS.—In developing the measurement system, the Secretary shall compile and publish a list of generally accepted public and private protocols for soil health and greenhouse gas programs and markets.

(D) REVIEW.—The Secretary shall maintain the measurement system by—

(i) conducting an annual review of the measurement system; and

(ii) making any necessary updates to the measurement system.

(2) INVENTORY.—

(A) IN GENERAL.—For the purposes of providing payments under the program, the Secretary shall conduct a nationwide soil health and agricultural greenhouse gas emissions inventory that uses the best available science and data to establish baselines and expected average performance for soil carbon drawdown and storage and greenhouse gas emissions reduction by primary production type and production region.

(B) DATABASE.—The Secretary shall—

(i) establish an accessible and interoperable database for the inventory established under subparagraph (A) using the measurement system established under paragraph (1); and

(ii) improve and update the database as new data is collected, but not less frequently than once every 2 years.

(3) CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish criteria for payments under the program to inform policy and markets established to promote soil carbon sequestration or greenhouse gas emissions reductions.

(B) REQUIREMENTS.—The criteria established under subparagraph (A) shall—

(i) have a documented likelihood to lead to transitioning towards or providing long-term net greenhouse gas emissions reductions, according to the best available science;

(ii) be based in part on environmental impact modeling of the changes of shifting from baseline practices to new or improved practices; and

(iii) prevent, to the maximum extent practicable, the degradation of other natural resource or environmental conditions.

(4) MEASUREMENT, REPORTING, MONITORING, AND VERIFICATION SERVICES.—

(A) IN GENERAL.—The Secretary—

(i) shall provide services described in subparagraph (B) to eligible producers participating in the program; and

(ii) may approve and provide oversight of 1 or more third-party agents to provide services described in subparagraph (B) to eligible producers participating in the program.

(B) SERVICES DESCRIBED.—Services referred to in subparagraph (A) are determining the greenhouse gas emissions reduction by—

(i) measurement;

(ii) reporting;

(iii) monitoring; and

(iv) verification.

(C) USE OF PROTOCOLS.—Services referred to in subparagraph (A) shall be provided using—

(i) the measurement system described in paragraph (1); and

(ii) the criteria described in paragraph (3).

(D) USE OF DEPARTMENT OF AGRICULTURE RESOURCES.—The Secretary shall require a third-party agent approved under subparagraph (A)(i) to use the resources, boards, committees, geospatial data, aerial or other maps, employees, offices, and capacities of the Department of Agriculture, to the maximum extent practicable, in providing services under that subparagraph to eligible producers.

(E) PRIVACY AND DATA SECURITY.—

(i) IN GENERAL.—The Secretary shall establish—

(I) safeguards to protect the privacy of information that is submitted through or retained by a third-party agent approved under subparagraph (A), including employees and contractors of the third-party agent; and

(II) such other rules and standards of data security as the Secretary determines to be appropriate to carry out this subsection.

(ii) PENALTIES.—The Secretary shall establish penalties for any violations of privacy or confidentiality under clause (i).

(F) DISCLOSURE OF INFORMATION.—

(i) PUBLIC DISCLOSURE.—Information collected for purposes of services provided under subparagraph (A) may be disclosed to the public—

(I) if the information is transformed into a statistical or aggregate form such that the information does not include any identifiable or personal information of individual producers; or

(II) in a form that may include identifiable or personal information of a producer only if that producer consents to the disclosure of the information.

(ii) REQUIREMENT.—The participation of a producer in, and the receipt of any benefit by the producer under, a program under this section or any other program administered by the Secretary may not be conditioned on the producer providing consent under clause (i)(II).

(iii) RESEARCH, AUDIT, AND PROGRAM IMPROVEMENT.—Information collected for the purposes of services provided under subparagraph (A) may be disclosed for the purposes of providing technical assistance, including audit, research, or improvement of a program under this section, either in aggregate or in a form that includes identifiable or personal information of a producer, if the Secretary obtains adequate assurances that—

(I) the recipient shall ensure privacy safeguards of identifiable or personal information of a producer; and

(II) the release of any data to the public will only occur only if the data has been transformed into a statistical or aggregate form.

(e) REGULATIONS.—Not later than July 1, 2022, the Secretary shall promulgate regulations to carry out this section, including—

(1) the amount of a payment under subsection (c), which shall be based on—

(A) the quantity of carbon dioxide equivalent emissions reduced; and

(B) the considerations described in subsection (c)(3);

(2) a methodology that any third-party agents approved under subsection (d)(4)(A)(ii) shall use to provide the services under that subsection, including—

(A) an accreditation process; and

(B) a conflict of interest policy; and

(3) provisions for the ownership and transportability of data, including historical data, generated by an eligible producer for the purpose of determining eligibility for payments under the program.

#### SEC. 7. TRANSITION ASSISTANCE FOR IMPACTED COMMUNITIES.

(a) DEFINITIONS.—In this section:

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

(2) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term “individual with a barrier to employment” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) LOCAL BOARD.—The term “local board” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(5) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term “recognized postsecondary credential” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development.

(7) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(8) STATE BOARD.—The term “State board” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(9) SUPPORTIVE SERVICES.—The term “supportive services” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) GRANTS.—The Secretary, in coordination with the Secretary of Labor, shall provide grants to eligible entities for transition assistance to a low-carbon economy.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section is a labor organization, an institution of higher education, a unit of State or local government, an Indian Tribe, an economic development organization, a nonprofit organization, community-based organization, or intermediary, or a State board or local board that serves or is located in a community that—

(1) as determined by the Secretary, in coordination with the Secretary of Labor, has been or will be impacted by economic changes in carbon-intensive industries, including job losses;

(2) as determined by the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, has been or is at risk of being impacted by extreme weather events, sea level rise, and natural disasters related to climate change; or

(3) as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, has been

impacted by harmful residuals from a fossil fuel or carbon-intensive industry.

(d) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant for—

(1) economic and workforce development activities, such as—

(A) job creation;

(B) providing reemployment and worker transition assistance, including registered apprenticeships, subsidized employment, job training, transitional jobs, and supportive services, with priority given to—

(i) workers impacted by changes in carbon-intensive industries;

(ii) individuals with a barrier to employment; and

(iii) programs that lead to a recognized postsecondary credential;

(C) local and regional investment, including commercial and industrial economic diversification;

(D) export promotion; and

(E) establishment of a monthly subsidy payment for workers who retire early due to economic changes in carbon-intensive industries;

(2) climate change resiliency, such as—

(A) building electrical, communications, utility, transportation, and other infrastructure in flood-prone areas above flood zone levels;

(B) building flood and stormproofing measures in flood-prone areas and erosion-prone areas;

(C) increasing the resilience of a surface transportation infrastructure asset to withstand extreme weather events and climate change impacts;

(D) improving stormwater infrastructure;

(E) increasing the resilience of agriculture to extreme weather;

(F) ecological restoration;

(G) increasing the resilience of forests to wildfires;

(H) increasing coastal resilience; and

(I) implementing heat island cooling strategies;

(3) environmental cleanup from fossil fuel industry facilities that are abandoned or retired, or closed due to bankruptcy, and residuals from carbon-intensive industries, such as—

(A) coal ash and petroleum coke cleanup;

(B) mine reclamation;

(C) reclamation and plugging of abandoned oil and natural gas wells on private and public land; and

(D) remediation of impaired waterways and drinking water resources; or

(4) other activities as the Secretary, in coordination with the Secretary of Labor, the Administrator of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, determines to be appropriate.

(e) REQUIREMENTS.—

(1) LABOR STANDARDS; NONDISCRIMINATION.—An eligible entity that receives a grant under this section shall use the funds in a manner consistent with sections 181 and 188 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241, 3248).

(2) WAGE RATE REQUIREMENTS.—

(A) IN GENERAL.—All laborers and mechanics employed by eligible entities to carry out projects and activities funded directly by or assisted in whole or in part by a grant under this section shall be paid at wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(B) AUTHORITY.—With respect to the labor standards specified in subparagraph (A), the Secretary of Labor shall have the authority

and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) BUY AMERICA REQUIREMENTS.—

(A) IN GENERAL.—All iron, steel, and manufactured goods used for projects and activities carried out with a grant under this section shall be produced in the United States.

(B) WAIVER.—The Secretary may waive the requirement in subparagraph (A) if the Secretary finds that—

(i) enforcing the requirement would be inconsistent with the public interest;

(ii) the iron, steel, and manufactured goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(iii) enforcing the requirement will increase the overall cost of the project or activity by more than 25 percent.

(f) COORDINATION.—An eligible entity that receives a grant under this section is encouraged to collaborate or partner with other eligible entities in carrying out activities with that grant.

(g) REPORT.—Not later than 3 years after the date on which the Secretary establishes the grant program under this section, the Secretary and the Secretary of Labor shall submit to Congress a report on the effectiveness of the grant program, including—

(1) the number of individuals that have received reemployment or worker transition assistance under this section;

(2) a description of any job creation activities carried out with a grant under this section and the number of jobs created from those activities;

(3) the percentage of individuals that have received reemployment or worker transition assistance under this section who are, during the second and fourth quarters after exiting the program—

(A) in education or training activities; or

(B) employed;

(4) the average wages of individuals that have received reemployment or worker transition assistance under this section during the second and fourth quarters after exit from the program;

(5) a description of any regional investment activities carried out with a grant under this section;

(6) a description of any export promotion activities carried out with a grant under this section, including—

(A) a description of the products promoted; and

(B) an analysis of any increase in exports as a result of the promotion;

(7) a description of any resilience activities carried out with a grant under this section;

(8) a description of any cleanup activities from fossil fuel industry facilities or carbon-intensive industries carried out with a grant under this section; and

(9) the distribution of funding among geographic and socioeconomic groups, including urban and rural communities, low-income communities, communities of color, and Indian Tribes.

(h) FUNDING.—

(1) INITIAL FUNDING.—There is appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, \$5,000,000,000 for each of fiscal years 2022 and 2023 to carry out this section, to remain available until expended.

(2) AMERICA'S CLEAN FUTURE FUND.—The Secretary shall carry out this section using amounts made available from the America's Clean Future Fund under section 9512 of the Internal Revenue Code of 1986 (as added by section 4).



**SEC. 8. STUDY ON CARBON PRICING.**

(a) IN GENERAL.—Not later than January 1, 2025, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study not less frequently than once every 5 years to evaluate the effectiveness of the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986 in achieving the following goals:

(1) A net reduction of greenhouse gas emissions by 45 percent, based on 2018 levels, by 2030.

(2) A net reduction of greenhouse gas emissions by 100 percent, based on 2018 levels, by 2050.

(b) REQUIREMENTS.—In executing the agreement under subsection (a), the Administrator shall ensure that, in carrying out a study under that subsection, the National Academy of Sciences—

(1) includes an evaluation of—

(A) total annual greenhouse gas emissions by the United States, including greenhouse gas emissions not subject to the fees described in that subsection;

(B) the historic trends in the total greenhouse gas emissions evaluated under subparagraph (A); and

(C) the impacts of the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986 on changes in the levels of fossil fuel-related localized air pollutants in environmental justice communities;

(2) analyzes the extent to which greenhouse gas emissions have been or would be reduced as a result of current and potential future policies, including—

(A) a projection of greenhouse gas emissions reductions that would result if the regulations of the Administrator were to be adjusted to impose stricter limits on greenhouse gas emissions than the goals described in that subsection, with a particular focus on greenhouse gas emissions not subject to the fees described in that subsection;

(B) the status of greenhouse gas emissions reductions that result from the fees established under sections 4692 and 4693 of the Internal Revenue Code of 1986;

(C) a projection of greenhouse gas emissions reductions that would result if the fees established under those sections were annually increased—

(i) at the current price path; and

(ii) above the current price path;

(D) an analysis of greenhouse gas emissions reductions that result from the policies of States, units of local government, Tribal communities, and the private sector;

(E) a projection of greenhouse gas emissions reductions that would result from the promulgation of additional Federal climate policies, including a clean energy standard, increased fuel economy and greenhouse gas emissions standards for motor vehicles, a low-carbon fuel standard, electrification of cars and heavy-duty trucks, and reforestation of not less than 3,000,000 acres of land within the National Forest System; and

(F) the status and projections of decarbonization in other major economies; and

(3) submits a report to the Administrator, Congress, and the Board of Directors of the Climate Change Finance Corporation describing the results of the study.

**SEC. 9. ESTABLISHMENT OF TARGETS FOR CARBON SEQUESTRATION BY LAND AND WATER.**

(a) IN GENERAL.—The Chair of the Council on Environmental Quality, in consultation with the Secretaries of Agriculture, Commerce, and the Interior, the Chief of Engi-

neers, and the Administrator of the Environmental Protection Agency, shall—

(1) establish a target for carbon sequestration that can reasonably be achieved through enhancing the ability of public and private land and water to function as natural carbon sinks;

(2) develop strategies for meeting that target; and

(3) develop strategies to expand protections for coastal ecosystems that sequester carbon and provide resiliency benefits, such as—

(A) flood protection;

(B) soil and beach retention;

(C) erosion reduction;

(D) biodiversity;

(E) water purification; and

(F) nutrient cycling.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, the Chair of the Council on Environmental Quality shall submit to Congress a report describing—

(1) the target and strategies described in paragraphs (1) through (3) of subsection (a); and

(2) any additional statutory authorities or authorized funding levels needed to successfully implement those strategies.

By Mr. DURBIN (for himself, Ms. BALDWIN, and Ms. SMITH):

S. 686. A bill to amend the Internal Revenue Code of 1986 to address the teacher and school leader shortage in early childhood, elementary, and secondary education, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 686

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Retaining Educators Takes Added Investment Now Act” or the “RETAIN Act”.

**SEC. 2. PURPOSE.**

The purpose of this Act is to create a refundable tax credit for early childhood educators, teachers, early childhood education program directors, school leaders, and school-based mental health services providers in early childhood, elementary, and secondary education settings that rewards retention based on the time spent serving high-need students.

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) The shortage of experienced, qualified early childhood educators and elementary school and secondary school teachers is a national problem that compromises the academic outcomes and long-term success of students.

(2) The shortage is the result of many factors including low pay, frequent turnover in school leadership, poor teaching conditions, and inadequate teacher supports.

(3) The shortage is worse in high-poverty areas where the factors contributing to the shortage are particularly acute and have an increased negative impact on teachers of color remaining in the field.

(4) A child’s access to high-quality early childhood education is critical to supporting positive outcomes, and early childhood educators—

(A) play an important role in setting the foundation for future learning, and

(B) promote the development of vital skills, habits, and mindsets that children need to be successful in school and in life.

(5) In 2019, the national median pay of early childhood educators was a mere \$30,520, with many early childhood educators relying on government assistance programs such as Medicaid, the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or the temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and struggling to provide for their own families.

(6) Studies have demonstrated that well-qualified, experienced teachers are the single most important school-based element contributing to a child’s academic achievement and success.

(7) In 2019, the average teacher salary in public elementary schools and secondary schools was only \$64,470, which is on average 19.2 percent less than other college graduates working in non-teaching fields, and with many teachers struggling with large amounts of student loan debt.

(8) An experienced, well-qualified education workforce must also be reflective of the diversity of the student body across race, ethnicity, and disability.

(9) Experienced, well-qualified school leaders and school-based mental health service providers are essential for providing strong educational opportunities and services for students and promoting teacher retention through improved professional supports and teaching conditions.

(10) In 2020, surveys found nearly 27 percent of educators were considering leaving teaching due to the COVID-19 pandemic, including 55 percent of teachers with more than 30 years of experience.

**SEC. 4. REFUNDABLE TAX CREDIT FOR TEACHER AND SCHOOL LEADER RETENTION.**

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of subtitle A of the Internal Revenue Code of 1986 is amended by inserting after section 36B the following new section:

**“SEC. 36C. TEACHER AND SCHOOL LEADER RETENTION CREDIT.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is employed in a position described in paragraph (2) during a school year ending with or within the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable amount (as determined under subsection (b)).

“(2) ELIGIBLE POSITIONS.—The positions described in this paragraph shall consist of the following:

“(A) An eligible early childhood educator.

“(B) An eligible early childhood education program director.

“(C) An eligible early childhood education provider.

“(D) An eligible teacher.

“(E) An eligible paraprofessional.

“(F) An eligible school-based mental health services provider.

“(G) An eligible school leader.

“(b) APPLICABLE AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable amount shall be an amount determined based on the number of school years for which the individual has been continuously employed in any position described in subsection (a)(2), as follows:

“(A) Subject to paragraph (2), for the first year of employment, \$5,800.

“(B) For the second continuous year of employment, \$5,800.

“(C) For the third and fourth continuous year of employment, \$7,000.

“(D) For the fifth, sixth, seventh, eighth, and ninth continuous year of employment, \$8,700.

“(E) For the tenth continuous year of employment, \$11,600.

“(F) For the eleventh, twelfth, thirteenth, fourteenth, and fifteenth continuous year of employment, \$8,700.

“(G) For the sixteenth continuous year of employment, \$7,000.

“(H) For the seventeenth, eighteenth, nineteenth, and twentieth continuous year of employment, \$5,800.

“(2) FIRST YEAR.—For purposes of the first year of employment ending with or within a taxable year, an individual must have been so employed for a period of not less than 4 months before the first day of such taxable year.

“(3) LIMITATION BASED ON TOTAL NUMBER OF SCHOOL YEARS.—In the case of any individual who has been employed in any position described in subsection (a)(2) for a total of more than 20 school years, the applicable amount shall be reduced to zero.

“(c) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2022, each of the dollar amounts in subsection (b)(1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2021’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of \$100, such increase shall be rounded to the nearest multiple of \$100.

“(d) SUPPLEMENTING, NOT SUPPLANTING, STATE AND LOCAL EDUCATION FUNDS.—

“(1) IN GENERAL.—A State educational agency or local educational agency shall not reduce or adjust any compensation, or any assistance provided through a loan forgiveness program, to an employee of the State educational agency or local educational agency who serves in any position described in subsection (a)(2) due to the individual’s eligibility for the credit under this section.

“(2) METHODOLOGY.—Upon request by the Secretary of Education, a State educational agency or local educational agency shall reasonably demonstrate that the methodology used to allocate amounts for compensation and for loan forgiveness to the employees described in paragraph (1) at qualifying schools or qualifying early childhood education programs ensures that employees at each qualifying school or qualifying early childhood education program in the State or served by the local educational agency, respectively, receive the same amount of State or local funds for compensation and loan forgiveness that the qualifying school or qualifying early childhood education program would receive if the credit under this section had not been enacted.

“(e) INFORMATION SHARING.—The Secretary of Education and the Secretary of Health and Human Services shall provide the Secretary with such information as is necessary for purposes of determining whether an early childhood education program or an elementary school or secondary school satisfies the requirements for a qualifying early childhood education program or a qualifying school, respectively.

“(f) DEFINITIONS.—For purposes of this section—

“(1) ESEA DEFINITIONS.—The terms ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State educational agency’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM DIRECTOR.—The term ‘eligible early childhood education program director’ means an employee or officer of a qualifying early childhood education program who is responsible for the daily instructional leadership and managerial operations of such program.

“(3) ELIGIBLE EARLY CHILDHOOD EDUCATION PROVIDER.—The term ‘eligible early childhood education provider’ means an individual—

“(A) who—

“(i) has an associate’s degree or higher degree in early childhood education or a related field, or

“(ii) is enrolled during the taxable year in a program leading to such an associate’s or higher degree and is making satisfactory progress toward such degree, and

“(B) who is responsible for the daily instructional leadership and managerial operations of a qualifying early childhood education program in a home-based setting.

“(4) ELIGIBLE EARLY CHILDHOOD EDUCATOR.—The term ‘eligible early childhood educator’ means an individual—

“(A) who—

“(i) has an associate’s degree or higher degree in early childhood education or a related field, or

“(ii) is enrolled during the taxable year in a program leading to such an associate’s or higher degree and is making satisfactory progress toward such degree, and

“(B) who has credentials or a license under State law for early childhood education, as applicable, and

“(C) whose primary responsibility is for the learning and development of children in a qualifying early childhood education program during the taxable year.

“(5) ELIGIBLE PARAPROFESSIONAL.—The term ‘eligible paraprofessional’ means an individual—

“(A) who is a paraprofessional, as defined in section 3201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011),

“(B) who meets the applicable State professional standards and qualifications pursuant to section 111(g)(2)(M) of such Act (20 U.S.C. 6311(g)(2)(M)),

“(C) whose primary responsibilities involve working or assisting in a classroom setting, and

“(D) who is employed in a qualifying school or a qualifying early childhood education program.

“(6) ELIGIBLE SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term ‘eligible school-based mental health services provider’ means an individual—

“(A) described in section 4102(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(6)), and

“(B) who is employed in a qualifying school or a qualifying early childhood education program.

“(7) ELIGIBLE SCHOOL LEADER.—The term ‘eligible school leader’ means a principal, assistant principal, or other individual who is—

“(A) an employee or officer of a qualifying school, and

“(B) responsible for the daily instructional leadership and managerial operations in the qualifying school.

“(8) ELIGIBLE TEACHER.—The term ‘eligible teacher’ means an individual who—

“(A) is an elementary school or secondary school teacher who, as determined by the State or local educational agency, is a teacher of record who provides direct classroom teaching (or classroom-type teaching in a nonclassroom setting) to students in a qualifying school, and

“(B) meets applicable State certification and licensure requirements, including any

requirements for certification obtained through alternative routes to certification, in the State in which such school is located and in the subject area in which the individual is the teacher of record.

“(9) QUALIFYING EARLY CHILDHOOD EDUCATION PROGRAM.—

“(A) IN GENERAL.—The term ‘qualifying early childhood education program’ means an early childhood education program, as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003), that, regardless of setting—

“(i) serves children who receive services for which financial assistance is provided in accordance with the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), or the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and

“(ii) participates in a State tiered and transparent system for measuring program quality.

“(B) SPECIAL RULE.—Notwithstanding subparagraph (A), an early childhood program that does not satisfy the requirements of subparagraph (A)(ii) shall be deemed to be a qualifying early childhood education program until September 30, 2021, if the program—

“(i) satisfies all requirements of subparagraph (A) except for clause (ii) of such subparagraph, and

“(ii) meets the Head Start program performance standards described in section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), if applicable, or

“(II) is accredited by a national accreditor of early learning programs as of the date of enactment of the Retaining Educators Takes Added Investment Now Act.

“(10) QUALIFYING SCHOOL.—The term ‘qualifying school’ means—

“(A) a public elementary school or secondary school that—

“(i) is in the school district of a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), or

“(ii) is served or operated by an educational service agency that is eligible for such assistance, or

“(B) an elementary school or secondary school that is funded by the Bureau of Indian Education and that is in the school district of a local educational agency that is eligible for such assistance.”

(b) W-2 REPORTING OF CONTINUOUS EMPLOYMENT FOR CERTAIN POSITIONS AT QUALIFYING EARLY CHILDHOOD EDUCATION PROGRAMS OR QUALIFYING SCHOOLS.—Section 6051(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting “, and”, and by inserting after paragraph (17) the following new paragraph:

“(18) in the case of an employee who is employed in a position described in subsection (a)(2) of section 36C, the number of school years for which such employee has been continuously employed in any such position.”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of subtitle A of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following:

“Sec. 36C. Teacher and school leader retention credit.”

(2) Section 6211(b)(4)(A) of such Code is amended by inserting “36C,” after “36B.”

(3) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “36C,” after “36B.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

#### SEC. 5. DEVELOPING INTERAGENCY DATA SERIES.

The Secretary of Labor, in coordination with the Secretary of Treasury, the Secretary of Education, and the Secretary of Health and Human Services, shall—

(1) develop and publish on the internet website of the Bureau of Labor Statistics a data series that captures—

(A) the average base salary of teachers in elementary schools and secondary schools, disaggregated by—

(i) employment in public elementary schools and secondary schools that receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.),

(ii) employment in public elementary schools and secondary schools that do not receive such assistance, and

(iii) geographic region, and

(B) the average base salary of early childhood educators, disaggregated by highest level of degree attained, and

(2) update the data series under paragraph (1) on an annual basis.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 102—RECOGNIZING THE 100TH ANNIVERSARY OF THE HOOSIER GYM AND THE 35TH ANNIVERSARY OF THE RELEASE OF THE FILM “HOOSIERS”

Mr. BRAUN (for himself and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

##### S. RES. 102

Whereas The Hoosier Gym is a basketball gymnasium, museum, and community center located in Knightstown, Indiana, and is famous for being a filming location for the 1986 basketball movie “Hoosiers”, starring Gene Hackman and Dennis Hopper;

Whereas, in 1920, the Knightstown Community School had no gymnasium;

Whereas, in February 1921, a half dozen Knightstown businessmen met to discuss the fact that Knightstown was lagging behind other towns in the development of children's athletic education;

Whereas, after much debate, a plan to build a “gymnasium and community house” was developed and approved;

Whereas, to help fund the new gym, the Knightstown businessmen raised more than \$14,400 in donations from more than 250 citizens and several local businesses;

Whereas, on December 1, 1921, construction of the gym was completed;

Whereas, at 105 feet (32 meters) long and 80 feet (24 meters) wide, the new gym was big enough to accommodate not only basketball games and spectators (with bleacher seating around the sides and ends of the playing floor), but also many civic and community-oriented events;

Whereas it was not long before arrangements were made for several professional basketball teams to play on the new floor, including the EmRoes, the Michigan Rails, and the Baltimore Orioles, and the town even persuaded players from various colleges to compete against local teams;

Whereas, by 1966, the gym had become obsolete with the building of a new high school and gym;

Whereas the Panthers of Knightstown played their last official regular-season basketball game at the gym in February 1966;

Whereas, after 45 years of serving the community and providing a place for its young people to grow and develop, the gym was closed, and for the next 19 years, the gym saw little use;

Whereas, in 1985, interest in the gym increased when a film crew descended upon Knightstown, Indiana, looking for a place to film “Hoosiers”;

Whereas “Hoosiers” is an American sports film written by Angelo Pizzo and directed by David Anspaugh in his feature directorial debut, and both individuals were raised in Indiana;

Whereas the film tells the story of the unique phenomenon known as “Hoosier Hysteria”—Indiana's obsession with basketball;

Whereas the film is inspired by the 1954 Milan High School team, which made an unlikely run to win the Indiana High School Boys Basketball State Championship, which consisted of a single class of high school basketball for all schools throughout the State;

Whereas about ⅓ of the film was filmed in the gym, and the film included many Hoosiers, including players on the team and most of the stand-ins;

Whereas Dennis Hopper's role earned him an Oscar nomination, and Jerry Goldsmith was also nominated for an Academy Award for his score;

Whereas the film “Hoosiers” is often considered the greatest sports movie of all time and was added to the National Film Registry in 2001 by the Library of Congress as being “culturally, historically, or aesthetically significant”;

Whereas, as a result of the success of this film, the old Knightstown gymnasium came to be known as The Hoosier Gym;

Whereas The Hoosier Gym has kept the same look as it did when “Hoosiers” was filmed in 1985;

Whereas, by 1988, the gym faced possible demolition when the 112-year-old school next door, then serving as an elementary school, was replaced by a new school north of town, but Historic Knightstown and Historic Landmarks of Indiana stepped forward to help preserve the gym;

Whereas now The Hoosier Gym usually hosts 80 high school basketball games with teams from throughout the country and over 100 games in total each year;

Whereas, each year, the gym holds the Hoosiers Reunion All-Star Classic, where Indiana's best high school athletes play against each other, with the teams named “Hickory” and “Terhune”, as in the film;

Whereas many of these athletes have gone on to play in the National Basketball Association and the Women's National Basketball Association;

Whereas “Hoosiers” and The Hoosier Gym have highlighted the cultural impact and importance of basketball in the State of Indiana to the world;

Whereas, in 2021, The Hoosier Gym is celebrating its 100th anniversary, and the film “Hoosiers” is celebrating its 35th anniversary; and

Whereas the film “Hoosiers”, The Hoosier Gym, Hinkle Fieldhouse, and all the other locations throughout Indiana used for filming highlight Hoosiers' love for basketball and “Hoosier Hysteria” at its finest: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) The Hoosier Gym, which is celebrating its 100th anniversary in 2021, continues to remain an important historical and cultural location for the State of Indiana, Henry County, the Town of Knightstown, and the

nearly 80,000 basketball enthusiasts and tourists throughout Indiana, the United States, and the world that visit the location every year;

(2) the film “Hoosiers”, which is celebrating its 35th anniversary in 2021, continues to remain one of the top ranked and most influential sports movies of all time, highlights the love of basketball in the State of Indiana, and provides a better understanding of “Hoosier Hysteria” to the world;

(3) both the film and this historical location deserve recognition for the continued legacies that greatly enrich the State of Indiana, its local communities, and its citizens by providing the world with a better understanding of the love of basketball in Indiana and what it means to be a Hoosier;

(4) continued admiration for this film and historical location reinforces the quote by Dr. James Naismith, basketball's inventor, after visiting an Indiana High School State Basketball Championship game that “Basketball really had its beginning in Indiana which remains today the center of the sport”, and such admiration continues to promote throughout the world a better understanding of the motto “In 49 States, it's just basketball, but this is Indiana”; and

(5) the anniversaries of the film “Hoosiers” and The Hoosier Gym should be recognized due to the historical and cultural significance each had and continue to have in introducing the State of Indiana and its love of basketball to the rest of the country and the world.

#### SENATE RESOLUTION 103—CONDEMNING MILITARY AGGRESSION AND USE OF FORCE BY THE CHINESE COAST GUARD AGAINST PEACEFUL FOREIGN VESSELS THAT PURPORTEDLY VIOLATE THE UNLAWFUL MARITIME SOVEREIGNTY OF CHINA

Mr. SCOTT of Florida (for himself, Mr. SULLIVAN, Mr. WICKER, Mr. TILLIS, and Mr. HAWLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 103

Whereas the National People's Congress of China passed the Coast Guard Law of the People's Republic of China on January 22, 2021, for the alleged purposes of defending the national sovereignty, security, and maritime rights and interests of China;

Whereas the Coast Guard Law of the People's Republic of China applies to activities in the “jurisdictional waters” of China, a term that is neither defined nor drafted in accordance with international law;

Whereas 6 countries lay overlapping claims to the South China Sea, an area known to be rich in oil, gas, and natural resources and by which \$3,400,000,000,000 in commerce transits through;

Whereas the Government of the People's Republic of China has made claims to the South China Sea by means of a “nine-dash line” that is not based on legitimate evidence and nor legal or historical precedent;

Whereas United States Navy and United States Coast Guard ships conduct freedom of navigation operations throughout the South China Sea, challenging excessive and illegal maritime claims; and

Whereas the United States will not tolerate a threat from the People's Republic of China for its extension of power in waters far beyond its legitimate territorial sea boundaries: Now, therefore, be it

*Resolved*, That the Senate—